



**Asbestos-related Claims (Management of
Commonwealth Liabilities)
(Consequential and Transitional
Provisions) Act 2005**

No. 123, 2005

**An Act to provide for consequential and
transitional matters relating to the enactment of the
*Asbestos-related Claims (Management of
Commonwealth Liabilities) Act 2005* and the repeal
of certain stevedoring legislation, and for related
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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[Assented to 19 October 2005]

The Parliament of Australia enacts:

*Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and
Transitional Provisions) Act 2005 No. 123, 2005 1*

1 Short title

This Act may be cited as the *Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act 2005*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	19 October 2005
2. Section 4	Immediately after the commencement of Part 2 of the <i>Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005</i> .	26 October 2005
3. Sections 5 and 6	The day on which this Act receives the Royal Assent.	19 October 2005
4. Schedule 1	At the same time as Part 2 of the <i>Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005</i> commences.	26 October 2005
5. Schedule 2	Immediately after the commencement of section 4 of this Act.	26 October 2005

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Transfer of liabilities from Stevedoring Industry Finance Committee to Commonwealth

On the commencement of this section:

- (a) a liability of any kind (whether actual, potential or contingent) of the Stevedoring Industry Finance Committee established by section 4 of the *Stevedoring Industry Finance Committee Act 1977* ceases to be a liability of the Committee and becomes a liability of the Commonwealth; and
- (b) the Commonwealth becomes the successor in law in relation to the liability.

5 Compensation for acquisition of property

- (1) If the operation of this Act would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) The Consolidated Revenue Fund is appropriated for the purposes of this section.
- (4) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

6 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the enactment of the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*; or
 - (b) the enactment of this Act; or
 - (c) the amendments or repeals made by this Act.

Schedule 1—Amendment of the Safety, Rehabilitation and Compensation Act 1988

Safety, Rehabilitation and Compensation Act 1988

1 At the end of section 69

Add:

Note: Functions have also been conferred on Comcare by other Acts, such as the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005* and the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

2 Subsection 73A(1)

After “other Act”, insert “(except the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*)”.

3 At the end of section 73B

Add:

Note: In certain circumstances Comcare requires the consent of the Minister before delegating the function conferred on it by section 12 of the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005* or a power to do anything in connection with the performance of that function: see section 14 of that Act.

4 Subsection 91(1)

After “section 90D”, insert “of this Act or section 8 of the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*”.

5 Paragraph 91(3)(a)

Omit “and under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*”, substitute “, the *Occupational Health and Safety (Commonwealth Employment) Act 1991* or the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*”.

Schedule 2—Repeal of certain stevedoring legislation

1 Repeal of Acts

The Acts specified in this Schedule are repealed.

Stevedoring Industry Finance Committee Act 1977

Stevedoring Industry Levy Act 1977

Stevedoring Industry Levy Collection Act 1977

[Minister's second reading speech made in—
House of Representatives on 25 May 2005
Senate on 14 June 2005]

(78/05)
