

## **Terms of Reference**

Section 187 of the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* (the Act) requires that an independent review of the operation of this Act be undertaken every fifth year from the commencement of this Act. The Act commenced on 31 October 2011.

### **SCOPE**

The review will assess the performance of the Act and associated regulations against the objectives defined in section 3 of the Act, being to:

- (a) ensure the provision of fair and appropriate compensation, and the payment of certain expenses, in relation to the contraction by persons of asbestos-related diseases in the course of employment as workers in connection with this State;
- (b) provide for the prompt and effective resolution of applications under this Act for compensation or for the payment of certain expenses;
- (c) provide an effective and economical mechanism for resolving disputes relating to applications under this Act for compensation or for the payment of certain expenses; and
- (d) make provision in relation to certain judgments and agreements relating to the contraction by persons of asbestos-related diseases in the course of employment as workers.

In addition to, and without limiting the above, it is anticipated that the reviewer will also investigate and report on:

- the ongoing viability and sustainability of the scheme; and
- the performance of the scheme in terms of entitlements, premiums and coverage; including the issue of 'secondary exposure' and whether the scheme should be extended for this issue. Actuarial advice can be obtained from the Scheme's actuary to assist with this requirement; and
- the ongoing relevance and or currency of the recommendations from the first five-yearly review.

The scope of the review does not include extending the objectives of the Act to cover diseases that are not asbestos-related.

### **TIMING**

The review is to commence in October 2021. A copy of the report of the review is to be laid before each House of Parliament within 12 months after every fifth year henceforth of the commencement of this Act (critical date: 31 October 2022).