AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS

Senate Standing Committees on Economics

Non-conforming building products

A Submission on behalf of the

Australian Institute Of Marine And Power Engineers

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by Andrew Williamson, Assistant Federal Secretary
& Phillip Olsen

Summary & Conclusion.

Shipbuilding and asbestos

It is unlikely that we will experience a resurgence of ship building in Australia therefore any new-builds will be imported most probably from Asia.

Many Asian ship-yards still use asbestos, its use is not banned. Japan & South Korea have national asbestos bans, the rest of Asia does not.

Pre-mobilisation inspection

Whilst inspections have been performed on every imported vessel before the vessel mobilises for Australia that has not resulted in asbestos free workplaces.

Existing border control practice

There are numerous examples of vessels being imported to Australia and passing the border control process only to discover post importation, that the vessel contains asbestos

Asbestos free workplace

Australian workplaces should be free of asbestos. Where the workplace is an imported ship it is more than likely the workplace will not be asbestos free.

An employee must have the option to not be employed at a workplace that is likely to contain asbestos. Relocation without penalty must be an obligatory process.

Awareness of the environment

If an Australian workplace, being an imported vessel is likely to contain asbestos employees must be made aware of this hazard. Monitoring for airborne asbestos must be a continual process

Thank you for the opportunity to make this submission to the Senate Economics Reference Committee - Inquiry into non-conforming building products.

We understand the Committee's terms of reference will be expanded to encompass a broader spectrum of non-conforming products including asbestos containing material (ACM) which has been imported into Australia on-board vessels entering the country. This latter issue is principally the subject of our submission.

Ship building in Australia

Over the past two or three decades, apart from speciality builders like Incat in Hobart or Austal in Perth, commercial ship building in Australia has almost ceased to exist. An owner who requires a new-build (ship) such as a trading vessel, an offshore oil and gas support vessel or a tug boat, will almost certainly turn to a builder in China, Singapore, Indonesia or India for the vessel.

Furthermore, many of the offshore oil and gas support vessels required on our continental shelf from time to time are imported for a specific period or task and in the main come from countries to Australia's north.

Asbestos in ship building

The maritime industry has been one where asbestos has found wide use as an insulating material. This is so both in the early days of Australian ship building and in Asian shipyards and while Australia has long discontinued the use of asbestos the same cannot be said of Asia.

Vessel inspection

For many years now, even before the 2003 ban on asbestos, vessels coming into Australia from Asian yards would undergo a detailed inspection in an effort to identify any ACMs on the vessel, this practice continues. Well recognized and respected environmental management firms like Coffey Pty Ltd are engaged to undertake the inspection and deliver a detailed report on the outcome. AIMPE has been a witness to this process which can sometimes take a number of days depending on the size and complexity of the vessel.

Notwithstanding whether the vessel is large or small, complex or simple, it is recognised that any vessel is likely to be of a nature as to make an absolute declaration that it is free of ACMs impossible. This is always acknowledged by the inspector in his/her report which will state in the summary or conclusions words similar to the following: "While this inspection and audit may not have discovered any asbestos on the vessel it does not mean and should not be interpreted to mean that the vessel is free of ACMs."

AIMPE understands that the asbestos inspection report is tendered to Australian Border Force in support of an application to import said vessel. What significance is given to this report by Australian Border Force is not known to us. However we suggest because of the reports

escape clause – as above – the report cannot, and should not bare any weight in the decision to approve importation.

A flawed system

Whatever it is that has been used to convince the Australian Border Force to approve the vessel importation application has failed on numerous occasions to ensure that Australian seafarers have a workplace free of asbestos.

As an example the following tug boats all built post 2003, have been imported into Australia:

- Svitzer Colmslie (which operates in the Port of Brisbane)
- Svitzer Eagle (Fremantle)
- Svitzer Hamilton (Newcastle)
- Svitzer Marloo (Port Kembla)
- Svitzer Nana (Bowen)
- Svitzer Stockton (Newcastle)
- Svitzer Warrawee (Port Botany)

Furthermore these 2 tug boats were imported into Australia but have now left our coast:

- Svitzer Warunda
- Svitzer Warrego

All the above 9 vessels have been found to contain asbestos after they were imported, a clear breach of the legislation which has subjected the vessel crews to possible exposure to asbestos.

AIMPE understands there has been no prosecutions related to these breaches.

AIMPE also understands that a number of offshore support vessels have also been found to contain asbestos post importation. Many, if not all of these vessels were temporary importations for specific tasks and have since been returned to overseas ports. Nonetheless Australian seafarers on these vessels have been potentially exposed to asbestos at their workplace.

As per above with the Svitzer vessels AIMPE understands there has been no prosecutions related to these breaches.

What next?

Clearly the existing legislation is failing to deliver a workplace free of ACMs for Australian workers. Indeed, it might be suggested that the flawed process delivers a false sense of security for seafarers on these vessels. That is having had importation approved by the Australian Border Force the vessel's crew might assume that the vessel has complied with the asbestos free legislation and this could lead to increased danger of exposure to asbestos.

The Australian Border Force in conjunction with industry and the maritime unions needs to develop a workable and practical process for the importation of vessels built in foreign yards which will ensure as far as practicable, asbestos-free workplaces.

Can a vessel comply with the law?

The question which must be addressed when seeking compliance with the total ban on asbestos importation as it relates to the importing of vessels is, can the law be enforced?

A ship, even a comparatively small one like a tug-boat, is a complex mobile platform comprising many separate watertight compartments which may include but not be limited to:

- Accommodation spaces
  - Cabins
  - Café
  - Recreation area
  - Library
  - TV room
  - Internet room
- Control and management spaces
  - Wheelhouse
  - Engine room control room
  - Meeting room
  - Ships office
- Machinery spaces
  - Engine room
  - Generator room
  - Switchboard room
  - Purifier room
  - Steering flat
  - Auxiliary machinery space, e.g., boiler, sanitation equipment
  - Emergency generator space
- Storage spaces
  - Paint locker
  - Oxygen / acetylene room
  - Spare parts storage space
  - Chain locker
  - Fuel & water storage spaces
  - Double bottoms
  - Cement tanks
- Hospital

The number of spaces typically on-board ship and the potential for complexity of the equipment contained therein may render an unqualified asbestos-free declaration extremely difficult, if not impossible.

This outcome has been demonstrated by reports of vessel inspections by the likes of Coffey and others who always state; *While this inspection and audit may not have discovered any asbestos on the vessel it does not mean and should not be interpreted to mean that the vessel is free of ACMs*. (or similar)

Asbestos becomes a problem when its fibres are air borne and the potential for inhalation exists. The environment on-board a vessel can and does vary significantly from being secured alongside or at anchor in a calm waterway or port to a vessel at sea which becomes a moving platform, at times the movement can be violent depending on the sea state. A measurement of the atmosphere on-board a vessel which is in a ship-yard or at anchor may yield a benign result; a measurement taken on the same vessel when underway may produce an entirely different outcome.

A workplace without an asbestos threat

Let there be no doubt that the Australian Institute of Marine and Power Engineers (AIMPE) is in favour of an asbestos-free Australia.

However, the only way that a vessel operating in Australia can be reasonably guaranteed to be asbestos-free is if the vessel has been built from the keel up, in an Australian ship yard – in today's environment an unlikely scenario.

While this submission suggests the existing protocols regarding vessel importation cannot and do not guarantee that a vessel proposed to be imported, having been subjected to a rigorous and detailed inspection, is free of any ACMs.

If the inspection has missed an area on-board where asbestos has been used then its danger to the workforce arises if the fibres become airborne.

It is therefore essential that the quality and content of the air is carefully monitored 24/7 beginning when the physical inspection takes place and continuing until after the vessel arrives in Australia.

A number of monitoring points will need to be identified, for example;

- Accommodation
- Machinery spaces
- Public areas
- Other?

The tripartite group should determine a formula for positioning air sampling devices depending on the size and complexity of the vessel.

A new law

The legislation will require amendment to incorporate these new provisions.