



Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

5 December 2012

Dear Madam/Sir

**Consultation on the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill**

As part of its Stage 1 consideration, the Health and Social Care Committee is calling for evidence on the general principles of the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill. To assist with its consideration, the Committee would welcome your views on this subject.

**What is a Bill?**

A Bill is a draft law. Once a Bill has been considered and passed by the Assembly and given Royal Assent by the Queen, it becomes an 'Act of the Assembly'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

**What does this Bill seek to achieve?**

The Explanatory Memorandum that accompanies the Bill states:

“The purpose of the Bill is to enable the Welsh Ministers to recover from a compensator (being a person by or on behalf of whom a compensation payment is made to or in respect of a victim of asbestos-related disease), certain costs incurred by the NHS in Wales in providing care and treatment to the victim of the asbestos-related disease.”

## **What is the committee's role?**

The role of the committee is to consider and report on the general principles of the Bill. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the need for a Bill to enable the Welsh Government, on behalf of the NHS in Wales, to recover the costs of medical treatment and care provided to patients in Wales who have sustained asbestos-related disease (Mesothelioma, Pleural Plaques, Pleural thickening, lung cancer and other associated diseases) and have achieved a civil settlement or judgment in or out of court from an employer or other body;
- ii) whether the Bill achieves its stated purposes;
- iii) the key provisions set out in the Bill and whether they are appropriate to deliver its stated purposes;
- iv) the financial implications arising from the Bill;
- v) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- vi) whether there are any unintended consequences arising from the Bill;
- vii) the views of stakeholders who will have to work with the new arrangements;
- viii) whether the Bill contains a reasonable balance between the powers on the face of the Bill and the powers conferred by Regulations; and
- ix) the views of stakeholders on the way in which the Bill falls within the legislative competence of the National Assembly for Wales.

## **Invitation to contribute to the inquiry**

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, we would welcome your views on the questions listed in Annexe 1.

If you wish to submit evidence, please send an electronic copy of your submission to <mailto:HSCCommittee@wales.gov.uk> and entitle the e-mail "Consultation – Recovery of Medical Costs for Asbestos Diseases (Wales) Bill."

Alternatively, you can write to:

Olga Lewis, Deputy Clerk  
Legislation Office

National Assembly for Wales  
Cardiff Bay, CF99 1NA.

Submissions should arrive by 10 January 2013. It may not be possible to take into account responses received after this date.

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings. If you do not want your response or name published, it is important that you clearly specify this in your submission;
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation and hold oral evidence sessions during the spring term.

For your information, the Committee has invited submissions from those on the attached distribution list (see Annexe 3). The Committee would be grateful if you could forward a copy of the letter to any individuals or organisations that are not included on this list, but might like to contribute to the inquiry. A copy of this letter has been placed on the National Assembly's website with an open invitation to submit views.

### **Disclosure of Information**

It is normal practice for the National Assembly to publish evidence provided to a Committee. Consequently your response may appear in a report or in supplementary evidence to a report. The National Assembly will not publish information that it considers to be personal data.

In the event of a request for information submitted under UK legislation, it may be necessary to disclose the information that you provide. This may include information which has previously been removed by the National Assembly for publication purposes.

If you are providing any information, other than personal data, which you feel is not suitable for public disclosure, it is up to you to stipulate which parts should not be published and to provide a reasoned argument to support this. The National Assembly will take this into account when publishing information or responding to requests for information.

If you have any queries, please contact Steve George, Committee Clerk on 029 2089 8242 or Olga Lewis, Deputy Clerk on 029 2089 8154.

Yours faithfully



Mark Drakeford.

**Mark Drakeford AM**  
Chair

## Consultation Questions

### General

1. Is there a need for a Bill to allow recovery of costs of NHS treatment for asbestos-related diseases in Wales? Please explain your answer.
2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.
3. Are the sections of the Bill appropriate in terms of introducing a regime to allow the recovery of costs of NHS treatment for asbestos-related diseases in Wales? If not, what changes need to be made to the Bill?
4. How will the Bill change what organisations do currently and what impact will such changes have, if any?
5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?
6. Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales.

### Powers to make subordinate legislation

7. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

### Financial Implications

8. What are your views on the financial implications of the Bill?

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

### Other comments

9. Are there any other comments you wish to make about specific sections of the Bill?

## List of consultees

### Local Authorities

Blaenau Gwent County Borough Council  
Bridgend County Borough Council  
Caerphilly County Borough Council  
Cardiff Council  
Carmarthanshire County Council  
Ceredigion County Borough Council  
City and County of Swansea  
Conwy County Borough Council  
Cyngor Sir Ynys Mon  
Denbighshire County Council  
Flintshire County Council  
Gwynedd County Council  
Merthyr Tydfil County Borough Council  
Monmouthshire County Council  
Neath Port Talbot County Borough Council  
Newport City Council  
Pembrokeshire County Council  
Powys County Borough Council  
Rhondda Cynon Taff County Borough Council  
Torfaen County Borough Council  
Vale of Glamorgan Council  
Wrexham County Borough Council  
Society of Local Authority Chief Executives

### Voluntary Sector

Age Alliance Wales  
Age Cymru  
ARC Cymru  
Better Government for Older People  
Diverse Cymru  
Contact the Elderly  
Cruse Bereavement Care Cymru  
The Civic Trust for Wales  
Disability Wales  
Independent Living Advocacy and Support Group Gwynedd (ILASGG)  
National Old Age Pensioners Association In Wales  
National Federation of women's institutes  
Patients Association  
Pensioners Forum Wales  
Rethink  
Wales Pensioners  
Women's Royal Voluntary Service Cymru

### Advisory Groups

Care and social Services Inspectorate Wales (CSSIW)  
Care Council for Wales  
Cancer Research UK  
Citizens Advice Cymru  
Civil Service Pensioners Alliance  
Coalition on Charging Cymru  
Consumer Focus Wales  
Diverse Cymru  
Equality and Human Rights Commission  
National Voices  
One Voice Wales  
Opan Ageing Research Wales  
RNIB Cymru  
Action on Hearing Loss Cymru  
UNISON Cymru  
Wales Council for the Blind  
Wales Council for the Deaf

### **Representative Organisations**

Asbestos Awareness Cymru  
Asbestos Victim Support Groups Forum  
Aslef  
Association of British Insurers  
Association of Personal Injury Lawyers Wales  
Association of Directors of Public Health  
BMA Wales  
British Lung Foundation Wales  
Cardiff Business Club  
Clydeside Action on Asbestos  
Confederation of British Industry  
Confederation of British Industry Wales  
Confederation of Community Health Councils  
FBU (Fire Brigade Union)  
Faculty of Public Health  
Forum of Insurance Lawyers  
GMB (General Municipal and Boiler Makers Union)  
Institute of Directors Wales  
Law Society Wales  
Macmillan Wales  
Mari Curie  
Mesothelioma UK  
NASUWT Cymru  
NUT Cymru  
PCS Wales  
Public Health Wales  
RMT (National Union of Rail, Maritime and Transport)  
Tenovus  
UCATT Union Office  
Unite Cymru, Regional Secretary, Andy Richards  
Wales TUC  
Welsh NHS Confederation



## **Government/Local Government**

The Auditor General for Wales  
Better Government for Older People  
Older People's Commissioner for Wales  
The Children's Commissioner for Wales  
The Civic Trust for Wales  
One Voice Wales  
Public Service Ombudsman Wales  
Wales Council for Voluntary Action  
Welsh Local Government Association (WLGA)

## **Health/Public Health**

Community Practitioners & Health Visitors Association  
British Medical Association  
Board of Community Health Councils in Wales  
Chief Executives of NHS Trusts in Wales  
General Medical Council Wales  
General Practitioners' Committee Wales  
Community Health Councils in Wales  
Community Pharmacy Wales  
Health Commission Wales  
Healthcare Inspectorate Wales  
Local Medical Committee  
Royal College of General Practitioners  
Royal College of Nursing Wales  
Royal College of Physicians  
Royal College of Surgeons  
Royal Pharmaceutical Society of Great Britain  
The Welsh NHS Confederation  
Welsh National Board for Nursing, Midwifery and Health Visiting

## **Health Boards and NHS Trusts in Wales**

Abertawe Bro Morgannwg University Health Board  
Aneurin Bevan Health Board  
Betsi Cadwaladr University Health Board  
Cardiff and Vale University Health Board  
Hywel Dda Health Board  
Cwm Taf Health Board  
Powys Local Health Board  
Public Health Wales  
Velindre NHS Trust  
Welsh Ambulance Service NHS Trust

## **Fire Services**

Mid and West Wales Fire and Rescue Service  
North Wales Fire and Rescue Service  
South Wales Fire and Rescue Service