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HANDYMEN SET NEW ASBESTOS BENCHMARK

Two Perth men have made Australian legal history with a hard-fought victory over asbestos giant James Hardie after low-level asbestos exposure in their homes.

Former gardener David Hannell, 64, was awarded \$537,000 and 79-year-old jazz musician Dennis Moss \$225,000 in the Supreme Court of WA yesterday. Both suffer the terminal cancer mesothelioma.

Slater & Gordon lawyer Tim Hammond says the court's findings should dispel any doubt in the community as to the danger of even the smallest traces of asbestos.

"This is the urban nightmare of asbestos in the home: that brief, one-off exposure to improperly-handled asbestos products can have fatal consequences for handymen and bystanders," Mr Hammond said.

"The incidents that have tragically affected them should never have happened, nor should they have been forced to go to trial to get compensated for a deadly disease which came uninvited and without warning.

"If Hardies want to be seen as good corporate citizens they need to put their money where their mouth is, because these two cases are only the tip of the iceberg."

In an unusual move, the cases were run jointly in the Supreme Court of WA because of their significance.

Justice Le Miere said James Hardie took inadequate steps to warn consumers of the risks of asbestos products or how to use them safely.

"All that the defendant did to bring the risk of using the asbestos cement products and preventive steps to minimise the risk to the attention of the public was to place inadequate labels on its products, distribute some literature in hardware stores and conduct a "road show" for store retailers," he said.

The court heard that Dennis Moss was exposed to asbestos on four occasions since June 1989 – when a handyman worked on his property, when his neighbour used a power saw to trim a corrugated asbestos fence, and twice when he broke up asbestos cement sheeting at his home.

David Hannell was exposed to asbestos in 1982 when he moved a Hardiplank fence at his Hamersley home. A few years later he sanded eaves in preparation for painting. Later he prepared and painted corrugated asbestos fences on his property.

Both men have been diagnosed with mesothelioma, a terminal cancer caused only by exposure to asbestos.

- For Slater & Gordon, these cases are the latest in a long list of asbestos "firsts" that began with the first successful Wittenoom cases in the late 1980s. For lawyer Tim Hammond it's his last Perth victory – for now. In 2007 he moves to head the Brisbane office of Slater & Gordon.