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Mr J. C. Blaxland

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Position Report
Industrial Disease Claims - Wittenoom

Mr C Maas - Common Law Claim

- First common law claim in WA for an industrial disease.
- Tentative estimate of \$100,000 put on this claim by SGIO.
- SGIO has not formed firm view whether to defend or settle (present inclination is to defend).
- CSR attitude presented as avoid court proceedings, settle quickly before Mr Maas dies.
- SGIO have agreed joint problem SGIO/CSR, best resolved by co-operative approach.

Insurance Position

- Policy cover - Maximum common law cover £1000 (\$2000) up to 1 Jan 59 when altered to unlimited.
- SGIO accept Midalco is current form of A.B.A. Ltd.
 - SGIO accept liability to pay all workers compensation.

Application to Maas case - Contribution formula suggested by SGIO: they pay \$2000 plus 10/24 of settlement sum, CSR pays balance.

Defence Strategy (SGIO)

SGIO are aware two possible defences open: Limitations Act and merits of case. Which defence to use or whether to defend or settle will be decided after study of medical reports.

Contingent Liability for other Claims

- 160 current cases being paid weekly compensation by SGIO: estimated weekly payout \$16,000.
- If Maas case establishes precedent SGIO believe total liability could be \$33 million part of which could be met by CSR under contribution formula.

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- CSR's current liability cannot be estimated on present available information. Perth branch has records of 98 claims lodged after 1966, some of these do not show period of employment, 45 do and 34 of these show employment before the formula cut off date of 1 Jan 59.

Future Working Relationship

- SGIO doesn't need to work as a team with CSR on Maas case and all such cases.
- SGIO will provide statistics and medical reports upon request.
- SGIO look to help from CSR for advice on asbestosis. Possible sources: Mr G Major (Sydney University) and Dr McCullagh (James Hardie Asbestos Ltd).

Recommendation for CSR Co-Ordinator

- To date fragmented information is in hands of various people in CSR. There has been no clear analysis of the situation and there is a need for such an analysis.
- There will be a need for a CSR officer to collect information and to manage the future relationship with SGIO.
- If the Maas settlement is delayed and if he truly has only 6 months to live, there is a strong possibility of a further TST programme involving proper briefing of Perth Branch Manager (in how to respond).

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SB Benson
27 Jun 77

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