

31 July 2013

Director General
Department of Attorney General & Justice
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Attention: Mr L. Glanfield
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Dear Mr Glanfield

Consultation on the proposed Dust Diseases Tribunal Regulation 2013

We refer to your letter dated 3 July 2013 inviting us to make submissions on the proposed Dust Diseases Tribunal Regulation 2013 (**proposed Regulation**).

James Hardie Industries plc (**James Hardie**) is not itself involved in the handling of asbestos-related claims and so has no direct experience of the issues under consideration upon which to base any detailed response. All asbestos-related claims involving former James Hardie group companies and filed with the NSW Dust Diseases Tribunal are managed independently by the Asbestos Injuries Compensation Fund Limited (**AICF**).

Any compensation payments administered by the AICF are drawn from the fund to which James Hardie contributes amounts in accordance with the terms of the Amended and Restated Final Funding Agreement. Any costs incurred by the AICF in the course of managing claims, and any cost component of amounts paid out by the AICF, are drawn from the same pool of funds from which compensation payments are made to claimants. This pool of funds is not unlimited, at least in the short term. As such, anything that can be done to minimize the legal and related process costs involved in resolving claims is in the best interests of all claimants, current and future, as it helps to ensure that it will be possible for all claims to be met in full without the need for the AICF to ration the timing or amount of payments.

We understand the AICF has made submissions on the proposed Regulation. For the reasons set out above, we consider the AICF is well placed to make submissions on how the current regulations should be amended to ensure the most efficient and cost effective processing of claims thereby reducing any unnecessary reduction of the funds which would otherwise be available to help meet future compensation claims.

We support the AICF's submissions and commend them to you.

Yours faithfully
James Hardie Industries plc
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Bruce Potts
Legal Counsel - Asia Pacific