

Bernie Banton AM

In recent years, Bernie Banton, permanently connected by tubes to an oxygen machine to help him breathe, has become increasingly familiar to all of us. He is the human face of the battle of asbestos disease sufferers for just compensation from James Hardie, Australia's largest producer of asbestos products.

In his capacity as the vice-president of the Asbestos Diseases Foundation of Australia, Bernie has worked tirelessly to ensure that asbestos victims get the compensation they deserve. Together with union leader, Greg Combet, and Lawyers Alliance members, he recently succeeded in securing a deal from James Hardie, committing the company to funding compensation claims for the next 40 years and beyond.

His efforts and achievements have garnered considerable public recognition. Appointed a Member of the Order of Australia (AM) for his services as an advocate for those with asbestos-related diseases, Mr Banton also received the Australian Lawyers Alliance's 2005 Civil Justice Award. This award acknowledges unsung heroes who, despite personal risk or sacrifice, have fought to preserve individual rights, human dignity or safety. It was particularly fitting for the legal profession to acknowledge Mr Banton's efforts, said Lawyers Alliance president Richard Faulks, as he 'personifies the importance of individual rights in the face of powerful corporations'. His work has 'made governments sit up and take notice of the terrible plight of those suffering from asbestos-related illnesses and raised public awareness of the issue'.

Mr Banton's dedication, courage and achievements are all the more remarkable given his own, considerable, personal suffering. The 59-year-old father of 5 and grandfather of 11 worked for James Hardie at Camellia, in western Sydney, for 6 years from 1968 to 1974. Diagnosed with asbestosis and asbestos-related pleural disease in 1999, he has recently been reassessed by the Dust Diseases Board of NSW as having 100% disability (previously 80%), a deterioration that can't have been improved by the stressfulness of his participation in the hard-fought and often lengthy



negotiations with James Hardie representatives and corporate lawyers. His brother, Ted, who also worked at the plant, died of mesothelioma, the virulent lung cancer caused by exposure to asbestos, in 2001. Another brother, Albert, 70, also has asbestosis. Mr Banton says that, of the 137 workers at the plant 30 years ago, only 8 are still alive. It is estimated that up to 54,000 Australians will be diagnosed with asbestos-related diseases by 2020 and that, of those, 14,000 will die of mesothelioma.

Besides the ever-present fear that he might develop the deadly mesothelioma or lung cancer, Mr Banton's constant health battles over the past few years have included several bouts of pleurisy, surgical emphysema and pneumonia, lung biopsies and a lung pleurodesis, where the organ is dusted with talcum powder to keep it inflated. The once fit and active workaholic now lives a life confined by tubes and oxygen bottles, and is unable to play with his grandchildren. However, despite his ailing health, his determination to fight for justice and expose the moral delinquency of James Hardie remains undimmed. He continues to maintain an active role in asbestos matters (for example, as an advisory committee member, seeking funding to establish the Asbestos Diseases Research Centre in Concord). And he has publicly pledged his support for the union-backed campaign for industrial and social justice, and to defend trade union rights, currently under attack from the federal government's industrial relations legislation.

'What have I learned from all of this? Don't take no for an answer,' he says. ■