

FORM OF PLEADING AGAINST COMCARE –

CLAIMS AGAINST THE FORMER STEVEDORING INDUSTRY FINANCE COMMITTEE.

AMENDED STATEMENT OF CLAIM

1. The Defendant is a statutory corporation constituted under section 74 of the *Safety, Rehabilitation and Compensation Act 1988 (Cth)*.
2. The Stevedoring Industry Finance Committee (SIFC) was a statutory corporation constituted under section 4 of the *Stevedoring Industry Finance Committee Act 1977 (Cth)*.
3. SIFC was liable to discharge the liabilities and obligations of the Australian Stevedoring Industry Authority (ASIA) and its predecessor the Australian Stevedoring Industry Board (ASIB) pursuant to section 14 of the *Stevedoring Industry Acts (Termination) Act 1977 (Cth)*.
4. The liability of SIFC (and therefore of ASIA and the ASIB) for an asbestos-related claim is a liability of the defendant pursuant to section 5 of the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*, which provides for the transfer of the common law asbestos liabilities of the Commonwealth and of Commonwealth authorities (including SIFC) effective from 26 October 2005 or the later making of the claim.

OR WHERE CLAIM FIRST MADE AFTER 26 OCTOBER 2005 1-3 above + 4 and 5 below

4. The liabilities of SIFC (and therefore of ASIA and ASIB) have been transferred to the Commonwealth pursuant to section 4 of the *Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act 2005* on and with effect from 26 October 2005.
5. The liability of the Commonwealth (and therefore of SIFC, ASIA and ASIB) for an asbestos-related claim is a liability of the defendant pursuant to section 5 of the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*, which provides for the transfer of the common law asbestos liabilities of the Commonwealth and of Commonwealth authorities (including SIFC, ASIA and ASIB) effective from 26 October 2005 or the later making of the claim.