



Marine Notice 4/2014
Supersedes 19/2008

Asbestos on Ships

The purpose of this Marine Notice is to draw the attention of operators and ship owners to the ongoing prohibition of asbestos on ships, noting that Australian law requires operators to take all reasonable steps to protect the health and safety at work of employees and contractors.

Ships to which the Occupational Health and Safety (Maritime Industry) Act 1993 applies

Asbestos is a hazardous substance and under the *Occupational Health and Safety (Maritime Industry) Act 1993* and the associated *Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003* (Regulation 2.08 and Schedule 2, column 2) operators must ensure that asbestos¹ is not used, at a workplace under the operator's control.

An exception has been made under the Regulations (2.08 and Schedule 2, column 3) for 'in situ' asbestos. This is asbestos that has been fixed or installed in a ship (or any other structure that forms a maritime workplace) or a plant (or any other thing that is used in a maritime workplace) before 31 December 2003 in such a way that it will not constitute a risk unless the asbestos is disturbed.

In situ asbestos on ships must be appropriately identified and managed using an asbestos management plan to assess, control and mitigate any risk from asbestos as described in Part 2 of the *Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003*. Additional guidance is provided in Part 8 of the *Guidance on prohibition on the use of asbestos in workplaces in the Seacare jurisdiction* and Safe Work Australia's Code of Practice - *How to Manage and Control Asbestos in the Workplace*.

Despite the above, the best outcome is the complete removal of asbestos and asbestos containing materials from ships. Any work on the removal or disposal of asbestos is to be done in accordance with the State or Territory legislation. Operators and owners should contact the relevant State or Territory Workplace Health and Safety regulator to ensure that removal work is done as per the applicable legislation and relevant Code of Practice.

A certificate, issued by a body holding National Association of Testing Authorities, Australia (NATA) accreditation, should be obtained to confirm Australian ships are 'asbestos free'.

Operators and owners should be aware that there have been cases where asbestos has been found in ships with 'asbestos free' certificates issued outside Australia. This may be as a result of installation of spare parts or repairs after the certificate was issued and vigilance is required.

Other legislation

From 1 January 2011, any new installation of materials which contain asbestos has been prohibited for all ships, without exception, under the Regulation 3-5.2, SOLAS Chapter II-1 (Construction – Structure, Subdivision And Stability, Machinery and Electrical Installations). This requirement is reflected in the *Navigation Act 2012*.

Additionally, any import of asbestos and asbestos containing products is prohibited under the *Customs (Prohibited Imports) Regulations 1956(s4C)*. More information is available from the Australian Customs and Border Protection Service.

¹ The prohibition prescribed in Schedule 2 refers to hazardous substances, rather than asbestos specifically.

Further guidance relating to asbestos can be accessed at:

Seacare Authority

Guidance on prohibition on the use of asbestos in workplaces in the [Seacare jurisdiction](#).

(http://www.seacare.gov.au/forms_and_publications/published_information/our_services/Occupational_Health_and_Safety/occupational_health_and_safety/guid_on_prohib_on_use_of_asbestos_in_work_in_seacare_juris)

Safe Work Australia

Code of Practice – How to Manage and Control Asbestos in the Workplace

www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/manage-control-asbestos-cop

Code of Practice – How to Safely Remove Asbestos

www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/safely-remove-asbestos-cop

Australian Customs and Border Protection Service

www.customs.gov.au

Mick Kinley
A/g Chief Executive Officer
13 January 2014
Australian Maritime Safety Authority
GPO Box 2181
CANBERRA ACT 2601

File No: 2013/316