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Potential shortfall in James Hardie asbestos funding

The law firm which represented asbestos victims and unions in negotiating the 2004 James Hardie Agreement says today's announcement of a potential funding shortfall to the Asbestos Injures Compensation Fund by James Hardie does not spell the end of compensation for victims of asbestos disease.

Mr Fowlie, Executive Director of national law firm Slater & Gordon, acted for Bernie Banton and the ACTU in the negotiations leading to the Agreement in 2004.

"The asbestos compensation funding agreement struck between James Hardie and victims in 2004 was designed to last 40 years," Mr Fowlie said.

"It was designed to take into account the ups and downs of the economy and James Hardie's economic performance while at the same time continuing to provide compensations for victims.

"We are disappointed with today's announcement because it will create further concern for sufferers of asbestos disease and people who have been exposed to asbestos.

"It is important to understand that under the agreement there are provisions to deal with these sort of situations including applying to the Supreme Court of NSW to have it authorise a scheme where payments are made over time.

"Our concern is for asbestos victims. Importantly, the Fund has indicated that there is enough money to meet current claims.

"We believe it is in the interests of asbestos victims that James Hardie operate as a profitable business so it can continue to make payments to the Compensation Fund.

"It is also important to remember that many asbestos victims have claims against other companies or governments and will not be affected at all by today's announcement," Mr Fowlie said.

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