

Asbestos win may cost ACC millions

Court of Appeal ruling lifts huge burden from victims and widows.

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A LANDMARK court ruling confirming asbestos victims and their families should receive \$100,000 payouts has opened the floodgates for more claims worth hundreds of millions.

The Court of Appeal has confirmed the payouts are secure. Accident Compensation Corporation figures show it could face costs ranging from \$75 million to \$415 million over the next decade, depending on the number of claims.

Juanita Angell believes her husband Vic must have been "kicking butt" somewhere on high, making sure the stoush was resolved before the first anniversary of his death today.

The Auckland widow was one of about 30 victims and family members who breathed an enormous sigh of relief yesterday, as the court found they were entitled to get, or keep, \$100,000 in lump-sum compensation for asbestos-related disease.

It was the last step in a legal battle which began when, in 2004, Wellington District Court awarded a lump sum to the estate of Auckland fitter and welder Ross Lehmann, who died in November 2003, aged 79, from asbestos-related lung cancer.

That case was overturned in the High Court and Mr Lehmann's widow, Dawn, lacked the energy and money to appeal against the decision.

But three other widows — Wanganui woman Dorris Priddle, Lyn Soeters, from Rotorua, and Mrs Angell picked up where she left off.

Vic and Juanita Angell's battle began shortly after Vic was diagnosed with terminal cancer in early 2004. Mrs Angell said the fight was an unnecessary and unwanted stress, in addition to the "shattering reality of watching your future disintegrate as

your fit and healthy husband of 48 years lost 16kg and rapidly deteriorated.

"He used to get really, really upset about it. ACC did not treat any of us very well."

He was originally offered a \$67-a-week independence allowance, then a five-year lump-sum payment of that. But the couple were determined to fight for the \$100,000 payment they believed they should get.

When they finally won the payout, ACC sent the cheque to Mr Angell's estate — while he was still alive.

But when the High Court ruled that workers exposed to asbestos before April 2002 did not qualify for a lump sum, Mrs Angell, Mrs Lehmann and the other widows and victims already paid out faced having to sell their homes to repay it.

Many, like Mrs Angell, had already spent the money — on a new car and paying off the mortgage on a rental home.

It was Mr Angell's dying wish that she should not repay a cent. Now she can honour that without leaving her family the burden of a bad debt.

"It is a big relief to me."

Wellington lawyer John Miller, who took the case to the Court of Appeal, was "ecstatic" at the decision. A

\$67 weekly payment was so insulting victims were better off with nothing, he said. A lump sum was the only fair compensation.

Though only three women took the case, 26 to 30 others stood to immediately benefit. Those who had had payouts refused since last year's High Court decision would now qualify for the lump sum, and those already paid out would no longer face the threat of having to repay the money, he said.

"Some people dared not spend it. Now they can use it to ease their life."

Medical experts have said the number of asbestos victims has been underestimated and the total cost of claims will probably surpass the "middle costing" of \$150 million.

ACC acting chief executive Katrina Ings said the organisation was working through the implications of the decision and aimed to finalise the matter as soon as possible, including its impact on several similar cases before the district court.



'Kicking butt': Juanita Angell and her late husband Vic. It is the first anniversary of his death today.

Picture: JOHN SELKIRK