

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**THE SENATE**

**COMMITTEE OF PRIVILEGES**

**POSSIBLE MISLEADING EVIDENCE BEFORE A  
SENATE ESTIMATES COMMITTEE -  
DEPARTMENT OF DEFENCE  
ASBESTOS IN ROYAL AUSTRALIAN NAVY SHIPS**

**(26TH REPORT)**

**NOVEMBER 1990**



## MEMBERS OF THE COMMITTEE

Senator Patricia Giles (Western Australia), Chair

Senator Vicki Bourne (New South Wales)

Senator Bruce Childs (New South Wales)

Senator John Coates (Tasmania)

Senator Barney Cooney (Victoria)

Senator Austin Lewis (Victoria)

Senator Baden Teague (South Australia)

The Senate

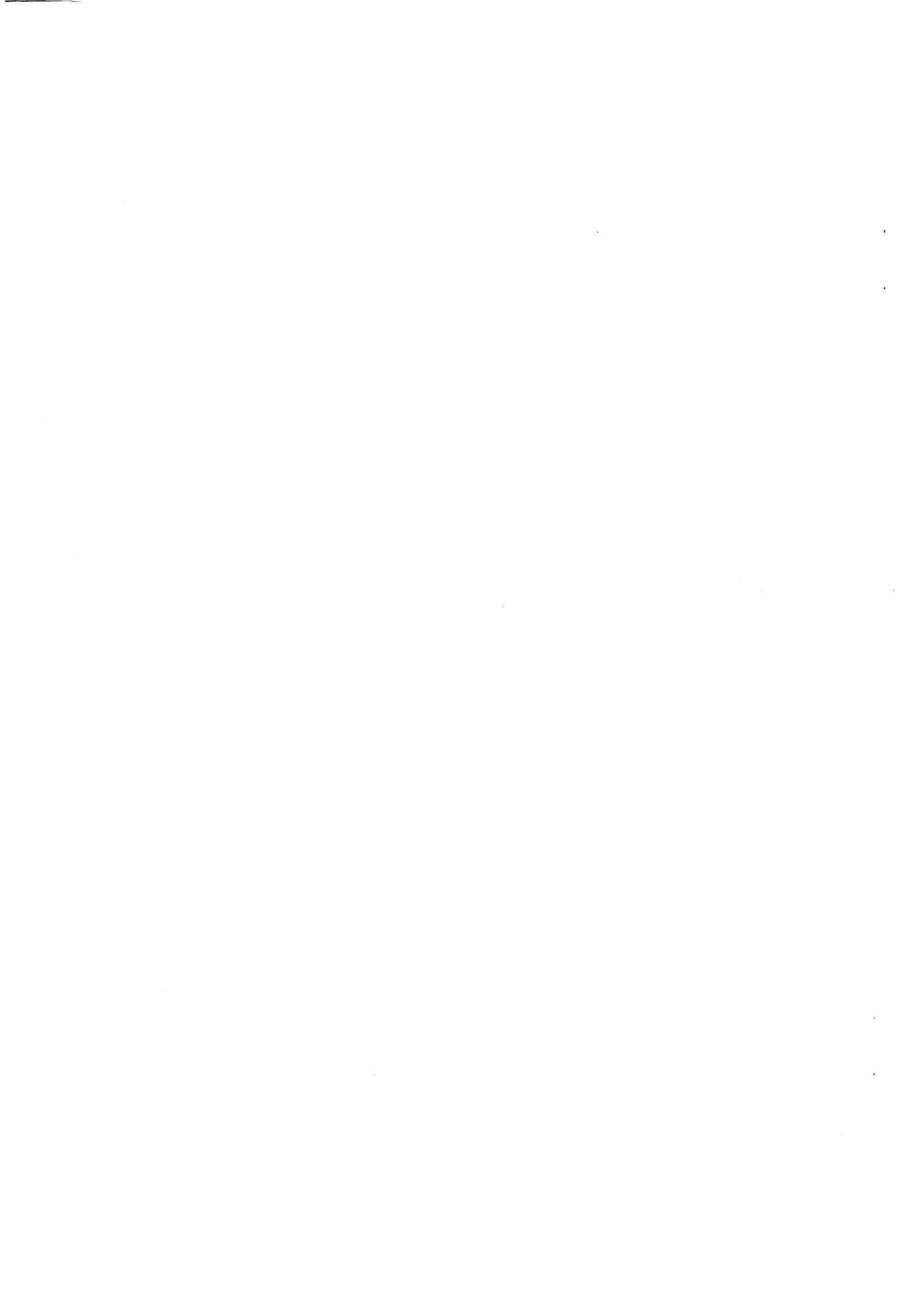
Parliament House

CANBERRA ACT 2600



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## REPORT

### INTRODUCTION

1. On 24 August 1990 the following matter was referred to the Committee of Privileges, on the motion of Senator Newman:

Whether evidence given to Estimates Committee B in May 1990 in relation to asbestos in Royal Australian Navy ships was misleading, having regard to information which was available to the Navy concerning dangers associated with asbestos, and, if so, whether any contempt was committed.

2. The statement by the President of the Senate when he determined on 23 August to give precedence to the motion is at Appendix A to this report. The statement indicates that, in making his determination, the President had regard to the 15th Report of this Committee, on the grounds that he noted that this Committee regards seriously the obligation of witnesses to give evidence which is not misleading in any respect. Senator Newman, in raising the matter of privilege with the President, also drew attention to that report. Her letter, tabled by the President with other documents, is included at Appendix B. The other documents referred to are available from the Table Office. The debate on Senator Newman's motion to refer the matter to the Committee is at Appendix C.
3. The case for referring the matter to the Committee was put by Senator Newman in her letter as follows:

The matter relates to evidence given to Estimates Committee B in May this year. In answer to a question on notice relating to the use of asbestos in the Defence Force, an answer was given in relation to the Royal

Australian Navy which indicated that the Navy adopted preventative measures against asbestos in 1966 after research in the mid 1960s had pointed out the relationship between asbestos and certain diseases. The answer created the impression that the matter had come to the attention of the Navy only at that time. Documentation made available to me indicates that the dangers of asbestos were explicitly drawn to the attention of the Navy in 1943 in a report by the Victorian Health Department.

## **CONDUCT OF INQUIRY**

4. The Committee met to consider the matter when the Senate resumed sittings in September. It decided to write to the Secretary to the Department of Defence seeking a written submission from him, and, if he considered it appropriate, from the officer concerned. The Committee also invited the Minister for Defence to make any written comments he wished, in addition to his speech when the matter was referred to the Committee. A submission by Mr A.J. Ayers, AO, Secretary, Department of Defence and Vice Admiral M.W. Hudson, AO, Acting Chief of the Defence Force, was received by the Committee under cover of a letter from Mr Ayers and Vice Admiral Hudson. The letter and submission are included at Appendix D to this report.

## **ANALYSIS**

5. The letter and submission go into considerable detail about the state of knowledge of the Navy at the relevant times so far as asbestos-related diseases are concerned, and the Committee does no more than draw that information to the attention of the Senate. The question for the Committee of Privileges to determine is whether the conduct of the officer who prepared the answer to the question on notice constituted a contempt in that he deliberately misled, or attempted to mislead, the Senate.



6. The Committee notes from paragraph 5 of the submission that the officer had less than an hour in which to prepare the response. The submission draws attention to the source document, prepared for the Chief of Naval Staff, on which the officer based his response, and, at paragraphs 6 and 7, points out that at the time the officer wrote the reply he did not have personal knowledge of the existence of the 1943-1944 and 1970s documents referred to by Senator Newman. The submission adds that the Navy itself did not discover the existence of the files referred to by Senator Newman until after the matter of privilege was referred to the Committee.
  
7. On the last occasion, as outlined in the 15th Report, that the Committee had cause to examine a matter of this nature, the Committee expressed its concern at the unhelpful approach of the relevant officer. No such concern arises in this case. The Committee draws attention to the following comment at paragraph 11 of the submission:

Despite the tight time frame set, the officer responded in the belief that the reply he prepared from information immediately available on Navy files and from his own professional knowledge, accurately answered the question.

The Committee also notes that, unlike the responses which were the subject of the Committee's earlier report, the reply in this case was helpful and volunteered information based on material immediately available on the files. The Committee accepts the assurance given at paragraph 13 that the reply drafted by the officer was accurate to the best of his knowledge and belief at the time. The Committee has concluded that the officer did not know, and in the circumstances could not reasonably have known, of the existence of the material subsequently provided to Senator Newman and discovered on files of the Defence Regional Office.

## **FINDING**

8. The Committee has therefore concluded, on the evidence, that no contempt was committed in regard to evidence given to Estimates Committee B in May 1990 concerning asbestos in Royal Australian Navy ships.

**Patricia Giles**  
Chair

### MATTER OF PRIVILEGE

The PRESIDENT—In accordance with the procedures laid down in standing order 81 and the Privilege Resolutions of 25 February 1988, Senator Newman has raised with me a matter of privilege.

The matter which she has raised relates to whether evidence given before Estimates Committee B in May this year in relation to the use of asbestos by the Royal Australian Navy was misleading.

Under the procedures prescribed by the Senate, I am required to determine whether a motion to refer this matter to the Privileges Committee should have precedence of other business, having regard to the following criteria:

- (a) The principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its Committees and for Senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respective matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and
- (b) the existence of any remedy other than that power for any act which may be held to be a contempt.

In making my determination, I do not make a judgment on the facts of the matter raised or on the question of whether any contempt has been committed.

In previous rulings I have indicated to the Senate the way in which I apply this criteria. I have given precedence to a motion if I consider that the matter raised is capable of being regarded by the Senate as meeting criterion (a), and if there is no other readily-available remedy.

I consider that a motion relating to the matter raised by Senate Newman ought to have precedence, having regard to the criteria. The Senate has always taken very seriously any suggestion that misleading evidence has been given to a Senate Committee. Senate Newman has drawn my attention to the fifteenth report of the Privileges Committee, indicating the seriousness with which that Committee regards the obligation of witnesses to give evidence which is not misleading in any respect. I have had regard to that report in making my determination.

I therefore determine that a motion to refer this matter to the Privileges Committee should have precedence over other business.

I table the letter from Senate Newman and the documents which she provided. I call on Senate Newman to give a notice of motion.

#### Notice of Motion

Senator NEWMAN—I give notice that, on the next day of sitting, I shall move:

That the following question be referred to the Committee of Privileges—whether evidence given to Estimates Committee B in May 1990 in relation to asbestos in Royal Australian Navy ships was misleading, having regard to information which was available to the Navy concerning dangers associated with asbestos.

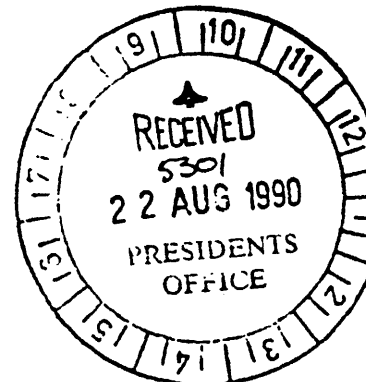
PARLIAMENT OF AUSTRALIA · THE SENATE

SENATOR JOCELYN NEWMAN  
 SENATOR FOR TASMANIA  
 SHADOW MINISTER FOR VETERANS' AFFAIRS  
 SHADOW MINISTER FOR DEFENCE SCIENCE AND PERSONNEL  
 SHADOW MINISTER ASSISTING THE LEADER ON  
 THE STATUS OF WOMEN



15 August 1990

Senator the Hon Kerry W. Sibraa  
 President of the Senate  
 Parliament House  
 CANBERRA ACT 2600



Dear Mr President

**MATTER OF PRIVILEGE**

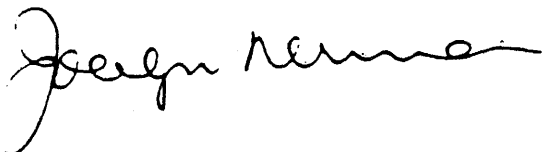
Pursuant to standing order 81 I raise a matter of privilege, and request that a motion to refer the matter to the Privileges Committee have precedence in accordance with the standing order.

The matter relates to evidence given to Estimates Committee B in May this year. In answer to a question on notice relating to the use of asbestos in the Defence Force, an answer was given in

I consider this a very serious matter and I request that you give precedence to a motion to refer the matter to the Privileges Committee.

I have supplied relevant documents to the Clerk of the Senate, so that you may consult them in making your decision.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Jocelyn Newman".

Jocelyn Newman

*Committee of Privileges***COMMITTEE OF PRIVILEGES****Motion**

**Senator NEWMAN (Tasmania) (9.13)—**  
I move:

That the following matter be referred to the Committee of Privileges—Whether evidence to Estimates Committee B in May 1990 in relation to asbestos in Royal Australian Navy ships was misleading, having regard to information which was available to the Navy concerning dangers associated with asbestos, and, if so, whether any contempt was committed.

Mr President, at the Estimates Committee hearing on 14 May 1990, I submitted a written question directed to the Department of Defence and to the various Services. My question was answered approximately two weeks later in writing.

The question I asked dealt with a matter of great importance, and it was as follows:

Has the Department or any of the Services done or are doing any studies into asbestos? Have the studies concluded how many are expected to die from asbestos-related diseases? What is the short-term and the long-term plan for asbestos-related diseases and the like in Army, Navy and RAAF?

That question was answered, as I said, a couple of weeks later. When the response came back from the Department of Defence, it was headed up with a restatement of my question. The restatement, in fact, contained two areas where the meaning of the question had been changed.

Part A of the question was changed from 'studies into asbestos' to 'studies into asbestos-related diseases', and part C was changed so that it no was longer grammatically correct. It read:

What is the short term and the like in Army, Navy, RAAF.

That was clearly a typographical error. The response of the Navy was:

A) Navy has undertaken a number of studies over the last six years quantifying the asbestos hazards existing in RAN ships and establishments so that appropriate action, if any, could be undertaken. Navy maintains a register of asbestos workers currently serving. Navy has not undertaken any epidemiological or clinical studies into asbestos.

B) No such studies projecting expected mortality have been undertaken.

Passing over some details of the current Defence Instructions, the answer continued:

... asbestos workers are subject to medical surveillance in accordance with National Health and Medical Research Council guidelines.

The paragraphs that follow form the crux of my complaint. The Navy response continued:

In the mid-1960s, the UK research in the Royal Dockyards pointed out the relationship between asbestos work in the dockyard and asbestos related disease. When this became known, the RAN adopted protective measures against asbestos from 1966.

Because most HMA Ships contained asbestos, and large numbers of RAN personnel have served in those ships, any attempt to identify all who might have been exposed would require massive resource allocation. Because of the assessed low risk, and likely low yield from such a process, it has not been pursued.

Instead individuals make their claims for compensation in the normal manner.

Mr President, to give the Navy its due, it at least covered about half a page of type-written answer. The Army managed to spit its answer out in two short sentences, and the Air Force appears to me to have taken the question in a more serious and detailed manner. Nevertheless, at the time I got that answer from the Department, I believed that to be the truth.

I was convinced that as a result of research in the Royal Dockyards in the mid-1960s, the Royal Navy had informed the Royal Australian Navy that there was a relationship between asbestos-related work in the Dockyards and asbestos-related disease and that from that time on—1966—and because of that information, the Australian Navy adopted protective measures. That, Mr President, was my understanding of the answer.

However, when I sent some of those answers out to other people, a Mr Ben Hills of the *Sydney Morning Herald* contacted me and said that he was in possession of some letters which made it quite clear that that answer was misleading. I would like to draw to the attention of honourable senators the first of the letters which Mr Hills sent to me for attention.

This letter is dated 19 October 1943—I repeat 1943—20 odd years before the Navy claims to have put protective measures in place as a result of the United Kingdom research. This letter is signed by the Secretary of the Victorian Public Health Department and is addressed to the General Manager, HMA Naval Dockyard, Williamstown, Victoria. The reference is asbestos panelling.

I do not the propose to read the whole letter. It refers to work being done in the dockyard fitting asbestos panelling into naval ships and the question of the possible harm to the health of people engaged in that occupation. The Secretary of the Department, whose signature is not decipherable said this:

There is no doubt that the inhalation of asbestos dust may produce damage to the lungs, the condition being known as "asbestosis". This condition, which may be incapacitating, may take years to develop, the time required depending, among other factors, on the concentration of dust in the air breathed. Usually in industry a period of about 7-12 years more or less continuous daily exposure is required to produce the condition. A case has occurred with as little as one and a half years of exposure.

The letter talks about 'confined spaces', 'the processes of sawing and hammering', 'quantities of dust' and 'lack of ventilation'. It adds that 'the concentration of dust in the air breathed may become considerable'. The letter goes on to say:

The use of dust respirators may be advisable. The decision as to this would depend on determinations of the dust concentration and the degree of continuity of the work.

The letter concludes:

This Department would be agreeable to carrying out these determinations.

Clearly, the Navy accepted that offer and I have a letter, dated 9 February 1944, from a Mr Mackie, the general manager at the dockyard at Williamstown, writing to the Secretary of the Public Health Department in Victoria, acknowledging receipt of the letter of 5 February 1944 and enclosing the report of tests taken on the use of asbestos panelling. That report told the Navy the number of dust counts it—

Senator Robert Ray—Who did the report?

Senator NEWMAN—The report was done by the Department of Health in Victoria.

Senator Robert Ray—Not by the Navy, but by the Department of Health. I'm glad we've established that.

Senator NEWMAN—And the Navy, which had the information, just as it had the information, it claimed, from the United Kingdom in—

Senator Robert Ray—Go back and look at the question you asked. You asked: Which studies did the Navy do?

Senator NEWMAN—Is that the line the Minister is going to take?

Senator Robert Ray—Well, that's part of the relevance.

Senator Michael Baume—That is particularly devious.

Senator Robert Ray—No, it is not. You listen.

The PRESIDENT—Order! Senator Ray.

Senator NEWMAN—Mr President, I will leave honourable senators to decide whether they are going to accept the legalistic view of the Government in order to try to defend people who were given a question, took it on notice and very carefully gave an answer to the Parliament. I do not intend to quote continually from this report. However, I will quote just two or three paragraphs. The first couple of paragraphs state:

A number of dust counts of the air in the breathing zone of men engaged on different activities in the Table Room and the Cinema Room of a ship being refilled were made on January 5th.

The results showed that the concentration of asbestos dust in the air in certain cases was above that which is regarded as a safe limit for continuous exposure.

There are a number of parts of the report which then talk about the effect on lungs and questions as to the period of exposure. The report then refers to a study of 1,512 workers conducted by the British Silicosis and Asbestos Medical Board and the results of that study. The report then goes on to talk about an elaborate investigation by the United States Public Health Service carried out in the asbestos

textile industry. As a result of these investigations, the authors suggest that 5 million particles per cubic foot may be regarded as a tentative standard. The report then goes on to table the dust counts found in the investigation at the dockyards on 5 January 1944, all of which were above the acceptable limit.

Finally, the report wound up saying that, on the basis of the American report, one might expect that a small percentage would show signs of asbestos after working continuously in such atmosphere for two or three years, and it gave recommendations for how the problems might be avoided, such as: open air where practicable and ensuring that all port holes are open. It recognised that some work in confined cabin spaces would be necessary and that, in those cases, dust concentrations might be such as to require the use of respirators, even though the work lasted only a short period, and that dust respirators would help to prevent further exposure. That material was available to the Navy. It was very detailed material, and I find it extraordinary that the Government would apparently seek to suggest that it was not relevant to the answer which was asked of the Department.

We then move to the 1970s and, obviously, the Navy still remembered that it had those studies and had presumably taken some action as a result of those studies since 1943. I do not have evidence as to what measures it took. It certainly knew what measures it was supposed to take. It knew what were dangerous dust levels. It knew that there were ways of protecting people from that dust.

I refer to an undated letter, from the Navy Office to the Secretary of the Federated Ship Painters and Dockers Union of Australia in Balmain, a letter which starts:

I refer to your letter of 20th July 1971—

Therefore, one presumes it was some relatively short period after 20 July 1971. In clause 3 of that letter, the Navy Office said to the Union:

It is agreed that there is a health risk in handling asbestos.



This has been recognised in dealings between various Unions and this Department since at least 1943 when exhaustive tests on dust concentrations during certain processes were conducted by the Victorian Public Health Department.

**Senator Michael Baume**—But not on its own sailors.

**Senator NEWMAN**—I thank the honourable senator. The letter continues:

The present safety instructions on the handling of asbestos which had their beginnings in these tests have been constantly under review and are considered satisfactory:

One wonders: does the Minister for Defence consider that the tests, which have been constantly under review since the 1943-44 correspondence, can be classified as studies? Obviously, there is a very careful use of language there, and I am surprised at the Minister being prepared to defend that. The letter continues:

The department is in any case doing its best to phase out the use of materials containing asbestos and considers that within the near future exposure to asbestos hazards will be reduced to a minimum.

We know that that was not even true because at the end of the 1970s when HMAS *Brisbane* was refitted a black ban was imposed by the workers in the Garden Island dockyard. So naval personnel were being required to remove asbestos, in my view, without adequate protection. That, however, is another matter which can be dealt with at another time, or would be dealt with at another time if the inquiry which was announced yesterday by the Minister for Defence Science and Personnel (Mr Bilney) was intended to go back into history. However, the Government is very keen only to inquire into current matters and not look back into history.

Mr Deputy President, as I said to the President in my letter dated 15 August, when looking at these answers and the background material that has now come into my hands, we have to have regard also to the fifteenth report of the Committee of Privileges and the comments made by the Committee concerning misleading evidence. I remind honourable senators that that related to a complaint by Senator MacGibbon over answers given

by departmental officers from the Department of Defence in relation to the Project Parakeet development.

In that report it was in fact found that there had not been a deliberate misleading of the Senate. However, the Committee pointed out that all witnesses giving evidence to Senate committees should be aware of the need to avoid giving evidence which could be misleading. I believe that the answer to the question was misleading in that, by failing to refer to the Navy's pre-1966 knowledge of the dangers of asbestos, the answer tended to leave a false impression in the minds of the recipients that the Navy had become aware of the dangers of asbestos only in the mid-1960s.

As the President said yesterday, while he made no judgment on the matter, he agreed that it was a serious matter, not a trivial one, and he agreed it was a proper matter for giving precedence of referral to the Privileges Committee. There is no other remedy reasonably available to deal with this situation. We are talking here about a department which had a Privileges Committee inquiry on its answers not very long ago. The Department would be well aware of the fact that it is not to give misleading answers.

On many occasions I have found in the past that when people who are knowledgeable about defence matters have seen some of the answers which the Department of Defence has given in the Estimates Committee, they have been concerned at the failure of officials to give open and full and frank answers. Instead they use legalistic responses, such as the Minister is now attempting to put to the Senate.

The first test in 1943 was done for the Navy by the Victorian Department which acknowledged by letter that it was prepared to undertake the test. The understanding from the letter of 1971 is that those were studies which were held by the Navy and done on its behalf. Consequently, I have moved this motion so that the matter can be resolved by the Privileges Committee. This Parliament cannot operate if officials are able to so word

considered written answers to questions taken on notice after weeks have passed.

If we cannot rely on full and frank answers to questions of national importance, such as those about the health of our soldiers, sailors and airmen, then what sort of a job can a senator do in the exercise of his or her public responsibility? We cannot accept and be seen to accept officials attempting to hold information back from honourable senators in the exercise of their duty.

**Senator ROBERT RAY** (Victoria—Manager of Government Business in the Senate) (9.30)—The reference of any issue to the Privileges Committee is very serious. It is absolutely essential to establish a proper prima facie case before this chamber refers an issue on. It is not a party matter, so today I am not just addressing the Opposition and the Australian Democrats; I am also addressing people on my own side of the chamber.

If I thought there was any case to answer at all I would want this matter referred to the Privileges Committee for full investigation. But today Senator Newman has not put up one aspect of a prima facie case for the misleading of the Senate. That is what she is arguing about—that the Senate has been misled, implying that it is deliberate, but even saying it could be inadvertent. I say to this Senate that not only has it not been misled deliberately but also it has not been misled even inadvertently.

**Senator Michael Baume**—Oh!

**Senator ROBERT RAY**—Senator Michael Baume has already made up his mind, on a conscience vote, without listening to both sides—he has made that quite clear—so he should not interrupt.

What this is about—and what people should try to resolve in their own minds—is process; it is not about content or the morality of asbestosis and the use of asbestos. It is an entirely different issue. It is about whether an officer in the Department of Defence has set out, inadvertently or deliberately, to mislead the Senate in an answer. I want to go through carefully and analyse the question and the answer to show that that is not the case,

and that there is not even a prima facie case.

One of the key paragraphs in the answer that Senator Newman relies on reads as follows:

In the mid-1960s, the UK research in the Royal Dockyards pointed out the relationship between asbestos work in the dockyard and asbestos related disease. When this became known, the RAN adopted protective measures against asbestos from 1966.

That simply happens to be a statement of fact: when the report became known, the Royal Australian Navy adopted protective measures. It does not imply that there was not pre-knowledge, or other knowledge, about problems with asbestos prior to 1966. That part of the answer is absolutely correct.

What this debate comes down to is not that anything in the answer is wrong—not one thing is wrong, there is not one act of commission in the answer that happens to be wrong; but what Senator Newman has to go on and say is that by an act of omission the question has not been fully answered. One of the keys to that is in her own question. I hope I have the right question here—I am subject to correction, as I would hate to think that I am reading out the wrong question. She said:

Has the Department or any of the Services done or are doing any studies

That is the key to it—'has the Department done', not whether the Victorian Health Department, or someone else, did, but 'has the Department done'. The answer given here is truthful; it lists when the studies have been done by the Services or by the Department. It does not list whether someone else overseas, or some other Victorian department—which, I must say, on reading the documents, showed enormous prescience on this issue, and one wonders what happened to this Victorian department's work for 20 or 30 years. Senator Newman has quoted from a letter to the Williamstown dockyard in 1943. Apparently, any officer answering a question on an issue has to have knowledge of what happened in 1943, but I will come back to that point.

I want to go to the timing of the answers. Senator Newman said there were weeks in which to provide answers. Most honourable senators who were here will recall there was a very restricted time between the Estimates Committee B meeting and reporting to this chamber. The sequence of events is as follows: A question was received on the fifteenth, the financial planning area sent it on to the Royal Australian Navy on the sixteenth, the Navy received the question on the seventeenth and replied on the same day. It was cleared by my office, having waited for the more tardy Army and Royal Australian Air Force responses, on 22 May and sent on to the Estimates Committee on 23 May.

I have interviewed the officer responsible for preparing this answer, and he did what was proper. He went to the existing files in the Department. He went right through the existing files and based his answer on what was in them. I admit, he did not go to archives and spend six months going back to Federation, but nor would I or this chamber expect an officer to do that. Had he done so, he still may have found nothing because the other interesting thing is that the sort of document Senator Newman is talking about today—that is, a letter to a dockyard manager—comes from the Victorian archives file, not from the Commonwealth file. We have no record of it that we can find with the Navy. We do not even know whether the manager of that dockyard ever sent the letter or properly to the Navy, or binned it or anything else. We have no knowledge in that area.

What Senator Newman is really doing is asking the question: has the Navy done a study? Because the Victorian Health Department in 1943 did a study—not commissioned by the Navy—that is not on our files. Senator Newman accuses an officer of deliberately misleading this Senate. What nonsense.

**Senator Newman**—Of misleading.

**Senator ROBERT RAY**—Yes, of misleading this Senate. What absolute nonsense. I know that to some extent Senator Newman has been misled by Ben Hill's

approach, because what he says is that he asked for all the individual files, he alleged a report exists and when we do not release the files he says we are sitting on a document which we have never acknowledged and cannot find. Senator Newman has been a victim of that sort of clever journalism, and that is a pity.

I want to go on and look at the actual position of privileges because, obviously, this particular one would relate to Privileges Resolution 12C that was carried by this chamber about two years ago. It says:

A witness shall not give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe, on reasonable grounds, to be true or substantially true in every material particular.

The key phrases are 'knows to be false' or 'does not believe, on reasonable grounds, to be true'. I want to go quickly back over this question. The question was asked: has the Navy done any studies? The answer comes in, and is accurate, listing the Navy's studies. But because a study is done in 1943 or more to the point, a letter is produced, and we have the letter here, it is hardly a study—and I think Senator Newman would acknowledge that—some officer producing an answer in 1990 is supposed to have the corporate knowledge.

The critical thing is that this letter was lost to the corporate knowledge of the Navy, otherwise, one would have to ask oneself why it did not do anything in particular about it. Of course, one of the reasons is that this occurred in the middle of World War II. But to come into this chamber and say that there is a misleading answer, based on the fact that some officer has not gone back through the archives for six months to find this letter—if it exists, because it came out of the Victorian health archives—is an absolutely ridiculous proposition.

Some people may say, 'Look, the problem has been raised, it is a bit hard to determine who is right and who is wrong in this chamber so why don't we send it off to the Committee, and it can sort it out'. That is an easy thing for us to do, but Senator Newman should remember that the serving officers who she wants to

drag before this Committee will not regard it as some minor thing to be shoved off the agenda because it is too hard to make an intellectual decision today. That is a career-breaking opportunity for them to have to appear before the Privileges Committee. One which will not affect their careers—

Senator Durack—McIntosh survived very well.

Senator ROBERT RAY—My problem in this case is this: as Senator Durack knows, I am not bad at defending the indefensible, but what really worries me is having to defend the absolute defensible and not knowing whether I can do the job well enough. In this case, I am defending the absolute defensible. That is what always worries me in these cases—that people do not ever listen to the facts.

Senator Newman—You have very selective vision, Senator.

Senator ROBERT RAY—Senator Newman says I have very selective vision. Once again, I am going to help Senator Newman to go back to the question that she asked. Put very simply, she asked:

Has the Department—

that is, the Department of Defence; we are agreed on that—

or the Services done or are doing any studies . . .

This answer is truthful. It lists what is being done. Senator Newman has produced not one piece of evidence to suggest that the Department has done any other studies. The only evidence she has produced is that the Victorian Department of Health was active in this area. I acknowledge that it was. The other point that Senator Newman should realise is that there is no link between the Navy and these issues in the current files. If there were, they would have been referred to.

Senator Newman—You weren't listening. You must have only one ear as well.

Senator ROBERT RAY—Then explain it again.

Senator Newman—What about the letter of 1971 from the Navy to the union referring to the 1943 study? The Depart-

ment can go back until 1966 and yet they can't give me information about 1971.

Senator ROBERT RAY—These files, as Senator Newman knows, go back to the early 1980s. The officer—

Senator Newman—He went back into the 1960s.

Senator ROBERT RAY—No, he did not. His reference and material from the 1960s were continuing information contained in the files of the 1980s.

Senator Newman—And there were letters of the 1970s referring to it. So what happened to them?

Senator ROBERT RAY—They are not in the files of the Department.

Senator Newman—You seem to have a problem with files; and that is not my problem.

Senator ROBERT RAY—No, I do not have a problem with files; I have a problem in that, if every one of Senator Newman's 20,000 questions asked means a total and complete search of Navy records back to the year 1900, that is the end of the Defence budget. Today Senator Newman has not produced any case whatsoever to indicate that there has been a misleading answer. Not one scintilla of evidence has she put forward to back up her claims.

We now come to the motive for raising this matter. Is it, as Senator Newman says, just because we have to protect the Senate Committee and its propriety? If this were really a serious matter she would not have been on the radio bleating about this issue in advance of referring it to the Privileges Committee. If she had been serious about it—

Senator Newman—This week, when I wrote to the President.

Senator ROBERT RAY—This transcript is dated 17 August.

Senator Newman—August 15 is my letter.

Senator ROBERT RAY—This is dated 17 August. Senator Newman had to give it pre-publicity. She could not do the decent thing like most people and just refer it to the Committee. She is still

claiming that it has taken up to three weeks to get the answer; she knows it was eight days.

**Senator Newman**—It was two weeks.

**Senator ROBERT RAY**—No, it was not. It was referred on the 16th and received by the Committee secretariat on the 23rd—one week later.

**Senator Newman**—We got it on the 28th.

**Senator ROBERT RAY**—I am not concerned about whether the Estimates Committee secretary passed it on straightaway; I am telling Senator Newman how the Department turned it around—and it turned it around quite properly.

I said to Senator Newman yesterday that if I believed there was a case to answer I would be the first one to support its referral to the Privileges Committee. I also state for future reference that this will continue to be my attitude. But here we have a question asked and a question properly and absolutely accurately answered. I have no doubt that the Privileges Committee would make that finding.

We do not have one supporting piece of evidence for a prima facie case. If no prima facie case has been established, then this should not go to the Privileges Committee because of the unnecessary strain and stress it places on people. That is absolutely the case. The reference to the previous reference of the Privileges Committee was quite strange. That had a much stronger base and yet it was dismissed by the Privileges Committee.

**Senator NEWMAN (Tasmania) (9.45)**—in reply—I am astonished at the Minister for Defence (Senator Robert Ray). It seems that he is suggesting to the Senate that there is no corporate knowledge within the Royal Australian Navy; that everything known is within the knowledge of only one of the more recent entrants to the Navy. Some personnel have served in the Navy for 35 or more years.

I am not satisfied with the Minister's explanation. It is quite clear that the Navy's corporate knowledge extends back to the mid-1960s. It could recall that it

got the information from the United Kingdom. It could tell us that it instituted measures in 1966. That was quite a precise date. But it seemed to be unable to remember that it had any sort of dealings on asbestos and hazards.

**Senator Robert Ray**—Not 'dealings'. 'Studies' is in your question; not dealings, knowledge or anything else—'studies'.

**Senator NEWMAN**—The Minister relied very heavily on corporate knowledge.

**Senator Robert Ray**—Because you asked that question. We can only answer your question.

**Senator NEWMAN**—I am drawing to the attention of the Senate the fact that the corporate knowledge was clearly able to go back as far as the 1960s and yet it could not go back to the early 1970s, when reference was made to the very detailed studies that the Navy received in the 1940s.

**Senator Robert Ray**—What studies?

**Senator NEWMAN**—The study that the Victorian Department of Health did on behalf of the Navy, which the Minister ridicules on the grounds that the Navy cannot find the report. Seemingly, the Victorian Health Department has a much better ability to keep records. It is amazing that Victoria can produce reports that it did in the 1940s and yet the Navy cannot produce the report which was provided to it. I remind honourable senators that I pointed out that, on the basis of the study of 1943, continuing dust measures—

**Senator Robert Ray**—What studies? One letter.

**Senator NEWMAN**—It is a study.

**Senator Robert Ray**—It is not. We will table the letter so that everyone can look at it. It is not a study; it is a letter putting views forward—good views.

**Senator NEWMAN**—Madam Acting Deputy President, would you call the Minister to order? The President is already in receipt of these documents. They are available and will be made available to the Committee. I am not trying to hide anything. It is a detailed report giving measurements which I chose not to read

out to the Senate but which are available for honourable senators to peruse. There are detailed studies of the total fibre count and the total dust count in the various parts of the ship studied on 5 January 1944. If the Navy has a problem with filing, that is the Minister's problem, not mine. But the Senate should not be diverted from the essence, which is that the material was available—

**Senator Robert Ray**—To whom?

**Senator NEWMAN**—It was, and had been, available to the Navy. One presumes that it has not also lost the letter of 1971 that refers to the studies of 1943-44. The Navy has also done tests since then based on the 1943 material. It seems as though the corporate knowledge of the Navy is rather selective. I am astonished that the Minister would use that as a basis of an attempt to divert the Senate from the real purpose of this, that is, when questions are asked of officers of departments, honourable senators are entitled to expect full and frank answers. In this case the answer given was clearly intended to assure honourable senators that the Navy became aware of the hazards of asbestos dust in the 1960s and that, when it became aware of the, it instituted health measures.

**Senator Robert Ray**—Don't criticise them for not providing an answer to a question that wasn't asked.

**Senator NEWMAN**—I am interested in the Minister's interjection because the Navy answered as it chose. Having seen how it will answer the question it is then expected to answer it in a manner which is not misleading. It chose exactly how it would put its words. I did not put those words into the Navy's mouth. Having put those words down on paper an honourable senator is entitled to expect that they are the full facts of the matter. The use of the words which the Navy gave to honourable senators gave a clear understanding that that was when it became aware of the hazards of asbestos and that that was when it introduced measures. The clear evidence is that it became aware of it in the 1940s. It was told then what measures to introduce. It

subsequently conducted tests. We do not know whether it put measures in place. After all, there are 300 applications before the Department of Veterans' Affairs in regard to asbestos related diseases from people who have war entitlements.

It is an important matter. It is not just a question of semantics. The Minister has tried to run this debate on semantics. He has tried to ridicule it by reference to what one might expect of corporate knowledge. I expect the Navy to know when it became aware of asbestos and its dangers, and when it was introduced.

**Senator Robert Ray**—You did not ask that question.

**Senator NEWMAN**—I asked them, 'What studies?' and they gave me an answer which was—

**Senator Robert Ray**—Ask that question and you will get the accurate answer. You did not ask that question.

**Senator NEWMAN**—Is Senator Ray claiming that it is perfectly all right for an answer to be misleading provided it is giving additional information that does not directly relate to anybody's question?

**Senator Robert Ray**—They have to accurately answer your question and they did so.

**Senator NEWMAN**—If Senator Ray is saying that, it will be a very poor day for this Parliament when any witness can come before a committee and volunteer additional information which is misleading. That, obviously, is the crux of what he is claiming. I am sure that the Senate will reject that utterly. We absolutely cannot be prepared to accept misleading information whether it is in direct answer to a question or in supplementary material provided in answer to a question.

**Senator Robert Ray**—But there is no misleading, is there? You know that.

**Senator NEWMAN**—It is totally misleading as the additional documents which I have presented to the President make absolutely clear. I therefore urge honourable senators to support my motion to refer this matter to the Privileges Committee for resolution.

Question put:

That the motion (Senator Newman's) be agreed to.

The Senate divided.

(The President—Senator the Hon. Kerry Sibraa)

Ayes . . . . .	39
Noes . . . . .	28
Majority . . . . .	<u>11</u>

AYES	NOES
Archer, B. R.	Aulich, T. G.
Baume, Michael	Beahan, M. E.
Baume, Peter	Bolkus, N.
Bell, R. J.	Burns, B. R.
Bishop, B. K.	Childs, B. R.
Bjelke-Petersen, F. I.	Collins, R. L.
Boswell, R. L. D.	Colston, M. A.
Bourne, V. W.	Cook, P. F. S.
Brownhill, D. G. C.	Crowley, R. A.
Calvert, P. H.	Devereux, J. R.
Campbell, I. G.	Faulkner, J. P.
Chapman, H. G. P.	Foreman, D. J.
Coulter, J. R.	Giles, P. J.
Crane, W.	Jones, G. N.
Crichton-Browne, N. A.	Loosley, S.
Durack, P. D.	McKiernan, J. P. (Teller)
Harradine, B.	McMullan, R. F.
Herron, J.	Maguire, G. R.
Hill, R. M.	Ray, Robert
Kemp, C. R.	Reynolds, M.
Kernot, C.	Richardson, G. F.
Knowles, S. C.	Schacht, C. C.
Lees, M. H.	Sherry, N. J.
Lewis, A. W. R.	Sibraa, K. W.
Macdonald, I. D.	Tate, M. C.
MacGibbon, D. J.	Walsh, P. A.
McLean, P. A.	West, S. M.
Newman, J. M.	Zakharov, A. O.
O'Chee, W. G.	
Panizza, J. H.	
Parer, W. R.	
Patterson, K. C. L.	
Powell, J. F.	
Reid, M. E. (Teller)	
Spindler, S. E.	
Tambling, G. E. J.	
Teague, B. C.	
Vanstone, A. E.	
Walters, M. S.	

PAIRS	
Evans, Gareth	Olsen, J. W.
Coates, J.	Alsten, R. K. R.
Cooney, B. C.	Watson, J. O. W.
Button, J. N.	Short, J. R.

Question so resolved in the affirmative.



## DEPARTMENT OF DEFENCE

SEC 444/1990  
CDF 600/1990

RUSSELL OFFICES

CANBERRA, A.C.T 2600

IN REPLY QUOTE

Secretary  
Committee of Privileges  
The Senate  
Parliament House  
CANBERRA ACT 2600

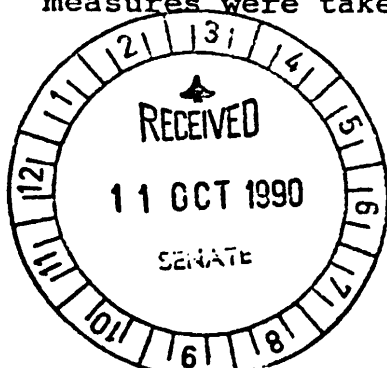
Dear Ms Lynch

You wrote on 14 September 1990 concerning the reference by the Senate to the Committee of Privileges, of a matter in relation to asbestos in Royal Australian Navy ships and inviting a written submission from the Department of Defence.

Attached is a detailed submission which we wish to jointly submit to the Committee, outlining the Department's views on the reference and containing background material which we trust will be of assistance to the Committee's deliberations.

We are both of the view that the Department's responses to Senator Newman's questions were accurate and not misleading. We believe that the attached submission shows that Navy has known since at least 1943 that asbestos could present a health hazard in certain circumstances. At that time the scientific community and the Navy believed that the potential harmful effect was to cause asbestosis but that for this condition to develop, exposure had to be continuous over a number of years. As these conditions did not exist in dockyard work, it was generally considered not to be hazardous to these employees. In accordance with this knowledge Navy introduced appropriate health measures locally.

There is relatively little information about the specific knowledge and practices of the RAN in the 1944-1968 period but what evidence exists demonstrates that some safety measures were taken in this period.





In the mid 1960's, the UK research in the Royal Dockyards pointed out the relationship between asbestos work in the dockyard and asbestos related disease. When this became known, the RAN adopted general protective measures against asbestos from 1968.

The new knowledge acquired in the sixties represented a great shift in the knowledge about the dangers of asbestos in the context of dockyard work. This new knowledge made it clear that safety measures taken up to that point had been inadequate. The result was the introduction of Navy wide instructions in the form of Australian Naval Order 672/1968. As far as can be determined this was the first Navy wide instruction concerning asbestos dangers. The sixties saw the expansion of knowledge about the types of diseases asbestos caused; the realisation that asbestos lagging was in itself a dangerous occupation in terms of health risks; and the beginning of knowledge about the dangers faced by those in the vicinity of asbestos.

Navy policy has continued to evolve since 1968 in response to further advances in scientific knowledge. The 1968 instructions were thus amended or replaced in 1973, 1976, 1979, 1982, 1984 and 1986 and they continue to be under review.

Management of asbestos in the Navy and the gradual strengthening of policies over time reflects the evolutionary nature of medical knowledge of the potentially harmful effects of exposure to the substance.

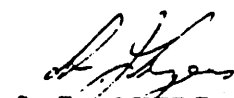
During the period between the 1940's and the present, there has been a gradual awakening, within the community at large based on the progressive expansion of medical knowledge, of the hazards associated with exposure to asbestos. For example, while there is no argument that asbestos was seen as a potentially hazardous substance in the 1930's and 1940's, it has only been in the last decade that asbestos mining has ceased in Australia (1983) and that it has ceased to be a common substance used for insulation and certain building materials.

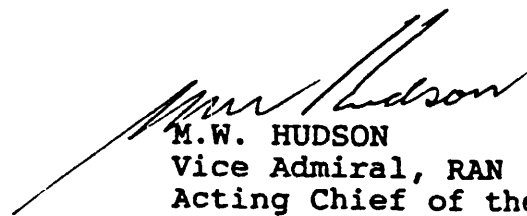
The impression that Navy's response to the Parliament is misleading arises from a misunderstanding concerning the development both of policy relating to asbestos safety and of knowledge about the dangers of asbestos. It seems to have been assumed that a particular date could be identified when "the dangers of asbestos" became known whereas, in fact, knowledge developed over the course of several decades. As a corollary to this assumption, it also appears to have been assumed that a date existed when Navy introduced measures to remove these dangers. Again this is

not possible as the response to the asbestos problem occurred over a number of decades in line with developments in knowledge. In this process, as far as dockyard work was concerned, the 1960's were a crucial decade in defining the full extent of the asbestos hazard.

In conclusion, we believe that having regard to the information which was available to the Navy concerning the dangers associated with asbestos, neither the Navy nor the Department mislead the Parliament in any material respect. The portion of the reply identified by Senator Newman as misleading was consistent with the information reasonably available at the time of preparation of the response and moreover it has not been found to be inconsistent with knowledge gained from further research since. Furthermore, the reply is not misleading as it reflects the historical development of knowledge about the relationship between asbestos work in the dockyard and asbestos related disease and it also indicates the progressive development of Navy policy addressing the related dangers as they generally became better understood and accepted in the community at large.

Yours sincerely

  
A.J. AYERS  
Secretary

  
M.W. HUDSON  
Vice Admiral, RAN  
Acting Chief of the Defence Force

10 October 1990

10 October 1990

SUBMISSION TO THE SENATE COMMITTEE OF PRIVILEGES BY THE  
SECRETARY, DEPARTMENT OF DEFENCE AND THE ACTING CHIEF OF THE  
DEFENCE FORCE

1. On 24 August 1990 the Senate Committee of Privileges was asked to determine whether a reply given by the Department of Defence to questions on notice asked by Senator Newman in Senate Estimates Committee B was misleading and whether a contempt had occurred. The portion of the Department's reply identified by Senator Newman as misleading was as follows:

"In the mid-1960's, the UK research in the Royal Dockyards pointed out the relationship between asbestos work in the dockyard and asbestos related disease. When this became known, the RAN adopted protective measures against asbestos from 1966.

2. This reply was said by Senator Newman to be misleading because:

"... by failing to refer to the Navy's pre-1966 knowledge of the dangers of asbestos, the answer tended to leave a false impression in the minds of the recipients that the Navy had become aware of the dangers of asbestos only in the mid-1960's."

3. Senator Newman adduced a number of 1943/1944 documents and a 1970's document as supporting evidence.

#### CONTEMPT

4. The questions asked by Senator Newman of the Department of Defence were sent to the Department on 16 May 1990. Navy Office was asked to prepare a response on 17 May 1990 with a request that, if possible, it be available for clearance prior to the continuation of the Senate Estimates Committee hearing planned for 11:00 am that morning.

5. The officer who actually prepared the Department's reply had in fact less than an hour in which to prepare the reply. That officer is a Naval medical practitioner and an expert in the field of occupational health and safety. At the time of preparing the Department's reply the officer was generally familiar with the development of knowledge about the health effects of asbestos exposure as well as with the development of Navy's asbestos handling policies over recent years. However he did not have personal knowledge of the RAN's practices or policies in the decades preceding the 1970's.

6. The existence of the 1943/1944 and 1970's documents referred to by Senator Newman was not known to the officer, and considerable time and resources would have been required for him to discover them. In fact those documents form part of a

file (177/51/39) which is held in the Defence Regional Office in Sydney. That file was obtained by Navy Office following the reference of this matter to the Committee of Privileges.

7. A cross reference to the documents produced by Senator Newman and discussion of the information in them has also subsequently been found in Navy Office file N84-11678 which comprises several volumes. However, at the time the officer wrote the reply he did not have personal knowledge of the existence of this material within that file, nor is it reasonable to have expected him to have located it in the time available to him.

8. In preparing the particular paragraph which is alleged to be misleading the officer drew on a source document, which had been recently prepared for the Chief of Naval Staff. This document included the following paragraph:

"In the mid 1960's research in the Royal Dockyards in the UK pointed out the relationship between asbestos work in the dockyard and asbestos related disease, particularly the risk of the disease in workers involved in extensive ship repair activities. About this time the Royal Navy issued instructions (DCI 661/1/66E 1966) on protective measures against the hazards of asbestos and these instructions were adopted by the RAN in 1966."

9. The following paragraph also appeared in the document:

"While the hazards of asbestosis were known in relation to continuous work with this material in asbestos factories and mines in 1943 the intermittent nature of work with asbestos in dockyards throughout the world was in 1943 considered essentially safe."

10. The information available to the officer thus clearly suggested that in 1943, which is the same year as the 1943 letter produced by Senator Newman, asbestos exposure was not considered a significant health hazard in dockyard work generally. This paragraph, quite reasonably, would have satisfied the officer that the relationship between asbestos work in the dockyard and asbestos related disease had not been established at that time.

11. It is not possible for individuals to know, without considerable research, the total extent of corporate information on an issue such as asbestos. Nor was this called for in responding to Senator Newman's question. Despite the tight time frame set, the officer responded in the belief that the reply he prepared from information immediately available on Navy files and from his own professional knowledge, accurately answered the question. It should also be noted that the reply volunteered information and thus, it could not be said that the Department displayed an unhelpful attitude in its reply.

12. It should be noted that in the preparation of its responses to the May sitting of Senate Estimates Committee B the Department had a much shorter time frame than usual. As a result of the election earlier in 1990 the budget process had been delayed by about a month. When the relevant questions were asked of Navy, consideration by the Estimates Committee was almost concluded and the estimates were to be referred to the Committee of the Whole on 21 May 1990.

13. The Department, of course, treats enquiries from Senators with considerable priority as is evident from the rapidity of the initial response from the Navy. This is not to suggest that accuracy is sacrificed in the preparation of responses. As much information as possible is gathered in the time available and the results are conveyed to the Parliament in a conscientious and honest manner. The reply drafted by the officer was accurate to the best of his knowledge and belief at the time.

#### WAS PARLIAMENT MISLED?

14. A careful reading of the Department's reply shows that it is not directed to knowledge about the dangers of asbestos in general. Rather the reply specifically refers to the development of knowledge about the relationship between asbestos work in dockyards and asbestos related disease.

15. The Department's reply refers to research in the mid-1960's. There was in fact such research throughout the 1960's in the Royal Dockyards in the United Kingdom. This research was instrumental in establishing the link between asbestos related diseases and dockyard work. Prior to this research, and in particular in the 1940's, it was believed that continuous asbestos dust exposure during the course of a number of working years was required to present a significant health hazard. Moreover the hazard recognised at the time was of asbestosis, not cancer. As far as can be determined, exposure among dockyard workers was generally intermittent and accordingly there was not significant concern about health risks of asbestos exposure in the dockyard context. Thus, as one 1946 US report concluded, asbestos pipe covering in shipyards was not considered a dangerous occupation at the time.

16. The 1943-1944 documents produced by Senator Newman do not support the conclusion that the Navy 'knew about the dangers of asbestos prior to the 1960's' insofar as those dangers were relevant to dockyard workers. Clearly the Navy was aware that asbestos could present a health risk, however that knowledge, by today's standards, was very rudimentary. For example, Dr Shields' report indicates that the link between asbestos and lung cancer or mesothelioma was not known. Further, there was no suspicion that workers who were not working in the asbestos industry and whose exposure to asbestos may have been only incidental, might be endangered by that exposure. Finally, concern about the health risks of asbestos exposure in the

1940's was focussed principally on asbestos mining and asbestos textile manufacturing industries.

17. The research in the UK dockyards in the mid-1960's brought a great deal of new knowledge to light. This knowledge was instrumental in identifying dockyard asbestos work as a significant health risk. Subsequently the Royal Navy introduced Navy wide instructions dealing with asbestos safety measures from 1966 (DCI (RN) 1524 (1966)). The Royal Navy instruction was copied virtually word for word by the RAN in Australian Navy Order 672 of 1968. Copies of both these documents are attached. These documents show that the impetus for the RAN instructions came from the Royal Navy and not from anything which occurred within the RAN itself.

18. Navy was in error in earlier identifying 1966 as the date of the introduction of protective measures. The Australian Navy Order was in fact issued in 1968. This order represents a significant milestone in the development of RAN asbestos safety policy.

19. The 1970's document referred to by Senator Newman has been identified as a 22 February 1972 Departmental letter to the Federated Ship Painters and Dockers Union. This letter was primarily concerned with industrial (pay) matters but it conveys the impression that safety instructions on asbestos evolved in a continuous manner from those earlier measures proposed by Dr Shiels. Research so far conducted by the Navy has been unable to establish any link between the 1944 happenings and the 1968 instructions. Indeed, as has already been said, every indication is that the 1968 instructions find their origin in the events in the United Kingdom and not in anything that was occurring in Australia.

20. In all of the circumstances, and given the information available to the Navy, including the more detailed information revealed by the most recent research, the reply tendered in response to Senator Newman's questions, was not inaccurate in any material respect, nor should the reply have led to a misleading conclusion being drawn.

21. The Privileges Committee reference raises the implication that in allegedly misleading the Parliament, the Department consciously or unconsciously sought to justify a lack of safety measures prior to the 1960's by postdating the development of knowledge about the dangers of asbestos. Needless to say this is not the case. The 1943/1944 knowledge which Senator Newman identified did lead to the introduction of some safety measures associated with the working environment when asbestos dust was produced through sawing or hammering of asbestos panelling, consistent with the safety hazard as it was perceived at the time. However that knowledge was not of a character that would have led to measures being introduced other than solely for dockyard workers required to handle or work with asbestos materials. Nor does it appear to have been of a character to require the introduction of the more comprehensive policies which were later adopted in 1968.

(U)1524.—Safety—Persons Exposed to Dust from Materials Containing Asbestos  
*HM Ships and Establishments*

(N/MDG 661/1/66E—25 Nov 1966)

1. The principal object of this Instruction which applies to all personnel, uniformed as well as civilian and to contractors' employees, in Ministry of Defence premises, is the elimination of the hazard arising from breathing air laden with dust from asbestos. The hazard is principally associated with the handling, fitting and stripping of dusty insulating materials.

Certain other materials contain asbestos in a more closely bonded form. These are not dusty in nature and normally do not present a hazard. In some cases, however, a dust hazard may be created when they are cut or machined. In such cases, some discretion is necessary in deciding where protection is necessary or sensible. In all cases the deciding factor is whether air-borne dust is generated.

2. All asbestos insulation should be sprinkled with water to minimise the dust hazard. Care should be taken that too liberal an application is not made before application of insulation as this would cause corrosion of underlying pipework etc. During the removal of insulation, however, the surface should be liberally wetted; by injection of water where the surface has been rendered impervious by paint.

3. Adequate supply ventilation is to be provided.

4. Where asbestos insulation work is in progress in machinery spaces exhaust ventilation fans are to be run at full speed. Where practicable flexible ducts are to be led from exhaust fan intake to the vicinity of the work to extract dust at source. In other spaces fitted with recirculation ventilation care is to be taken that dust-laden air is not spread about the ship *via* recirculation ducting. Where possible, local exhaust ventilation *via* a dust filter capable of retaining particles down to  $\frac{1}{2}$  micron diameter is to be provided.

5. All asbestos dust is to be cleaned up at regular intervals using an industrial vacuum cleaner. All debris is to be damped before removal in disposable impervious bags.

6. No person is to prepare or partake of food or drink in compartments in which asbestos work is being carried out.

(94952-1)

A 4

7. All personnel working with asbestos are to wear dust respirators giving full protection against dust down to  $\frac{1}{2}$  micron particle diameter. The following respirators are suitable and are available from victualling yards:—

- a. Respirator Air-Filtering Vocab 26920 filter with main filter Vocab 26930.
- b. Respirator VHE twin filter Vocab 26929.

The respirator is to be personal to the individual and on issue it is to be examined to ensure a good fit. It is to be inspected and cleaned at intervals of not more than 10 working days. Before issue of a returned respirator it is to be disinfected in accordance with procedure laid down for General Service Respirators. Cartridge dust filters are to be removed after 14 days use, or earlier if clogged with dust. The risk is particularly high during lagging de-lagging processes, when pre-filters need to be changed frequently (at least twice daily). RN personnel are to be issued with respirators on temporary loan when this is necessary.

8. All men employed on asbestos processes are to be medically examined, including full-plate chest X-ray, before starting on this work. These men are thereafter to be examined annually including full plate chest X-ray.

9. All personnel not directly engaged in the work are, in general, to be excluded from the compartments in which asbestos is being used, or stripped, and should not enter the compartment until it has been cleaned using an industrial vacuum cleaner.

10. No living spaces are to be occupied out of working hours until asbestos working has been completed and the compartment cleansed.

11. Laundry and other personnel regularly handling lagger's clothing should be acquainted with the need to avoid raising dust by shaking out such clothing etc.

12. All personnel not normally handling asbestos must observe all the above precautions when in dusty conditions arising from asbestos working whether or not they are personally working with the asbestos. They need not be subject to routine medical examination as in the case of asbestos workers but in cases of doubt the opinion of the Senior Medical Officer of the dockyard or Naval Medical Officer of Health, is to be sought.

13. This Instruction supplements but does not replace the relevant regulations under the Factories Acts *ie* the Asbestos Industry Regulations 1931 (SR & O 1931 No 1140) and the Shipbuilding and Ship-repairing Regulations 1960 (SI 1960 No 1932 in which Regulations 53 and 76 apply).

(BR 2101)



UNCLASSIFIED

672—Safety of Personnel Exposed to Dust From Materials Containing Asbestos

(DCI (RN) 1524/1966)

1. The principal object of this order which applies to all personnel, uniformed as well as civilian and to contractors employees, in Naval Dockyards and Establishments, is the elimination of the hazard arising from breathing air laden with dust from asbestos and compound mixtures of asbestos and other minerals. The hazard is principally associated with the handling, fitting and stripping of dusty insulating materials. Certain other materials contain asbestos in a more closely bonded form. These are not dusty in nature but in some cases, a dust hazard may be created when they are cut or machined. In such cases, some discretion is necessary in deciding where protection is necessary. In all cases the deciding factor is whether airborne dust is generated.

2. All asbestos insulation and other compound mixtures of asbestos and other minerals should be sprinkled with water to minimise the dust hazard. Care should be taken that too liberal an application is not made before application of insulation as this would cause corrosion of underlying pipework, etc. During the removal of insulation, however, the surface should be liberally wetted, by injection of water where the surface has been rendered impervious by paint.

3. Drop sheets are to be positioned on the underside of the section to be lagged and as close as practicable to the work.

4. Where practicable all cutting and machining of asbestos and/or composition mixture, is to be done in the open air. Cutting and shaping of the insulation is to be carried out on trays so designed to prevent spillage of off cuts on to the decks, etc.

5. All sealing and finishing coats are to be pre-mixed off the job and taken to the working area in containers.

6. All personnel working with asbestos are to wear dust respirators giving full protection against dust down to  $\frac{1}{2}$  micron particle diameter. The respirators are to be of the twin cartridge type currently approved by the RAN. Each respirator is to be personal to the individual and on issue it is to be examined to ensure a good fit. It is to be inspected and cleaned at intervals of not more than 10 working days. Before

re-issue returned respirators are to be disinfected in accordance with procedure laid down for General Service Respirators. Cartridge dust filters are to be removed after 14 days use, or earlier if clogged with dust. The risk is particularly high during lagging/de-lagging processes, when pre-filters need to be changed frequently (at least twice daily). RAN personnel are to be issued with respirators on temporary loan when this is necessary.

7. Adequate supply ventilation is to be provided.

8. Where asbestos insulation work is in progress in machinery spaces exhaust ventilation fans are to be run at full speed. Where practicable flexible ducts are to be led from exhaust fan intake to the vicinity of the work to extract dust at source. In other spaces fitted with recirculation ventilation, care is to be taken that dust-laden air is not spread about the ship via recirculation ducting. Where possible, local exhaust ventilation via a dustfilter capable of retaining particles down to  $\frac{1}{2}$  micron diameter is to be provided.

9. All asbestos dust is to be cleared away at regular intervals using an industrial vacuum cleaner. All debris is to be damped before removal in disposable impervious bags.

10. No person is to prepare or partake of food or drink in compartments in which asbestos work is being carried out.

11. All men employed on asbestos processes are to be medically examined, including full-plate chest X-Ray, before starting on this work. These men are thereafter to be examined annually including full-plate chest X-Ray.

12. The number of personnel employed in a compartment in which asbestos is being used or stripped, and who are not directly engaged in lagging operations, is to be kept to a minimum.

13. No living spaces are to be occupied out of working hours until asbestos working has been completed and the compartment cleansed.

14. Laundry and other personnel regularly handling lagger's clothing should be acquainted with the need to avoid raising dust by shaking out such clothing, etc.

15. All personnel not normally handling asbestos must observe all the above precautions when in dusty conditions arising from asbestos working whether or not they are personally working with the asbestos. They need not be subject to routine medical examination as in the case of asbestos workers but in cases of doubt the opinion of the Dockyard Medical Officer is to be sought.

16. This order supplements but does not replace the relevant instructions under Clause 41 of the New South Wales Factories Act or the Harmful Gases, Vapours, Fumes, Mists, Smokes and Dust Regulations 1945 (as amended) made under the Victorian Health Acts.

(DMED 177/1/82)