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*Mobile phones incur charges.

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We hope you will find this booklet useful

This brochure provides helpful information about asbestos disease to help you understand the nature of the condition and how you and your family can claim compensation.

It is very important that you seek legal advice quickly after diagnosis of any asbestos related condition before you make a compensation claim. This brochure also tells you how you can register your exposure to asbestos even if you have not developed an asbestos related condition.

In recent years we have increased the number of Queensland offices where specialist asbestos diseases compensation advice is available. Our lawyers are now able to meet with you in our offices at Brisbane, Cairns, Ipswich, Logan and the Sunshine Coast. We also have offices in New South Wales, South Australia and Western Australia.

As always, if you are too ill to travel to one of our offices, we will visit you at home or in hospital.

We maintain links with law firms in England, Scotland, Northern Ireland, Wales, New Zealand, Canada and the United States. If you were exposed to dust in these places and are now living in Australia, we can help you to make a claim.

It is important that you know we continue to operate on a “no win, no fee” basis and that unless we gain compensation for you, we will not charge for our work.

I hope you find our brochure helpful and interesting.

Please always remember this brochure is a guide and you should contact one of our offices for specific advice about your circumstances.

Thady Blundell
Managing Partner
Turner Freeman Brisbane
What is asbestos?

Asbestos and its various types
Asbestos is a commercial term. It does not describe a single mineral but a group of approximately 30 different fibrous minerals which differ chemically and structurally. Chrysotile (white asbestos), Crocidolite (blue asbestos) and Amosite (brown asbestos) were mined or used commercially in Australia. Crocidolite and Amosite are much more associated with mesothelioma than Chrysotile. This is thought to be due to the needle like shape and small diameter of the fibres which it is believed results in their tending to penetrate deeper into the lung and therefore remaining longer than Chrysotile, which is more likely to dissolve in tissue fluid or be expelled from the lung. Asbestos has been described in the past as the magic mineral. It is highly resistant to heat and acid, is an effective insulator against both electricity and sound and has high tensile strength and as such, has countless uses. It has been processed with cement to make ‘fibro’ wall and floor sheeting, mixed with water and applied damp as insulation to boilers and pipes and used in friction materials such as brake pads. These were the main uses in Australia although it has countless others.

Asbestos products
The following are some of the typical products that may contain asbestos:

- Asbestos cement building products such as flat and corrugated sheets and asbestos cement pipes – these products were extensively used in Queensland into the 1980s and of course are present in many homes today.
- Asbestos insulation products frequently used in power stations and steam driven vessels – asbestos insulation products began to be phased out and replaced with substitutes from about the late 1970s, however, they were extensively used in Queensland industrial installations prior to that.
- Friction materials such as brake and clutch linings – these products almost universally contained white asbestos.
- Electrical switchboard backing sheets.
- Floor tiles.
- Asbestos reinforced plastics.
- Battery boxes.
- Asbestos millboard – used for insulating purposes including in air-conditioning systems.
- Woven asbestos products such as rope, cloth, tapes, gloves and many other items.
- Fire doors.

The list of products which contained asbestos however is virtually endless and extreme care should be taken when working with or around any product that could potentially contain asbestos. If there is any uncertainty about whether a product contains asbestos it should be assumed that it does.

Much of the asbestos commercially used in Queensland was imported from South Africa or Canada although large quantities of asbestos were also mined in Australia at Wittenoom in Western Australia (where blue asbestos was mined) and in northern New South Wales in mines at Baryulgil and Barraba where white asbestos was mined.

Top: Insulation pipe sections manufactured at Hardie BI Factory. Bottom: worker using the number one machine at the Hardie BI factory to manufacture insulation products.
Pleural plaques
Pleural plaques are the most common manifestation of past asbestos exposure. They are basically patches of thickened tissue on the surface of the lung. Pleural plaques can cause symptoms including shortness of breath and pain in some cases.

Asbestos related pleural disease
Asbestos related pleural disease is a process that usually begins with an inflammation of the pleura that leads to fluid collected in the space between the lung and the chest wall. This is also commonly referred to as a benign asbestos related pleural effusion.

The disease normally manifests sooner after asbestos exposure than mesothelioma and is quite different from mesothelioma. Symptoms include shortness of breath and discomfort. When the pleural fluid eventually goes away, the pleura on the lung may become thickened which can compress the lung.

Asbestosis
Asbestosis is a scarring of the lung tissue. It stiffens the lungs and makes them less able to transfer oxygen. The immediate effect is breathlessness usually with exertion, but later, even minimal amounts of activity can cause breathlessness. Unfortunately the disease tends to progress.

Asbestos induced lung cancer
This is recognised as being one of the most common diseases resulting from asbestos exposure. Asbestos induced lung cancer is unfortunately often fatal. It is not necessary for a worker to have asbestosis in order to attribute lung cancer to asbestos exposure. The attribution can be made if there has been sufficient exposure to asbestos dust, even if the person was also a smoker.

Mesothelioma
Mesothelioma is a malignant tumour that generally develops in the pleura around the lungs. The pleura is a very thin layer of tissue that wraps itself around the lung and lines the inside of the chest wall. Symptoms include a rapid and substantial build up of fluid, pain and breathlessness. Mesothelioma can also develop in the lining of the abdomen.

Asbestos induced cancer of other organs
Medical and scientific evidence in the area of asbestos induced carcinoma of organs other than the lungs is still in a state of evolution. In Queensland Turner Freeman has been successful in obtaining compensation for conditions such as kidney (renal cell), laryngeal and oesophageal cancer, where there is a history of asbestos exposure.

Asbestos and cardiovascular disease
It has long been known that significant asbestos disease can impact on cardiac function. If significant asbestos disease is present such as asbestosis and a person’s breathing capacity is substantially reduced then this can put pressure on the heart making the heart work harder to pump oxygen through the bloodstream.

A recent study though, published in the British Medical Journal, suggests that asbestos fibres in the body work on a much more basic level to cause inflammation and increase the risk of mortality from cardiac disease. The title of the study is “Cardiovascular disease mortality among British asbestos workers (1971–2005)”.

This study was just published on 2 April, 2012. It does have implications for treatment of asbestos disease and how it is viewed in terms of symptoms and also for compensation for asbestos exposure.

It has long been thought that as asbestos is an inflammatory agent it may cause other symptoms and disease in the body, not just the diseases that are commonly understood to be asbestos related, being largely diseases of the lung.

Many people with asbestos disease complain of fatigue and pain. Many of those with significant asbestos disease also have cardiac problems.

This recent study followed 98,912 asbestos workers and analysed all deaths amongst these workers between 1971 and 2005. The study is therefore an extremely large one and reviewed data over a long period of time – 34 years.

The study notes that inflammation is an essential process in the development of cardiovascular disease. Asbestos is also an inflammatory agent.

The study found an excess risk of cardiovascular disease death amongst the asbestos workers when an adjustment was made for smoking. The study found a significantly higher risk of cardiac disease death amongst asbestos workers as compared to the general population. The study concludes that its findings provide “some evidence” of an association between occupational exposure to asbestos and cardiovascular disease mortality in asbestos workers.

The study is therefore a starting point on this issue and hopefully will lead to further studies and research being conducted – not only in respect of cardiovascular disease but also in respect of other inflammatory disease. It may provide support that asbestos is a cause or contributor to a multitude of diseases beyond those commonly associated with asbestos exposure such as asbestosis, lung cancer, mesothelioma and other diseases of the lungs.
Compensation in Queensland

Turner Freeman has the largest and most experienced dust diseases practice in Australia. For 30 years Turner Freeman has represented thousands of victims of dust disease in Queensland, other States and overseas.

Generally speaking, compensation entitlements can be obtained in a stress free way. Compensation entitlements depend upon the nature of the asbestos disease, where the exposure occurred (the State or country) and whether the exposure to asbestos occurred during employment, self-employment or in a domestic situation such as home renovations or washing asbestos laden clothes. Other States of Australia and overseas jurisdictions have different compensation schemes. Strict time limits often apply so it is important to seek advice promptly. In Queensland there are generally two avenues of compensation.

Claims for workers’ compensation through WorkCover Queensland

Those who have been employed in Queensland and have had exposure to asbestos during that employment will often have compensation entitlements through WorkCover Queensland. These claims are initiated in the same manner as other workers’ compensation claims injuries that occur in the workplace. Generally, lump sum compensation will be available where there is benign asbestos disease that is causing a reduction in breathing capacity or the diagnosis is of a malignant condition such as mesothelioma or lung cancer.

Lump sum payments will depend on the extent of the reduction in breathing capacity for benign asbestos disease. Sufferers of mesothelioma and lung cancer receive a statutory lump sum payment which can vary according to age.

Sufferers of symptom free asbestos disease can still lodge an application with WorkCover Queensland. Queensland workers who have been exposed to asbestos can have the medical expenses associated with the ongoing monitoring of their condition paid by WorkCover Queensland. Turner Freeman acts for thousands of clients throughout Queensland suffering from symptom free asbestos disease whose asbestos diseases are being monitored on a regular basis.

Turner Freeman has acted for hundreds of Queensland workers suffering from asbestos disease in claims for compensation with WorkCover Queensland. These claims can involve complex historical and medical issues. Time limits also apply. Generally a claim with WorkCover Queensland needs to be lodged within six months of diagnosis of asbestos disease although there are circumstances where WorkCover Queensland will grant an extension of this time limit. Family members who were dependant upon a worker who has died from asbestos disease can also claim workers compensation.

Claims for damages through the Queensland Courts

Sufferers of asbestos disease who have had exposure to asbestos in Queensland can bring a claim for damages through the Queensland Courts. Such claims are generally commenced against employers and/or the manufacturers of the asbestos products that were used. Manufacturers such as James Hardie & Coy Pty Limited and Wunderlich Limited are common defendants in these types of claims. In circumstances where a person is suffering from an asbestos disease as a result of exposure to asbestos during self-employment or in a domestic situation, a Court claim for damages is generally the only option to seek lump sum compensation in Queensland.

Most claims for damages through the Queensland Courts for asbestos disease settle out of Court well before a trial. It is very rare in Queensland for matters to proceed to a Court hearing. The amount of damages recovered will depend upon the severity of the asbestos disease, age and other medical conditions that may also be causing an interference with a person’s daily activities.

In 2010 the Queensland government abolished the limitation period for the making of a claim for damages through the Court systems where exposure to asbestos has occurred in Queensland. Family members who were dependant upon someone who has died from asbestos disease may also have an entitlement to damages through the Courts.

Registering your exposure to asbestos in Queensland

If you have been exposed to asbestos during employment in Queensland but have not developed any asbestos disease you can still register your exposure with WorkCover Queensland. This is a simple process and ensures that WorkCover have a record of your exposure to asbestos in employment in the unlikely event that you develop an asbestos related condition in the future. If you have been exposed to asbestos in the workplace in Queensland and would like to register your exposure, please contact any of our Queensland offices.

This brochure does not constitute legal advice. Please contact one of our Queensland offices for advice regarding a potential claim. Strict time limits can apply to the making of claims for compensation for asbestos disease.
Frequently asked questions about asbestos compensation in Queensland

Can I still recover lump sum compensation for lung cancer if I’ve been exposed to asbestos but have also been a smoker?
Yes, provided that the exposure to asbestos has made a significant or material contribution to the development of lung cancer. Many lung cancer sufferers have previously been smokers but have also had a heavy exposure to asbestos dust and fibre and in those circumstances can often still recover lump sum compensation for their condition.

Can I still recover compensation if my employer is no longer in existence?
Yes, the workers’ compensation legislation in Queensland has mechanisms that enable the recovery of lump sum compensation for asbestos disease even in circumstances where a past employer has ceased to exist. Indeed, this situation arises regularly given the long period between exposure to asbestos and the onset of asbestos disease.

Can I recover compensation if my symptoms are only mild?
Anyone who has a reduction in their breathing capacity as a result of asbestos disease will likely have an entitlement to lump sum compensation. As a general rule, the greater the reduction in breathing capacity, the higher the entitlement to compensation. Given the significant restriction that even a mild reduction in breathing capacity can place on the day to day activities of life, lump sum compensation can still be recovered by sufferers of asbestos disease whose breathing incapacity is relatively mild.

Are the manufacturers of asbestos products in Australia still able to pay claims?
Both James Hardie & Coy Pty Limited and Wunderlich Limited, who were the manufacturers of asbestos cement fibro sheeting in Australia, have special funds from which compensation to sufferers of asbestos disease who have worked with their products are paid. At present both are well funded and continue to pay compensation to sufferers of asbestos disease.

Does it matter that I was exposed to asbestos many years ago?
The period between the exposure to asbestos and the onset of asbestos disease is generally around 30 to 40 years. It is very unusual for asbestos disease to develop less than about 15 years after exposure to asbestos. Many claims for compensation therefore deal with events occurring as early as the 1950s. Our lawyers are highly experienced in taking detailed historical statements from clients and witnesses regarding the manner in which the exposure to asbestos occurred. The legal system for recovering compensation for asbestos disease in Queensland is designed to take into account these long latency periods.

Can family members of sufferers of asbestos disease claim compensation?
Family members of sufferers of asbestos disease who die from the condition may have lump sum compensation entitlements either through workers compensation or a claim for damages in the Courts.

A wide variety of dusts produce disease, with the most serious dust diseases being those caused by exposure to asbestos and silica.
We handle claims no matter where the exposure to asbestos occurred

The Queensland offices of Turner Freeman regularly act on behalf of clients who have had exposure to asbestos in other States of Australia, often in combination with exposure to asbestos in Queensland. Our highly experienced lawyers are equipped to advise you on the best option for seeking compensation taking into account where the exposure to asbestos occurred and the various legal systems in each State. Strict time limits apply in some States to the making of claims for asbestos.

New South Wales
If you have been exposed to asbestos in New South Wales you may be eligible to claim compensation in the New South Wales Dust Diseases Tribunal which is the specialist Court set up to hear dust disease cases.
In addition you may also be eligible to receive a pension from the Dust Diseases Board if you worked in New South Wales and have a recognised dust disease. A Dust Diseases pension is separate from, and in addition to, any claim in the Dust Diseases Tribunal.

South Australia
In South Australia all claims for asbestos conditions are brought in the District Court of South Australia.

Western Australia
In Western Australia claims for compensation are available either under workers compensation legislation or at common law.

Victoria
Claims for compensation for asbestos disease in Victoria are generally brought through the Court system.

Overseas
If you are living overseas but were exposed to asbestos in Australia we can still represent you. Contact us by phone, email or letter.
If you wish to claim in a UK Court (England, Scotland or Northern Ireland) or in the United States of America, Canada and New Zealand, Turner Freeman has links with law firms that can assist you.

No win-no fee
We work on a no win-no fee basis for asbestos diseases claims. Unless you recover compensation you will not be charged for any work done by our firm or any expenses incurred by us in investigating your claim. Should you fail in your claim for compensation you will be liable for the whole of the other party’s costs; but not for our fees and charges.

Other services Turner Freeman offers
Did you know...
Turner Freeman also specialises in the following types of claims:
- Motor vehicle accidents
- Industrial deafness
- Skin cancer
- Public liability
- Workplace accidents
- Wills and Estates
- Superannuation – total and permanent disability claims
Commonwealth Employees and ex-servicemen

If you are a current or former Commonwealth employee or current or former member of the Australian Defence Force you have the following entitlements if your asbestos conditions are attributable to your employment by the Commonwealth or the Australian Defence Force.

**Entitlements under the Commonwealth Safety Rehabilitation & Compensation Act 1988**
You may be entitled to a lump sum for permanent impairment, weekly payments of compensation for any work related incapacity, medical expenses and possibly compensation for pain and suffering.
Should you die from an asbestos related condition a dependant may have a right to lodge a claim under the Commonwealth Safety Rehabilitation & Compensation Act 1988.

**Entitlements under the Veterans’ Entitlements Act 1986**
In certain circumstances ex-members of the Australian Defence Force may have entitlement under the Veterans’ Entitlements Act 1986. These entitlements result in a pension.
If you make a common law claim for the same asbestos condition for which you have been accepted by the Department of Veterans’ Affairs, then there could be an effect on your Veterans’ Affairs pension. It could also affect treatment expenses that the Department of Veterans’ Affairs has paid in relation to that asbestos condition. Every case is considered separately.

**Negligence action for damages**
Where exposure to asbestos occurred prior to 30 November, 1988 you may sue for damages through a Court claim.

*It is important that legal advice is sought by current or former Commonwealth employees before any decision is made about the type of compensation to pursue.*

Turner Freeman takes pride in the skill and experience of our highly qualified asbestos compensation lawyers

Asbestos compensation in the United Kingdom

If you were exposed to asbestos in the UK and later get an illness caused by asbestos, you can claim compensation in the UK, even if you no longer live there. If you have had contact with asbestos both in the UK and in Australia, you can make separate claims in the UK and Australia.

**Court action**
You can make a Court claim in the UK for mesothelioma, asbestos related cancer, asbestosis and pleural disease. Time limits apply to these cases.

**UK government benefits**
If you have any asbestos disease except pleural plaques through coming into contact with asbestos at work in the UK at any time since July 1948, you can apply for Industrial Injuries Disablement Benefit.
Lump sum government benefits are also available for certain asbestos related conditions. It is important that legal advice is sought by current or former Commonwealth employees before any decision is made about the type of compensation to pursue.

*Turner Freeman has been conducting claims in the United Kingdom with the assistance of lawyers in England, Scotland, Northern Ireland and Wales for over 20 years.*

*Australia was one of the highest users per capita of asbestos products throughout the 1970s and early 1980s.*
This brochure does not constitute legal advice. Please contact one of our Queensland offices for advice regarding a potential claim.

Strict time limits can apply to the making of claims for compensation for asbestos disease.

**Some Turner Freeman landmarks**

**Helene Edwards v James Hardie & Coy Pty Limited**

Helen Edwards was a 57 year old resident of South Australia with mesothelioma. Her only exposure to asbestos was in 1977 for a period of two weeks whilst assisting her father to renovate the bathroom. Mrs Edwards held the fibro sheets her father cut and drilled. She also cut some of the sheets herself. Proceedings were brought against James Hardie & Coy Pty Limited, the manufacturer of the building products used by Mrs Edwards and her father. Mrs Edwards was successful in her proceedings. This was the first judgment for a mesothelioma contracted as a result of home renovations.

**Trevor John Reynolds v Comcare**

Trevor Reynolds was a 66 year old South Australian resident suffering from mesothelioma. He was exposed to asbestos dust while working as an apprentice fitter and turner for the South Australian Railways at the Islington Rail Yards from 1956 to 1961. Mr Reynolds worked with insulation materials containing asbestos including asbestos slurry, prefabricated asbestos pipe sections, asbestos millboard and asbestos rope. He brought his proceedings in the District Court of South Australia. Mr Reynolds’ condition deteriorated and his hearing was expedited. On 15 December 2006 the District Court awarded judgment in favour of Mr Reynolds. This was the first verdict of this Court for a mesothelioma sufferer.

**Belinda Dunn v James Hardie & Coy Pty Limited**

In January 2002 the Dust Diseases Tribunal of New South Wales awarded Mrs Belinda Dunn, who was born in 1967, a substantial amount when she developed mesothelioma after only a few hours’ exposure to asbestos dust when she was a child. As a four year old she was playing on a pile of asbestos cement sheets after her father had demolished the carport. This exposure, for only a very short time, during household renovations, led to her diagnosis of the fatal cancer. The diagnosis came just after the birth of her son, Nathan. James Hardie argued that her exposure to the asbestos was too short to cause mesothelioma. However after doctor’s evidence was given that there was no known “safe” exposure to asbestos the matter was settled. Nathan is now nine years old and Belinda Dunn remains in good health.

**Melissa Haycock v James Hardie & Coy Pty Limited**

Melissa Haycock was a 41 year old mother of triplets when she was diagnosed with mesothelioma. She was exposed to asbestos as a baby from building work carried out in her presence on the family home by her late father. Melissa sued Amaca Pty Limited (formerly James Hardie & Coy Pty Limited), the manufacturer of the asbestos cement sheets her father worked with. Melissa’s case settled and she became the first South Australian to receive damages for the cost of care she would have provided to her children but for her condition of mesothelioma.

“This was the first verdict of this Court for a mesothelioma sufferer.”

**Ex-Naval serviceman now proud campaigner for the rights of asbestos victims**

Ray Colbert served in the Royal Australian Navy as a fitter and turner between 1964 and 1973. He served on various steam driven naval ships including the aircraft carriers HMAS Sydney and HMAS Melbourne. He regularly worked in the engine and boiler rooms of the naval ships and was exposed to asbestos. Ray subsequently developed severe asbestos related pleural disease and asbestosis and now requires 24 hour oxygen. Turner Freeman acted on behalf of Ray in a claim for damages in the Dust Diseases Tribunal of New South Wales which was successfully finalised.

In November 2011 Ray successfully completed the journey from Toowoomba to Brisbane in his wheelchair to raise asbestos awareness and to raise funds for asbestos disease research.

Ray now proudly serves as secretary of the Queensland Asbestos Related Disease Support Society. His wife, Helen, is President.
John William Booth v James Hardie & Coy Pty Limited

John Booth contracted malignant mesothelioma when he was 71 years of age. Mr Booth worked with brake linings containing asbestos for a period of about 30 years commencing from the early 1950s. The majority of the brake linings that he worked with were manufactured by James Hardie & Coy Pty Limited and a related Hardie company called Hardie Ferodo. Mr Booth’s case was successful firstly in the Dust Diseases Tribunal of New South Wales, then the New South Wales Court of Appeal and ultimately the High Court of Australia. James Hardie and Hardie Ferodo attempted to argue that the products that they manufactured were not the cause of Mr Booth’s mesothelioma. Extensive expert medical evidence was called on behalf of Mr Booth and the High Court of Australia ultimately accepted that the products were indeed a cause of Mr Booth’s condition of mesothelioma. This was a very important case for all sufferers of mesothelioma in Australia.

Christopher Smith v Baker Perkins Australia Pty Limited

Mr Smith brought Court proceedings against his employer, Baker Perkins Australia Pty Limited, claiming damages for his condition of lung cancer. Mr Smith had extensive exposure to asbestos working with Baker Perkins on bakery ovens. Turner Freeman’s Brisbane office acted on behalf of Mr Smith. Mr Smith’s case was successful and he was awarded damages.

Bernie was the public face of asbestos victims for many years until his death from mesothelioma in 2007. Turner Freeman successfully acted on behalf of Bernie on two occasions. Bernie was originally diagnosed in the 1990s with benign asbestos disease and Turner Freeman recovered damages on his behalf for this condition. Tragically Bernie contracted mesothelioma in 2007 and Turner Freeman again acted on his behalf in recovering further damages for his condition. Bernie had originally been exposed to asbestos working for James Hardie at its insulation factory between 1968 and 1974.

Bernie Banton OAM

Turner Freeman was the legal firm acting in all of these cases.

Beverly Stavar v Caltex Refineries (Qld) Pty Limited

Mrs Stavar suffered from mesothelioma. Her husband, Frank, was employed by an insulation company on the construction of the Ampol refinery in Brisbane (ultimately owned by Caltex). She sued Caltex and the manufacturers of the asbestos products that Frank worked with. She was exposed to asbestos from washing her husband’s clothes when he returned home from work. Complex arguments arose in the case regarding Caltex’s responsibilities to Mrs Stavar in allowing asbestos to be brought home on Frank’s clothes. Turner Freeman’s Brisbane office acted on behalf of Mrs Stavar. Mrs Stavar successfully recovered damages from Caltex for her condition of mesothelioma.

The late David Sim v Allianz Australia Limited

Mr Sim died in 2009 from lung cancer. Between 1964 and 1979 Mr Sim was employed by various employers to spray asbestos at commercial and construction sites. He had several employers during that period. Each of the employers tried to argue that the asbestos exposure for which they were responsible was not sufficient to have materially contributed to Mr Sim’s condition of lung cancer and in the circumstances they were not liable for damages. It was successfully argued on behalf of Mr Sim’s Estate, with the help of extensive expert evidence, that all of the employers contributed in a material way to the development of Mr Sim’s lung cancer and were each found liable. The matter was successfully defended by Turner Freeman on appeal.

John William Booth v James Hardie & Coy Pty Limited

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Hardies worker

Many will remember Bernie Banton as the tireless campaigner for the rights of asbestos victims and workers in general and the fight to ensure that all James Hardie victims receive fair compensation.
James Hardie Commission of Inquiry

In March 2004 the then Carr New South Wales government announced a Special Commission of Inquiry into the asbestos compensation funds set up by the James Hardie Group. In 2001 James Hardie set up the medical research and compensation foundation ("MRCF"). The purpose of the MRCF was to pay off all James Hardie's asbestos liabilities.

The sum of $293m was placed into the fund for all future asbestos liabilities. Despite cries by unions, victims support groups and Turner Freeman, James Hardie assured the government unions, the stock exchange and the public that the MRCF was fully funded and would have sufficient funds to meet all legitimate compensation claims anticipated for people injured by James Hardie asbestos products. James Hardie then relocated to the Netherlands leaving asbestos victims access only to the $293m of the MRCF.

The subsequent Commission of Inquiry set up by the New South Wales government found that the MRCF was massively under funded and that various officers within Hardies either knew or ought to have known that this was the case. Ultimately, the parent company of the James Hardie Group backed down under pressure by governments, unions, media and the public and agreed to fund its future asbestos liabilities in full.

Turner Freeman acted pro bono for the coalition of unions and asbestos support groups at the Commission. Turner Freeman attended the Commission hearings, cross-examined witnesses and made detailed submissions. Turner Freeman’s lawyers devoted many weeks of their time to the Commission of Inquiry on a pro bono basis.

Support organisations

There are a number of organisations in Queensland who are available to provide support to those who suffer from asbestos disease or have family members suffering from such conditions.

The principal organisation in Queensland is the Queensland Asbestos Related Disease Support Society ("QARDSS"). QARDSS has over 1,000 members throughout Queensland many of whom suffer from asbestos related disease. The Society can provide professional and specialist assistance to those who have developed an asbestos related disease, their families, friends and carers. Turner Freeman has acted for many members of QARDSS.

Queensland Asbestos Related Disease Support Society
16 Campbell Street
Bowen Hills Qld 4006
Tel 07 3252 7852 or 1800 776 412
Fax 07 3666 0335
Email asbestos helpline@westnet.com.au
Contact Helen Colbert M 0408 758 963

Local support organisations include:

Toowoomba Region and Darling Downs Support
Tel 07 4633 1490
Email toowoombasupport@gmail.com
Contact Ted Williams M 0407 699 228

Asbestosis and Mesothelioma Support Group
PO Box 1080
Coolangatta Qld 4225
Tel 07 5599 7876
Email nbos@westnet.com.au
Contact Nick Bos M 0417 705 534
Exposure and asbestos disease
Registration Form

If you would like to register any previous exposure to asbestos or asbestos disease please fill in this form and return it to us. We will maintain an obligation free file on your behalf at our office. We do recommend that you contact us by telephone if you have been diagnosed with asbestos disease.

Name ____________________________________________

Address _________________________________________

_________________________________________________

Date of Birth _______ / _______ / _______ Telephone __________

_________________________________________________

Type of asbestos disease (if any) you have been diagnosed with ________________________________

_________________________________________________

Place(s) where exposed or if home renovating, address where renovations occurred ___________________________

_________________________________________________

Employer (if employment based exposure) / Occupier of site (if contractor) _____________________________

_________________________________________________

Time period of exposure ________________________________

_________________________________________________

Product(s) exposed to __________________________________

_________________________________________________

Signature __________________________ Date _______ / _______ / _______

Turner Freeman will open a file and take steps to register exposure on an obligation free basis.

If a person has been exposed to asbestos in Queensland, but has not developed any asbestos disease, it is prudent that their exposure to asbestos be registered and Turner Freeman Lawyers can assist in this regard. If you have been exposed to asbestos or diagnosed with asbestos disease you can:

- Complete this form and return it to:  
  Turner Freeman Lawyers  
  Reply Paid 13142  
  George Street  
  Brisbane Qld 4003

- Contact us on (07) 3025 9000 or toll free 1800 683 928. We recommend you call us if you have been diagnosed with asbestos disease.

- You can also register on our website www.tfqlawyers.com.au
Superannuation and Disability Insurance

All working Australians have a superannuation fund to which their employer must contribute amounts during the course of their working life.

You can access your superannuation before retirement age in the event of a serious injury or illness. All superannuation funds also have a component of insurance which is there to help you in the event you are unable to work because of serious illness or injury.

All policies are different. Some funds will offer lump sum benefits in the event that you become totally and permanently disabled or partially and permanently disabled. Some funds will provide temporary cover if you are off work for only a short period of time by paying all or a percentage of your income whilst you are unable to work. Superannuation funds also contain a terminal illness or death benefit.

The terms and conditions applying to these insurance components are often more complex than they look.

You do not need to show fault on the part of anyone or that the cause of your illness was beyond your control. Generally the mere fact of having the illness and that it stops you from working is enough.

Wills and Enduring Powers of Attorney

It is essential that your intentions regarding distribution of property as well as your wishes in relation to the continuation of treatment are known and documented.

A Will is a document which identifies your intentions and provides instructions as to the distribution of your assets when you die.

Depending on their relationship to you, family members will accrue rights under the Will or in accordance with the law and sometimes those rights can conflict. Having a clear and up-to-date Will is essential to avoid any conflict.

An Enduring Power of Attorney appoints a responsible and trusted person to make decisions on your behalf. An Enduring Power of Attorney remains in force even when you lose capacity to manage your affairs.

Melanoma and other skin cancer compensation

It is a saddening fact that Queensland has the highest rate of skin cancer in the world. Of these skin cancers, melanoma is responsible for more deaths than any other, despite being the least common type. It is becoming increasingly apparent that many sufferers of skin cancer have contracted the disease from working in the sun for extended periods, sometimes decades, with little to no protection. The extent of exposure to direct sunlight in the workplace is often overlooked.

If you have been unfortunate enough to have contracted melanoma, basal cell carcinoma (“BCC”) or squamous cell carcinoma (“SCC”) from workplace sun exposure, we can assist you in claiming funding for treatment, care costs and compensation. Queensland’s workers’ compensation scheme includes measures to help you in exactly this situation. With skin cancers such as melanoma, basal cell carcinoma (“BCC”) and squamous cell carcinoma (“SCC”), it is possible to claim compensation even years after the initial exposure.

It is important to note that it is possible to lodge skin cancer claims many years after the initial exposure and if a loved one has passed away from the disease. Those suffering from melanoma and other skin cancers, or their families, can contact us for a free consultation. With our “no win, no fee” policy, we will not charge you unless your claim is successful.

Please contact us for obligation-free advice in any of these areas.
This brochure does not constitute legal advice. Please contact one of our Queensland offices for advice regarding a potential claim.

Strict time limits can apply to the making of claims for compensation for asbestos disease.

Toll free 1800 683 928*

Toll free Tel 1800 002 066

*Mobile phones incur charges.