



MEDIA RELEASE

Hon. John Hatzistergos MLC
Attorney General
Minister for Industrial Relations

Thursday April 23, 2009

GOVERNMENT TO WORK WITH VICTIMS AND HARDIE

NSW Attorney General today said the Government would work closely with asbestos victims and James Hardie to do everything possible to ensure compensation payments continued to be paid.

"We are deeply concerned for victims and our first priority has and always will be to seek justice for them," Mr Hatzistergos said.

"It is important that the company meets its legal and moral obligations."

"The NSW Government will work closely with asbestos victims and James Hardie to examine all options to ensure the rights of current and future claimants are protected," he said.

The Government recognises it is important that James Hardie remains solvent in order for claims to be paid to victims.

In November 2006, the NSW Government legislated for a Funding Agreement to be entered into between James Hardie and the Asbestos Injuries Compensation Fund Limited. The Agreement required the company to provide funding for personal injury claimants who have been injured by exposure to James Hardie asbestos in Australia. The Agreement is worth more than \$1.5 billion in today's dollars.

The Agreement was drafted to last 40 years and can be extended automatically beyond this period if required. The amount of funding to be paid each year is calculated based on updated actuarial reports and James Hardie's cash flow. There is no cap on payments to individual claimants.

Under the *James Hardie Former Subsidiaries (Winding up and Administration) Act 2006*, the Fund may apply to the Supreme Court for an order approving payment by instalments or the deferral of payments under an "approved payment scheme".