



Australian Government
Comcare

Australian Government
Asbestos Litigation Unit

**CENTRALISED MANAGEMENT OF COMMON LAW PERSONAL INJURY
ASBESTOS CLAIMS AGAINST THE COMMONWEALTH AND
COMMONWEALTH AUTHORITIES**

The *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005* transfers the common law personal injury asbestos liabilities of the Commonwealth and, with certain exceptions, Commonwealth authorities to Comcare and gives Comcare exclusive authority to manage (that is to respond to and defend or settle and to pursue contributions or recoveries from other tortfeasors) claims in respect of the transferred liabilities.

For that purpose a Commonwealth authority is a body corporate established by a law of the Commonwealth or of a Territory (not being the Australian Capital Territory, Norfolk Island or Northern Territory) or a company in which the Commonwealth (directly or through a statutory body corporate) has a controlling interest. The exceptions are the Australian Postal Corporation and Telstra Corporation Ltd and their respective subsidiaries. Claims for workers compensation benefits under the *Veterans' Entitlements Act 1986*, *Safety, Rehabilitation and Compensation Act 1988* and *Military Compensation and Military Rehabilitation and Compensation Act 2004* are also excluded.

A claim can be served by delivery of the claim to a Comcare office, but it will remain necessary for the claim to identify the particular Commonwealth agency or controlled company that is alleged to have negligently caused or contributed to the asbestos-related condition or disease that the claim relates to. Claims against the Department of Defence or against the Australian Postal Corporation, Telstra Corporation Ltd or their subsidiaries will continue to be managed by those bodies and should not be referred to Comcare. There are no changes to the lodgement of claims for statutory workers' compensation benefits.

Comcare has established the Australian Government Asbestos Litigation Unit to carry out this new function. The Unit will be responsible for responding to claims and pursuing contributions and cross claims and instructing lawyers to assist it to do so. The unit comprises a legally qualified director, several legally qualified litigation managers and several administrative support staff and will utilise a range of external lawyers and research consultants.

Comcare is establishing a special page on its website www.comcare.gov.au with links to the relevant legislation and other information for claimants and their lawyers.

Ken Whitcombe
Director
Australian Government Asbestos Litigation Unit
Phone: 02 6275 0099
Mobile: 0434 071 758
Email: ken.whitcombe@comcare.gov.au

18 October 2005

**GPO Box 9905
Canberra ACT 2601**

**agalu@comcare.gov.au
Fax (02) 6274 8521
Phone (02) 6275 0661**