

Friday, 17 December 2010

## Overturing of penalties against ex-James Hardie directors is an insult to victims and their families

Today's decision by the New South Wales Supreme Court to overturn bans against former directors of James Hardie is a slap in the face of the families of asbestos victims, say unions.

ACTU Secretary Jeff Lawrence said it was an insult to the memories of the thousands of Australians killed by asbestos-related diseases that the seven former directors are now free to go back into business.

The decision by a three-person panel decision means that bans and fines imposed on former chairwoman Meredith Hellicar and directors Michael Brown, Michael Gillfillan, Martin Koffel, Dan O'Brien, Greg Terry and Peter Willcox have been overturned.

Justice Gzell of the NSW Supreme Court last year fined each of the directors \$30,000 and disqualified them from acting as company directors for five years after finding that they approved misleading and deceptive statements about the company's ability to meet its asbestos compensation liabilities.

"It's a black day for justice when the people at the helm of a company which was responsible for one of Australia's worst corporate crimes get off scot free," Mr Lawrence said.

"Australia has the highest death rate from mesothelioma in the world, and the death toll continues to rise.

"The original financial penalties were not enough for the outrageous breaches of trust that the court at first instance found were committed by these directors.

"But the appeal body's decision to overturn the fines and the bans sends the wrong message to corporate Australia and is a slap in the face of the families of the victims of James Hardie's deadly asbestos products.

"It shows that Australia's system of corporate regulation is clearly not tough enough.

"We urge the NSW Attorney-General to explore all options to secure justice for James Hardie's victims.

Mr Lawrence said the court decision was the latest setback for James Hardie's victims and their families following the company's recent announcement that its Asbestos Injuries Compensation Fund would run out of money within 12 months.

This has forced the Federal and NSW governments to come up with a \$160 million bail-out package to cover the compensation shortfall.

"James Hardie has a moral and legal obligation to compensate asbestos victims," Mr Lawrence said. "Unions are determined to hold James Hardie to account and ensure that James Hardie fulfils its responsibilities towards people who have contracted diseases from its asbestos products."

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