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## Asbestos victim recovers compensation from out of business employer

Martin\* knew that asbestos was dangerous when one of his former workmates died of an asbestos related disease in the late 1990's. When they started their plumbing apprenticeships in the early 1960's they had worked together pulling lagging from steam pipes in factories throughout Melbourne. At that time they were not told that asbestos dust was hazardous and were not provided with any protective masks or clothing.

Martin spent years worried, that like his mate, he would be affected by his exposure to asbestos. His fears were heightened when he noticed a nagging chest pain. At first he thought he had just strained a muscle, but when he developed shortness of breath he visited his local doctor. He was sent for x-rays and referred to a specialist. He had tests performed which confirmed that he had developed mesothelioma, an aggressive cancer caused by asbestos exposure.

At the time of his diagnosis Martin was 57 years old and was expanding his plumbing business. He had been looking forward to at least another ten good years of work. He was fit and active and still proudly played footy at the local club. He was devastated by his diagnosis and was too heart broken to tell his wife and kids.

Martin wanted someone to take responsibility for his work-related illness and was concerned that he would not be able to bring a claim because his former employer had long since gone out of business.



Andrew Dimsey, Principal, Maurice Blackburn

He contacted Maurice Blackburn and met with Andrew Dimsey who advised him that it would be possible to bring a claim against his former employer, even though the company was no longer around. Andrew explained that the claim would be straight forward

as the risks of asbestos were known to government and industry many decades before Martin's unprotected work with asbestos.

After discussing it with his wife, Martin had no hesitation in bringing a claim. Andrew commenced a claim on Martin's behalf and within four months it was settled at a settlement conference. Martin received compensation in excess of \$600,000.

No amount of compensation could diminish Martin's anger at being exposed to the dangers of asbestos, but it did give him some satisfaction to know that his former employer was forced to take responsibility for his exposure to asbestos in the workplace and his subsequent injury.

Asbestos exposure can result in cancer often years – even decades – after the original contact with the deadly fibres. If you have contracted an asbestos related disease you may be eligible for compensation. Call **Andrew Dimsey** at Maurice Blackburn, on **1800 810 812** for a free consultation.

\* Not his real name

## News



Twins Lockie (front) and Ben, who were born deaf, received cochlear implants (inset) last year and can now hear. Pictures: MITCH BEAR N35WH402



# Sound progress for twins

Hannah Donnellan

AS a new mum, it was heart-wrenching for Vermont's Naomi Baulch to discover her twin sons, Ben and Lockie, were deaf.

"When the boys were born they were put in special care and at six weeks they had a routine hearing screen and we found out they had major hearing loss," Ms Baulch said.

"It wasn't until a few weeks later we found out they were both profoundly deaf.

"As a mother, I was gutted. But

in an instant I knew things would be OK." Ms Baulch, a teacher, said she had met children who had cochlear implants and knew the operation could be performed on her sons.

"It wasn't easy getting the implants; we went through an exhaustive number of hearing tests. In the end it took over seven months until we were told the boys could have the operations on both their ears," she said.

Researcher at Royal Victorian Eye and Ear Hospital Kellie Michel said the number of young

children receiving cochlear implants for both ears was on a rise. "There is a greater awareness in the community about the technology that is available," Ms Michel said.

"Children are now more likely to get two implants at once in order to improve their chance of normal speech development."

Ben and Lockie, now 19 months, can hear and distinguish the voices of each other and their loved ones.

"They can hear mum now," Ms Baulch said. "It's amazing to

watch them hear things for the first time. Their little faces light up when they hear even the simplest of things."

Blackburn's Taralye, an oral language school, is teaching Ben and Lockie to speak in weekly two-hour speech therapy sessions.

"Taralye has been amazing," Ms Baulch said.

"I'm so happy my sons got the opportunity to get implants; they would have never spoken without them so it's just been amazing."



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