

DRAFT SECOND READING SPEECH

HON MADELEINE OGILVIE MP

Asbestos-Related Diseases (Occupational Exposure) Compensation Amendment Bill 2024

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

Madam Speaker, the Asbestos Compensation Scheme was created in 2011 to provide compensation to workers who are suffering with an asbestos-related disease as a result of exposure to asbestos during the course of their work in Tasmania.

I think we are all aware of the devastating consequences of exposure to asbestos and the suffering of those workers who were exposed during their working lives. The Asbestos Compensation Scheme has been successful in providing support and compensation to those workers, at a time that is very challenging for those workers and their families.

Madam Speaker, this Bill makes various amendments to the Act which implement the recommendations made in the Second Five Yearly Review of the Act as well as additional recommendations from the 2017 review. The report arising from the Second Five Yearly Review was tabled in Parliament in October 2022.

Madam Speaker, I will now address each of the proposed changes and outline the background behind them.

Firstly, the Bill amends section 61(1) of the Principal Act to provide that a determination of an Impairment Assessor is no longer to be a determination of the Medical Panel. This rectifies an anomaly in the Act whereby there is currently no mechanism to deal with the situation where the Medical Panel does not agree with an Impairment Assessor, other than referring to another Impairment Assessor.

The Bill also amends the Act to provide that the costs of support services, for both claimants and family members, may now be met by the Asbestos Compensation Scheme, to provide further support to workers and their families who are going

through a difficult period in their lives. Members of the family who have attained the age of 22 years will also be able to claim these costs.

Sections 118 and 119 are amended to provide for the reimbursement of medical costs incurred prior to making a claim that are directly related to a successful claim, in recognition of the significant cost impost on claimants or their families.

A new section, 127A, will enable the Tribunal to make a determination if a member of the family is aggrieved by the distribution of compensation under the default position as provided by Schedule 1 of the Act and enable the Tribunal to determine how the compensation should be apportioned among family members.

The Bill amends section 146 to allow the Asbestos Compensation Commissioner to meet the review costs of a successful claimant where an error of law has been made by the Medical Panel.

Next section 162 is amended to specifically facilitate expenditure from the Asbestos Compensation Fund for the provision of professional training and education; and public information and community education.

Finally, the Bill also introduces changes to section 173 providing that a claimant is not required to repay the Commissioner an amount of compensation which has been incorrectly calculated.

The proposed changes contained in the Bill are prospective. Therefore, they can't be applied to claims that have already been determined or claims determined before the commencement of the amendments but will apply to claims that are determined after the Bill is passed into law.

Madam Speaker, these changes will be beneficial to workers suffering from asbestos-related diseases as a result of exposure to asbestos during the course of their work in Tasmania, and their families. They are valuable changes and implement the recommendations from the Second Five Yearly Review of the Act in full, which demonstrates our Government's commitment to ongoing support of the Asbestos Compensation Scheme. The amendments also include recommendations from the 2017 review.

On behalf of the Tasmanian Government, I thank all of the stakeholders who provided input into the review of the Asbestos Compensation Scheme, in particular the claimants and their families who have been impacted by this terrible disease.

Madam Speaker, I commend the Bill to the House.