

# In memory of a hero

By Eva Scheerlinck



**O**n 5 December I attended the funeral and service of thanksgiving for Bernie Banton. He died on 27 November 2007 at just 61 years of age, having battled asbestosis, asbestos-related pleural disease and finally, mesothelioma.

Bernie will always be remembered for his staunch fight for justice for asbestos disease-sufferers. His legacy is not one that will easily be forgotten. And certainly the sufferers of asbestos-related disease and their families will not forget him.

In his tribute at the state funeral the Prime Minister, the Honourable Kevin Rudd MP, called Bernie a hero in an age when we perhaps thought there were no heroes any more. He paid tribute to 'an ordinary bloke with an extraordinary heart'.

Greg Combet AM MP shared a moving tribute, echoing the sentiments of the Prime Minister and, like Mr Rudd, paid tribute on Bernie's behalf to the union movement and its contribution to the campaign against James Hardie, as well as its continuing work on behalf of workers in Australia.

"Companies don't make decisions, people do," Bernie used to say. When James Hardie transferred its assets offshore and out of the reach of Australian asbestos disease-sufferers, it did so legally. The legal fight would be too hard, too costly, and

likely unsuccessful. It was the moral obligations of James Hardie that Bernie wanted to target in his campaign, and he sought the support of the Australian public to make Hardie accountable for the suffering it had caused.

Campaigning with Combet and the unions, Bernie set aside his own failing health to campaign for justice, not just for himself, but for others like him. Bernie's brothers have all been touched by the ill-effects of asbestos, and it killed one of his brothers in 2001. He took the campaign personally. He took the stalling tactics and hard-line strategy of James Hardie personally. It was crippling him and his family, but he persevered, never taking no for an answer.

In 2005, the Australian Lawyers Alliance publicly acknowledged Bernie and his contribution to the asbestos compensation fight by presenting him with our Civil Justice Award. He and his wife Karen came to Cairns to accept the award in person. Bernie was proud of the recognition bestowed on him by lawyers, a group of professionals he had grown accustomed to working with and whom he respected very much.

People who contract asbestos-related disease suffer. From the time that mesothelioma is diagnosed, sufferers have an average of 153 days before they die. Bernie only got 102. He died too young, but led an extraordinary

life of service in the pursuit of justice and a fair go. His granddaughter gave mourners her 'I have a dream' speech. It was filled with hope of justice, reconciliation and a cure. His legacy will indeed live on, starting with his own children.

Bernie achieved extraordinary outcomes for people who, through no fault of their own, have been dealt a death sentence. He took up the fight like he was born to it. We should all take courage from his iron-willed determination.

The NSW government gave Bernie a state funeral. Nothing less would have been appropriate. May he rest in peace. ■

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