



Media Release

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Review of compensation to relatives

Achieving fairness for the families of victims of dust diseases is one of the aims of a Consultation Paper on Compensation to Relatives released today by the NSW Law Reform Commission.

In its review of the law relating to compensation to relatives where a person has died, the Commission has given particular consideration to the operation of a principle known as the "Strikwerda principle".

This principle operates to reduce the amount that some dependant relatives can recover as compensation for the death of their family member where the death was caused by a dust disease, in particular asbestosis and mesothelioma.

"It is important to provide compensation for the pain and suffering of asbestos victims and their families. However, any potential change to the law also needs to be fair to insurers and to compensation funds, in particular the Asbestos Injuries Compensation Fund under the James Hardie agreement," said Emeritus Professor Hilary Astor, Full-time Commissioner of the Law Reform Commission.

The Commission is now consulting on six options for reform identified in the Consultation Paper. They include:

- no change to the current law; and
- the abolition of the Strikwerda principle,

as well as options that would involve more significant departures from well-established legal principles governing compensation to relatives in wrongful death cases.

The Commission welcomes submissions on the questions raised in the Consultation Paper. The deadline for submissions is 17 June 2011.

The consultation paper is available on the Commission's website at www.lawlink.nsw.gov.au/lrc.

The NSW Law Reform Commission has been proposing changes to the State's laws since 1966 as the first permanent law reform agency established in Australia. The Chairperson is James Wood AO QC, who is also the lead Commissioner for this reference.

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