



Hon Greg Smith SC MP

Attorney General
Minister for Justice

MEDIA RELEASE

8 March 2012

NSW GOVERNMENT BACKS CERTAINTY FOR ASBESTOS VICTIMS

The NSW Government is committed to maintaining the agreement between James Hardie and the NSW Government, which has created certainty for asbestos victims and their families.

The Government will not put into jeopardy the entitlements of asbestos sufferers by acting prematurely.

The following passages from the NSW Law Reform Commission's report on compensation to relatives in dust diseases cases underline why this approach is the correct one.

As a general proposition, it is undesirable that any government take action that would involve it in a breach of an agreement to which it is a party, unless there is a good cause for doing so. Clearly this is an issue on which it would need to take legal advice and engage in negotiations with James Hardie (Para 2.111).

The considerations of cost and commercial certainty identified earlier are important, but ultimately their weight depends on whether abolition of the Strikwerda principle would generate any significant increase in filings or in the costs of claims. Our general impression is that it would not do so, although this could only be confirmed by actuarial prediction, that we are not in a position to make...[It] is acknowledged that before taking legislative action, it would be prudent for the Government to procure an independent actuarial assessment (Para 2.115-2.117).