

SECOND READING SPEECH

Asbestos Related Diseases (Occupational Exposure) Compensation (Consequential Amendments) Bill 2011

Mr Speaker, I move that the Bill now be read for a second time.

Mr Speaker, the purpose of this Bill is make amendments to certain legislation to ensure the *Asbestos Related Diseases (Occupational Exposure) Compensation Act* works effectively.

The *Industrial Relations Act 1994*, *Local Government Act 1993*, *Magistrates Court Act 1987*, *Director of Public Prosecutions Act 1973*, and the *Solicitor General Act 1983*, are amended in order to deem particular persons as workers for the purposes of the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

The *Ambulance Service Act 1982* is amended to provide that where services are provided, a fee determined in accordance with the scale of fees provided in the associated regulations, is payable if the person is entitled to recover from the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

In addition, the Director under that Act is deemed to be the employer of certain persons including ambulance officers and State Service employees.

The *Appeal Cost Fund Act 1968* is amended to provide that the Registrar of the Asbestos Compensation Tribunal must, not later than 31 July in each year, give to the Asbestos Compensation Commissioner a statement specifying the number of applications for referral made under that Act to the Tribunal during the previous financial year. The Asbestos Compensation Commissioner must, not later than 31 August in each year give to the Registrar a copy of the statement received by it and pay to the Registrar the prescribed amount.

The *Civil Liability Act 2002* is amended to ensure that Act does not apply to liability for compensation under the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*. The amendments also deem that a volunteer does not include a person who is taken to be a worker for the purposes of the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

The *Civil Process Act 1985* is amended to ensure nothing in that Act applies to procedure or practices in the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

The *Evidence (Audio and Audio Visual Links) Regulations 2008* are amended to include the Asbestos Compensation Tribunal as a Tasmanian Court. This will allow it to take evidence and submissions by way of audio link and audio visual links.

The *Fire Service Act 1979* is amended so if a Brigade Chief causes their brigade to provide assistance in respect of a civil emergency, any member of that brigade is taken to be engaged in fire-fighting operations for the purposes of the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*. The amendments also ensure that the State Fire Commission is deemed to be the employer of all persons appointed or employed under the Fire Service Act.

The *Health Act 1997* is amended to provide that the fee payable for hospital services, provided to a person whose fees and charges are being funded by the Asbestos Compensation Commissioner, is the amount agreed from time to time by the Minister for Health and the Asbestos Compensation Commissioner.

The *Health (Fees) Regulations 2007* are amended to ensure that the definition of “compensable patient” includes a person that has received, or established a right to receive, payment for care and treatment by way of compensation claim under the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

Schedule I of the *Health Complaints Act 1995* is amended so services are not deemed to be health services if they relate to an application made to the Asbestos Compensation Commissioner or the Asbestos Compensation Tribunal.

The definition of “workers’ compensation” under the *Long Service Leave (Casual Wharf Employees) Act 1982* and the *Long Service Leave Act 1976*, is amended to include compensation payable under the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

The *Motor Accidents (Liabilities and Compensation) Act 1973* is amended to exclude the Motor Accidents Insurance Board from liability for an asbestos-related disease which is compensable under the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

The *Retirement Benefits Regulations 2005* is amended to provide that if an invalidity pensioner is in receipt of regular weekly payments under the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*, and the combined payments of the invalidity pension and weekly payments exceed the salary received, or taken by the Board to have been received, in the previous 12 months, the Board may suspend the pension payable or reduce the amount of that pension.

The *Sentencing Act 1997* is amended to provide that an offender discharging a community service order is taken to be a worker for the purposes of the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

The *Workers Rehabilitation and Compensation Act 1988* is amended to remove asbestos related diseases from that Act. The amendments also provide that an employer’s workers’ compensation insurance will cover them in the event of action being taken against them at common law for an asbestos claim.

In addition, amendments have been made that mean a person who is currently receiving compensation under the Workers Rehabilitation and Compensation Act for an asbestos disease will continue to do so. If they then develop a different asbestos related disease, they will be entitled under the *Asbestos Related Diseases (Occupational Exposure) Compensation Act* for that disease.

This consequential amendment Bill is necessary to ensure the smooth introduction of the *Asbestos Related Diseases (Occupational Exposure) Compensation Act*.

I commend this Bill to the House.