



**Australian Government**

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**Seafarers Safety, Rehabilitation  
and Compensation Authority**

**Guidance on the Prohibition  
on the Use of Asbestos in  
Australian Maritime Industry  
Workplaces**

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# Guidance on the Prohibition on the Use of Asbestos in Australian Maritime Industry Workplaces

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# Guidance on the prohibition on the use of asbestos in Australian maritime industry workplaces

## Overview

On 31 December 2003 a regulation to prohibit the use of asbestos in Australian maritime industry workplaces, made under the *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act) commenced. The regulations are titled the Occupational Health and Safety (Maritime Industry) (National Standard) Regulations 2003 (NS Regulations). This is the first regulation adopting a national standard declared by the National Occupational Health and Safety Commission (NOHSC) to be introduced by the Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) pursuant to s109 of the OHS(MI) Act.

The object of the NS Regulations is to minimise the risk to the health of persons due to exposure to asbestos by:

- a. ensuring that asbestos used at work is supplied with:
  - i. Labels; and
  - ii. Material Safety Data Sheets;
- b. providing for:
  - i. The assessment of the risk of exposure to asbestos; and
  - ii. The control of exposure to asbestos; and
  - iii. The training of employees and contractors who could be exposed to asbestos at work on the nature of the hazard and the level of risk posed by the asbestos, and the means of assessing and controlling exposure;
- c. limiting the circumstances under which the use of chrysotile may be permitted through exemptions to the prohibition;
- d. encouraging research into, and development of, alternatives to the use of chrysotile; and
- e. ensuring that relevant information included in the NICNAS (National Industrial Chemicals Notification and Assessment Scheme) summary reports is given to operators.

## What is asbestos?

Asbestos means any of the following fibrous forms of mineral silicates:

- a. Actinolite asbestos
- b. Amosite asbestos (brown asbestos)
- c. Anthophyllite asbestos
- d. Chrysotile (white asbestos)
- e. Crocidolite (blue asbestos)
- f. Tremolite asbestos

Exposure to asbestos is known to cause asbestosis, lung cancer, mesothelioma and pleural plaques.

## Asbestos prohibition

The Workplace Relations Ministers' Council (WRMC), comprising the Commonwealth and State/Territory Ministers with responsibility for workplace relations including OHS, has decided that the threat to the health of workers from exposure to asbestos is not acceptable and has therefore agreed to prohibit the importation and use of all forms of asbestos commencing from 31 December 2003. As a consequence a regulation made under the *Occupational Health and Safety (Maritime Industry) Act 1993* commenced on 31 December 2003 to give effect to the prohibition of asbestos in the Australian maritime industry.

In brief, from 31 December 2003 it is illegal to import, store, supply, sell, install or re-use any products containing asbestos (except in limited circumstances) in maritime workplaces.

### Exclusions

Excluded from the prohibition are the following permitted circumstances:

- a. bona fide research;
- b. handling for storage prior to removal or disposal;
- c. storage prior to removal or disposal;
- d. removal or disposal of asbestos;
- e. disturbance of naturally occurring asbestos; and
- f. use (without disturbance) of **chrysotile** in products that are **in situ**\*

\* In situ means that at the time of the prohibition, the chrysotile product is fixed or installed in:

- a. a ship or any other structure that forms a workplace or a plant or any other thing that is for use at a maritime workplace; and
- b. a way that does not constitute a risk to users until the chrysotile is disturbed.

#### Example 1: Chrysotile used in wall panelling

Chrysotile used between the laminate in laminated panelling would be considered 'in situ' if the following tests are met. The chrysotile:

- a) does not constitute a risk (following atmospheric testing); and
- b) has not been disturbed.

See Pages 5 and 6 of this Guidance for an explanation of disturbance.

#### Example 2: Chrysotile used in brake linings in on board ship machinery

If the asbestos is in situ (as defined in the section 2.03 of the regulation, meaning that the brake lining is fixed or installed in the plant in a way that does not constitute a risk to users [until disturbed]) then the brake lining can be used and can remain in use until it requires replacement. It is the responsibility of the operator to ensure that the brake lining/s is fixed or installed in a way that does not constitute a risk to users. Regulation 2.14 requires that the chrysotile be disclosed to seafarers and it is clearly identified. Regulation 2.15 outlines the risk assessment process that should be undertaken in making assessments about the risk to users, and Regulation 2.16 provides risk control measures that should be taken by operators.

## Management of 'in situ' chrysotile<sup>2</sup>

While the ultimate goal is the removal of chrysotile, in some maintenance and service situations, control measures other than removal may be justified, but only if a risk assessment has been undertaken and the risk of generating airborne chrysotile fibres is minimised.

The risk assessment for chrysotile should include consideration of:

- the location and condition of the chrysotile;
- the type (eg cement sheet, vinyl tiles);
- if it is friable or non-friable;
- if the chrysotile is liable to further damage or deterioration;
- if there are any inaccessible areas that are likely to contain chrysotile;
- the likelihood of possible exposure; and
- if the nature or location of any work to be carried out is likely to disturb the chrysotile.

The control measures required for chrysotile are determined from the risk assessment and the following principles:

- Notwithstanding the ultimate goal of a workplace being free of asbestos containing material, priorities should be set for the short term.
- Chrysotile, which is friable and not in a stable condition, where there is a risk exposure, should be removed by a competent person or by a licensed removalist (in States where a licence is required) as soon as practicable.
- Chrysotile that is friable, but in a stable condition and accessible, should be given serious consideration for removal.
- Any remaining chrysotile should be clearly labelled where practicable and regularly inspected to ensure that it is not deteriorating or contributing to an unacceptable health risk.
- Chrysotile, if stable and inaccessible, may be left *in situ* until demolition, partial demolition, or re-fit. However, chrysotile needs to be removed before demolition, partial demolition or re-fit.

The following is a list of some typical maintenance and service tasks that are likely to disturb chrysotile and may only be performed after a risk assessment and implementation of control measures to minimise exposure to airborne chrysotile fibres:

- drilling of chrysotile cement products;
- sealing, painting, coating and cleaning of chrysotile cement products;
- replacing cabling in chrysotile cement conduit or boxes;
- inspection of *in situ* chrysotile friction materials or seals.

Other situations not in the above list, but determined by a competent person to be a similar task and constitute a similar level of risk may be performed after the risk has been assessed and appropriate control measures implemented.

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<sup>2</sup> This section is based on the draft NOHSC 'Code of Practice for the Management and Control of Asbestos in workplaces' and may be subject to change.

Any such work should only occur with full consultation and training of people performing the work and should be documented and supervised. The work area needs to be isolated and access restricted to essential workers only. Barriers and warning signs may be required.

Personal protective equipment needs to be selected to minimise contamination of clothing and provide an adequate level of respiratory protection. The level of respiratory protection will depend on the risk assessment. Part of the risk assessment and control measures should include a procedure for controlling asbestos-containing material that is dislodged or disturbed. Thorough decontamination of the work area should occur at the end of the maintenance or service work. The use of disposable protective coverings should be strongly considered.

Once maintenance and service work has been carried out the operator must ensure that the chrysotile product continues to be *in situ* and therefore does not constitute a risk to the user.

### **Exemptions from the asbestos prohibition**

Where an asbestos product (**other than chrysotile**) is subject to the prohibition an operator<sup>3</sup> may apply to the Seacare Authority for an exemption from the prohibition where:

- a. the use of the asbestos component/product is essential to the operation of the operator's business; **and**
- b. there is no reasonable alternative substance for the asbestos.

In relation to **chrysotile**, an exemption may only be granted for the specified use of chrysotile in the *List of Exemptions* specified in Schedule 3 of the NS Regulations as follows:

<b>Item</b>	<b>Uses for which exemption may be granted</b>	<b>Date exemption ceases</b>
1	Use of chrysotile in a compressed asbestos fibre gasket that is:	
	(a) for use with: <ol style="list-style-type: none"> <li>(i) saturated steam; or</li> <li>(ii) superheated steam; or</li> <li>(iii) substances that are classified as dangerous goods (as defined in the ADG Code); or</li> </ol>	31 Dec 2004
	(b) for use with chlorine in a plant used in liquid chlorine service with design process conditions of -45°C and 1500 kPa	31 Dec 2006
2	Use of chrysotile in a product that consists of a mixture of asbestos with a phenol formaldehyde resin or with a cresylic formaldehyde resin used in: <ol style="list-style-type: none"> <li>(a) a vane for rotary vacuum pumps; or</li> <li>(b) a vane for rotary compressors; or</li> <li>(c) a split face seal of at least 150mm in diameter used to prevent leakage of water from cooling water pumps in</li> </ol>	31 Dec 2007

<sup>3</sup> Operator is defined by the OHS(MI) Act as the person who has the management or control of the prescribed ship or prescribed unit.

	fossil fuel electricity generating stations	
3	Use of chrysotile in a diaphragm for use in an electrolytic cell in an existing electrolysis plant for chlor-alkali manufacture	31 Dec 2006

*Note* The List of Exemptions reflects the exemptions listed in the *National List of Exemptions to the Prohibition of the Workplace Use of Chrysotile Asbestos* set out in Schedule 2 to the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC: 1005 (1994)] which includes notes about the exemptions.

The granting of an exemption for chrysotile will be linked to requirements that those benefiting from the exemption undertake or contribute to research and development designed to identify replacements or alternatives to the exempt chrysotile component / product or controls to maximise the safe use of the chrysotile component / product.

### Applications for exemption from the asbestos prohibition

Exemptions are not automatic and an operator must apply to the Seacare Authority for an exemption.

All applications for exemptions from the asbestos prohibition should be:

- a. in writing;
- b. in accordance with:
  - i. Seacare Form 12 - Application for exemption from the prohibition of asbestos (other than chrysotile); or
  - ii. Seacare Form 13 - Application for exemption from prohibition on uses of chrysotile;
- c. accompanied by evidence to support the application;
- d. submitted to the Seacare Authority within a minimum of 28 days prior to the proposed date of commencement of the exemption.

The application forms are attached and are also available on Seacare's website at [www.seacare.gov.au](http://www.seacare.gov.au). Further information on completing the form is available at **Attachment A**.

The form may be:

Sent via mail to:  
Seacare Authority  
GPO Box 9905  
CANBERRA ACT 2601

Or faxed to:  
Attn: Seacare Authority  
02-6275 0067

All information relevant to the application for an exemption, whether or not it has been supplied to the Seacare Authority, must be retained and be accessible to the Seacare Authority or the Australian Maritime Safety Authority (AMSA) on request.

## Consideration by the Seacare Authority of an application for exemption

The Seacare Authority will assess the information provided in the application against the requirements of the NS Regulations. These requirements are set out as headings in the application forms.

The Seacare Authority may ask the applicant for further information in order to assist it in its consideration of the application.

## Granting an exemption

Following assessment of the application, the Seacare Authority will advise the applicant in writing of its decision and the reasons for that decision. A Seacare Authority decision to grant an exemption will be subject to it being satisfied that the criteria for the granting of an exemption set out in the NS Regulations have been met and all relevant information has been provided.

Notice of the granting of an exemption will be in the form of a 'Certificate of Exemption', which will set out any conditions that will apply to the exemption, the commencement of the exemption and the date on which the exemption ceases.

## Review of decision

A review of the Seacare Authority's decision on an application for an exemption may be made to the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act 1975*.

## Cancellation of an exemption

The Seacare Authority must cancel an exemption if continuation of the exemption would be inconsistent with the objects of the NS Regulations or if asked to do so by the applicant. The Seacare Authority is not required to consult with the applicant before cancelling an exemption. The Seacare Authority must give written advice setting out the date of and reasons for the exemption being cancelled.

## ***Asbestos not subject to the prohibition***

The NS Regulations will place obligations on manufacturers, suppliers, operators, employees and contractors to minimise exposure to asbestos that is not subject to the prohibition. These obligations are set out below.

### Manufacturers and suppliers

Manufacturers and suppliers must provide the operator with Material Safety Data Sheets (MSDS) for any product or component that contains asbestos.

### Operators

Under the NS Regulations operators must:

- a. ensure that the MSDS is readily available to employees or contractors;
- b. ensure that a register is kept and maintained for asbestos products that are used at the workplace;



- c. ensure that a risk assessment is made in relation to any asbestos at the workplace;
- d. ensure that no employee or contractor is exposed to airborne concentrations of asbestos, in the breathing zone, at a level that exceeds the exposure standard<sup>4</sup>;
- e. undertake atmospheric monitoring if there is a potential risk of exposure to asbestos;
- f. provide health surveillance of an employee or a contractor who has been identified as being exposed to asbestos;
- g. ensure that employees and contractors have suitable training if there is potential that they could be exposed to asbestos;
- h. notify an employee or contractor of exposure to asbestos if it is likely that the employee or contractor has been exposed; and
- i. keep records or assessment reports for at least 30 years if atmospheric monitoring or health surveillance has been undertaken or five years if there was no need for atmospheric monitoring or health surveillance.

## Employees and contractors

Employees and contractors must report any matter that may affect the operator in meeting its obligations under the NS Regulations.

## **Removal of asbestos**

Removal or disposal of asbestos should be done in accordance with a law of a State or Territory relating to the removal of asbestos. Operators will need to contact the following State and Territory OHS Authorities to determine what existing laws relate to the removal of asbestos:

NSW	Workcover NSW	13 10 50
Vic	Victorian Workcover Authority	1800 136 089
SA	Workcover Corporation of South Australia	13 18 55
Qld	Workplace Health and Safety	1300 369 915
Tas	Workplace Standards Authority	(03) 6233 7657
WA	Worksafe WA	(08) 9327 8777
NT	NT Worksafe	1800 019 115

If a law relating to the removal of asbestos does not exist in the State or Territory then the Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1988)] applies. The Code of Practice for the Safe Removal of Asbestos is available from the NOHSC website at [www.nohsc.gov.au](http://www.nohsc.gov.au).

## **Importation prohibition**

To support the prohibition on the use of asbestos, the Australian Customs regulations will prohibit the import and export of asbestos, unless an appropriate exemption has been granted (or the use is permitted, for example, chrysotile that is in situ). More information on the Customs regulations is available from the Australian Customs Service. The contact is Mr Everett Hornick, Community Protection Policy 02-6245 5484.

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<sup>4</sup> [Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment \[NOHSC:1003\(1995\)\]](#)

### **Example 3: Importation of a ship containing asbestos**

If operators seek to import a vessel that contains amosite, the operators must obtain from the Seacare Authority an exemption from the prohibition for the use of the crocidolite. The Australian Customs Service will require evidence that the exemption has been granted before authorising the import of the vessel.

### **Further information**

Further information relating to the NS Regulations is available from:

Seacare Authority  
GPO Box 9905  
CANBERRA ACT 2601  
02-6275 0070  
email: [seacare@comcare.gov.au](mailto:seacare@comcare.gov.au)  
website: [www.seacare.gov.au](http://www.seacare.gov.au)

National Occupational Health and Safety Commission (NOHSC)  
[www.nohsc.gov.au](http://www.nohsc.gov.au)  
02-6279 1000

Australian Customs Service  
[www.customs.gov.au](http://www.customs.gov.au)  
1300 363 263

### **Further guidance**

Other sources of information are available to assist operators meet their obligations under the NS Regulations. Some of these sources are listed below.

[Occupational Health and Safety \(Maritime Industry\) Act 1993](#)

[National Model Regulations for the Control of Workplace Hazardous Substances \[NOHSC:1005\(1994\)\]](#)

[Schedule 2 - Substances prohibited for specific uses](#)

[Schedule 3 - Hazardous Substances for which health surveillance is required](#)

[Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment \[NOHSC:1003\(1995\)\]](#)

[National Code of Practice for the Control of Workplace Hazardous Substances \[NOHSC:2007\(1994\)\]](#)

[Code of Practice for the Safe Removal of Asbestos \[NOHSC:2002\(1988\)\]](#)

[Guide to the Control of Asbestos Hazards in Buildings and Structures \[NOHSC:3002\(1988\)\]](#)

[Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust \[NOHSC:3003\(1989\)\]](#)

[Guidance Note for the Assessment of Health Risks Arising from Hazardous Substances in the Workplace \[NOHSC:3017\(1994\)\]](#)

[Guidance Note on the Interpretation of Exposure Standards for Atmospheric Contaminants in the Occupational Environment \[NOHSC:3008\(1995\)\]](#)



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**Application form for exemption from the prohibition on uses of asbestos (other than chrysotile)**

This application form should be completed having regard to the *Occupational Health and Safety (Maritime Industry) Act 1993*, the *Occupational Health and Safety (Maritime Industry)(National Standards) Regulations 2003* and the Guidance on the Prohibition on the Use of Asbestos in Australian Maritime Industry Workplaces.

**When completing this form please attach all necessary evidence to support your application.**

**1. Please provide details of the operator and the person applying for the exemption.**

Operator: \_\_\_\_\_  
Operator address: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Position in company: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**2. Please provide details of the type of asbestos for which the exemption is sought.**

Type of asbestos: \_\_\_\_\_  
Details (such as purpose, location, quantity, period the exemption is requested)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Please provide a business case which states why the use of asbestos is essential to the operation of the operator's business.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Please provide information on any alternatives to the asbestos product/component.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Please provide details of control measures put in place to minimise exposure to asbestos.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



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**Application form for exemption from prohibition on uses of chrysotile**

This application form should be completed having regard to the *Occupational Health and Safety (Maritime Industry) Act 1993*, the *Occupational Health and Safety (Maritime Industry)(National Standards) Regulations 2003* and the Guidance on the Prohibition on the Use of Asbestos in Australian Maritime Industry Workplaces.

**When completing this form please attach all necessary evidence to support your application.**

**1. Please provide details of the operator and the person applying for the exemption**

Operator: \_\_\_\_\_  
Operator address: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Position in company: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**2. Please state the use for which the exemption is sought.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Please attach the following to support your application:**

- a) Evidence that the use is essential to the operation of the operator’s business.
- b) Evidence that there is no reasonable alternative to the use of chrysotile.
- c) A statement of the measures that the operator will take, if the exemption is granted, to deal with any risk that might arise from the use of chrysotile.
- d) A statement of the actions that the operator will take, if the exemption is granted, to take reasonable steps to find alternatives to the use of chrysotile covered by the exemption, if necessary, undertaking, or contributing to the undertaking of, research and development of alternatives to the use of chrysotile covered by the exemption.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment A: Information to assist operators complete the application form for exemption from the prohibition of asbestos.**

Section of form	Form 12 – asbestos other than chrysotile	Form 13 - chrysotile
Details of operator and person applying for exemption	Operator is defined in s4 of the OHS(MI) Act. Details of the person applying for the exemption must be provided.	Operator is defined in s4 of the OHS(MI) Act. Details of the person applying for the exemption must be provided.
Provide details of the substance	Provide information on: <ul style="list-style-type: none"> <li>• the type of asbestos</li> <li>• purpose</li> <li>• location</li> <li>• quantity</li> <li>• period of time the exemption is requested.</li> </ul>	State the use for which the exemption from the prohibition is sought (Exemptions may only be sought from the uses stated in the List of Exemptions).
Provide a business case which states why the use of asbestos is essential	The Seacare Authority requires evidence that the use of the asbestos for which the exemption is sought is essential to the operation of the operator’s business.	The Seacare Authority requires evidence that the use of the chrysotile for which the exemption is sought is essential to the operation of the operator’s business.
Is there an alternative?	The Seacare Authority requires evidence that there is no reasonable alternative to the use of asbestos.	The Seacare Authority requires evidence that there is no reasonable alternative to the use of chrysotile.
Provide details of control measures.	The Seacare Authority requires a statement of the measures that the operator will take to deal with any risk that might arise from the use of asbestos, if the exemption is granted.	The Seacare Authority requires a statement of the measures that the operator will take to deal with any risk that might arise from the use of chrysotile, if the exemption is granted.
Actions taken to find alternatives.	Not required.	The Seacare Authority requires a statement of the operator’s actions to take reasonable steps to find alternatives to the use of chrysotile, if necessary, undertaking, or contributing to the undertaking of, research and development of alternatives to the use of chrysotile covered by the exemption.