

WESTERN AUSTRALIA

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**WATERFRONT WORKERS  
(COMPENSATION FOR ASBESTOS  
RELATED DISEASES) AMENDMENT  
ACT 1991**

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**No. 55 of 1991**

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**AN ACT to amend the *Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986*.**

*[Assented to 17 December 1991]*

The Parliament of Western Australia enacts as follows:

**Short title**

1. This Act may be cited as the *Waterfront Workers (Compensation for Asbestos Related Diseases) Amendment Act 1991*.

**Principal Act**

2. In this Act the *Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986\** is referred to as the principal Act.

[\*Act No. 84 of 1986 as amended by Acts Nos. 86 of 1986 and 22 of 1987.]

**Section 3 amended**

3. Section 3 of the principal Act is amended by deleting the definition of "SGIC" and substituting the following definition—

" "SGIC" means the State Government Insurance Commission established by the State Government Insurance Commission Act 1986; "

**Section 11 substituted**

4. Section 11 of the principal Act is repealed and the following section is substituted—

**Recovery from shipowners or insurers**

" 11. (1) In this section—

"asbestos-carrying vessel" means a vessel from which asbestos was unloaded, or onto which asbestos was loaded, in a harbour or port area within the State at any time after 1 January 1943 but before 30 June 1969;

"critical time", in relation to an asbestos-carrying vessel, means a time after 1 January 1943 but before 30 June 1969 when asbestos was unloaded from, or loaded onto, the vessel in a harbour or port area within the State.

(2) Where the Commission has, whether before or after the commencement of this Act, paid moneys out of the Fund under section 8, it may recover those moneys in accordance with this section, except to the extent, if any, that they have been recovered under section 9, and pay the amount recovered to the Fund.

(3) The Commission may give notice in writing to—

(a) a person who was, at any critical time, the owner of an asbestos-carrying vessel;

- (b) an insurer by which a person referred to in paragraph (a) was, at any critical time, insured against liability for claims arising under the laws of the State relating to workers compensation in connection with the loading or unloading of the asbestos-carrying vessel,

advising the person or insurer that, as a result of having been the owner or insurer of such a vessel at such a time, the person or insurer will be required to contribute towards reimbursing the Commission for payments made under section 8 and that, in order to facilitate the spreading of the liability to reimburse amongst all such persons or insurers, particulars relating to any other asbestos-carrying vessel should be provided to the Commission within a period of 1 month after the notice is given.

(4) At least one month after the Commission has given to a person or insurer notice under subsection (3), the Commission may require the person or insurer to pay to the Commission, within a time specified in the requirement, an amount specified in the requirement.

(5) An amount required under subsection (4) to be paid by a particular person or insurer is to bear to the total amount of the moneys recoverable under this section the same proportion as the number of asbestos-carrying vessels owned or insured by that person or insurer, as the case may be, bears to the total number of asbestos-carrying vessels known to the Commission.

(6) In respect of a particular asbestos-carrying vessel, the Commission may recover under this section from either the owner or the insurer, or both of them, but where the Commission recovers from both of them the total amount recovered is not to exceed the amount that is recoverable under this section from either of them in respect of that vessel.

(7) Where the Commission has, under section 9, recovered moneys from a person or insurer referred to in subsection

(3), a credit for the moneys so recovered is to be given against an amount required to be paid under this section.

(8) An amount required under this section to be paid by a person or insurer is recoverable by the Commission from the person or insurer, as the case may be, as a debt due.

(9) Where, after the Commission has required payment under this section—

- (a) the Commission comes to know of any asbestos-carrying vessel that was not taken into account in calculating the amount required to be paid; or
- (b) by reason of the payment of further moneys under section 8 or the recovery of further moneys under section 9, the total amount of moneys paid under section 8 but not recovered under section 9 increases or decreases,

the Commission is to recalculate the amount that would be required to be paid under this section by each person or insurer if no payment under this section had already been made, and accordingly require such payment, or give such refund, as the case requires. ”.

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