

# Asbestos Diseases Foundation of Australia Newsletter-ADFA

APRIL / MAY 2012

**INSIDE THIS  
ISSUE:**

Message from the President of ADFA.	1
Devil's Dust	2
Victim's Fund	2
Tears are Good	3
Lincoln Hall	3
Australian Breakthrough	3
Did you know?	4
Looking Back	5
Compensation to relative claims	6
Central Coast Support Group	7
Dangerous Stuff!	8
Upcoming Events	9

## *A Message from the President of ADFA—Barry Robson*

### **Site of National Workers Memorial chosen.**

Following an invitation to attend the opening ceremony of the site for the National Workers Memorial in Canberra, I was gratified to find that something had finally been done on a national basis to commemorate the memory of the many thousands of workers who have perished whilst simply going about their daily business of just earning an honest living.

Blue collar, white collar, rural workers, men and women who worked above and below ground. People who went to sea in ships. Those who were killed on job sites. People from all walks of life who one day went to work "and never came home".

Among this sad litany of victims our thoughts must surely go out to the victims of Asbestos Related Diseases who predominate among all other groups.

Literally thousands of people died, are dying today and will continue to die for many years to come, simply because of their association with Asbestos through one cause or another.

Those purveyors of deadly asbestos who knew of its lethal qualities dug deep into their box of dirty tricks to hide the evidence. So strong was the scent for fat profits in their nostrils that the dead and dying took second place to greed.

And what a sad indictment in a country such as ours, that the powers that be took no action to curb its use until it was too late. That is the bewildering aspect and partly why this memorial site will be so appropriate.



# Devil's Dust

Mike O'Donnell  
Public Office, ADFA

## First The Book—Now The Mini-Series

The long awaited mini-series, based on the book "Killer Company" written by renowned ABC Journalist, Matt Peacock, commenced filming on 19 March, 2012.

**Devil's Dust**, produced by FremantleMedia Australia and Bravado Productions, will be screened on ABC TV in a two part mini-series. It tells the true story, warts and all, of the James Hardie years during the Bernie Banton era and how Hardies went to such extreme measures to hide the truth and manufacture false information to cover up the mounting death toll in order to protect their ever increasing profits.

Three of Australia's finest actors, Don Hany, Anthony Hayes and Ewen Leslie will star in "**Devil's Dust**".

Anthony Hayes (*The Slap, Changi, The Bastard Boys*) plays Bernie Banton, the Hardies employee who battled long and hard on behalf of victims of Asbestos Related Diseases and succumbed to the deadly disease himself.

Ewen Leslie (*Mabo, Sleeping Beauty, Three Blind Mice*) is Matt Peacock, the ABC journalist who reveals the truth and evidence of the link between asbestos and cancer, and becomes a voice for the victims of Asbestos.

Don Hany (*Offspring, East West 101, Dirt Game*) plays Adam Bourke, the spin doctor paid by Hardies to try to give some degree of credibility to their deadly product.



Anthony Hayes; Ewen Leslie; Don Hany

"**Devil's Dust**" brings together these three men to the corporate world of a company unwilling to tell the truth about its deadly product.

Those who have been touched by an Asbestos Related Disease, victims, their families and friends may find this mini-series emotional, some may find closure to a personal battle in their lives. On the other hand, there are those who will watch this mini-series and feel ashamed at the grief and long battle for compensation they put victims and their families through.

This is a story that had to be told and lays out in detail on our TV screens the depths to which some will stoop in the name of greed.

**Devil's Dust** will screen on ABC TV later in the year. ADFA wishes the production good luck and we wait in anticipation for its release.



## Victims Funds Swelled By Court Decision

James Hardie has had \$370M refunded to their company as the result of a successful court action against the Australian Taxation Office.

Following an arrangement entered into with Asbestos Injuries Compensation Fund (AICF), Hardies is obligated to pay 35% of profits into this fund to meet the requirements of successful court actions against the company.

This sum amounts to a benefit of \$132M and will go a long way to help prop up a fund that has seen some shaky days in the past. At one time AICF had to borrow \$320M from State and Commonwealth Governments to stay afloat.

This may appear to be a huge amount of money to have as a war chest but when one considers the hundreds and most likely thousands of victims in future years lining up seeking damages, it will certainly shrink rapidly and the victims may be the losers.

In nine months in 2011, the fund paid out \$74M, according to recently released figures.

## Tears Are Good

Dianne, my wife of 46 years, was diagnosed with Mesothelioma in October, 2010. It was difficult to accept, but also very difficult trying to understand why and where she contracted such an insidious disease.

After Dianne's diagnosis was confirmed we were very fortunate to be put in contact with the Concord Asbestos Mesothelioma Support (CAMS) Group that meets at the Asbestos Diseases Research Institute located at Concord Hospital.

While Dianne's health is declining rapidly, as her carer, I will do whatever is required.

It is such a pity that Mesothelioma does not get enough publicity. However, to have an opportunity to attend a support group whose aim is to bring not only the sufferers, but also the carers together is important. Simply talking to each other is of great value to both myself and the other carers in our group.

Without such support from Cherri, our group's facilitator, and other carers in the group, carers suffer in silence. Being able to come along each month and be amongst friends, and above all, knowing I am not alone has helped me.

After being acknowledged as a carer, I feel better within myself and more confident in what I am doing to help my wife. Just by being there, either as a listener, a doer, or more often than not a shoulder to cry on, helps her.

Quite often I have shed a tear trying to come to grips with the situation, and having support from the group is reassuring.

Tears are good.

*Daniel Clift.*

*Daniel's wife Dianne was diagnosed with mesothelioma in October 2010. They travel from the Blue Mountains to attend the CAMS support group meetings. CAMS meets on the fourth Wednesday of each month. If you would like any information about the group please call ADFA Head Office.*

**Postscript: Dianne passed away on February 17, 2012.**



## The Passing of Lincoln Hall

**In a sad resolution to a life filled with excitement and adventure, we learn of the tragic death of Lincoln Hall, the famous mountaineer who has died as a result of Mesothelioma cancer.**

Despite being left for dead on the slopes of Mt Everest to die a lonely and solitary death in a frozen grave site, he managed to survive until help arrived. To the astonishment of all those who had given him up for dead, he lived on to make a mi-

raculous recovery minus his frost bitten fingers and toes and other injuries that may well have caused the death of a younger and fitter person. He was 56 years old.

One can only wonder at the vast extent of co-incidence that would come into play to bring the life of a wonderful Australian to such a sad end and a cancer called Mesothelioma contracted in the backyard of the family home when just a child making a cubby house using Asbestos sheets many years ago.

But such is the nature of this disease, it can and does reach out to anyone at any time in any place.

There is no warning. There is no cure.

The Asbestos Diseases Foundation of Australia sympathises with the Hall family in their loss and wish them well in future years.



## Australian Breakthrough

Researchers at the Asbestos Diseases Research Institute (ADRI), led by Professor Nico Van Zandwijk at Concord Hospital in Sydney, have identified markers in the blood of mesothelioma patients, making a blood test for the aggressive cancer possible in the future.

Currently the only test available for the disease is a biopsy, an invasive procedure that means detection is often too late for sufferers of asbestos-related mesothelioma. The new blood test opens the way for people to get diagnosed and treated early, thereby drastically improving the chances of survival.

ADRI is a relatively young, small

research team and this breakthrough is a real testament to their brilliance and hard work. Currently, the average life expectancy for someone diagnosed with mesothelioma is just one year. This new blood test has the capacity to change that for good.

Did you know...

**That** in the year 2011 alone, 58 people in the village of Casale Monferrato in Italy died from pleural Mesothelioma, most of whom never worked in the mining of Asbestos or the manufacture of products made from it. They were unfortunate enough to live in a town which had one of the largest Italian factories producing asbestos cement (owned by Eternit) from 1907 to 1985.

**That** although the dangers of Asbestos are widely known, the use of Asbestos products in developing countries such as India, Russia and, in particular, China is on the increase.

Countries such as Canada, great adherents of the profits to be made by mining asbestos and totally driven by greed, have such powerful lobby groups that their efforts may well have significant influence on the politics of some countries. For example, in Sao Paulo, Brazil, an existing law banning the use of Asbestos products was last year rescinded, allowing the uninhibited use of deadly Asbestos to continue.

**That** the Italian Court in the city of Turin has seen fit to indict two of Europe's wealthiest men on charges of voluntary manslaughter. The names of Stephen Schmidheiny, a Swiss National and Belgian Baron de Cartier, were recently splashed across the headlines of newspapers throughout Europe and other countries and shown to be directly responsible for the deaths of some 4,000 plus citizens.

So great was the death toll in factories owned by "Eternit", the group's company name, that entire towns where their factories existed were almost decimated by the loss of family members and some six thousand of these victims and relatives sued for damages. Death notices were posted on factory gates on a daily basis much like a list of soldiers killed in battle.

**That** Unions have banned work at a former James Hardie factory site in Sydney's west that is said to be riddled with asbestos. German firm, Remondis, propose building a waste treatment plant on the site at Camellia.

Unions NSW said it was full of asbestos and voted for an interim green ban on work there. A green ban is a form of strike action relating to environmental concerns. A Unions NSW spokesman said none of the organisation's 600,000 members would work at the site until concerns about asbestos were addressed.

**That** the pristine Norfolk Island also has its Asbestos problems. Who would have thought that the deadly material could have reached out to such a remote and beautiful setting. When a senior member of the James Hardie organisation proudly bragged that, "there is hardly a place in this country that one can't reach out and find a product made by James Hardie", one can only wonder if Norfolk Island was included in that sad comment.

On a recent visit to Norfolk Island, the President of ADFA, Barry Robson, was shown how Asbestos and car batteries had piled up on the Island constituting a grave danger to the health of the inhabitants there.

Authorities have been warned of the seriousness of the situation by ADFA and, at the time of writing this, no attempt had been made to alleviate nor remedy the problem which can only increase with the passage of time.



# Looking Back with Mike O'Donnell



## Asbestos at Baryulgil

The year is 1975. The site is a small village 160Km west of Grafton in North-western NSW. It has a population of some several hundred habitants of mainly Aboriginal descent and it is called Baryulgil. There are few houses, no shops, no Post Office and a small bush school.

It does however, have an Asbestos mine owned by James Hardie and Baryulgil provides the greater part of the workforce to run it. Baryulgil has little claim to fame except for two things. One is the Mundine family, known the world over for their sporting prowess in the boxing ring and on the football field, the other is that those in government at the time decided that the entire town should be buried.

This decision came about as a result of the number of habitants suffering from an Asbestos Related Disease (ARD) caused by inhaling dust from the mine. Although James Hardie had owned the mine since before the first world war, little was known about Asbestos and its devastating effects on the lungs, except that it could make people very ill.

Hardies were at pains not to promote this problem until ultimately it became a local documented and proven fact that Asbestos killed and even then, did their utmost to deny and conceal the fact Hardies had encouraged the Aboriginal population to take up employment in the mine. They too embraced the opportunity to find work in something other than rural occupations that were few and far between and poorly paid at that.

Although the mine produced very little worthwhile profit, it was a valuable asset as a means of attracting Government Tariff Board benefits at that time.

It soon became evident that workers at the mine were having breathing problems and suffering from a range of other disabilities brought on by inhaling dust from the Asbestos mine. Hardies would have none of that. In fact, some tribal elders felt that because of their close cultural association with the land, nothing bad could come from the earth that would harm them after all, it provided them with food, water and shelter.

The small number of cottages in the village were also built with Asbestos and this contributed in no small way to the inherent danger of the problem. Those who worked the Asbestos mine during the day, went home at night to live in houses made from Asbestos.

Ultimately, the old mine closed and in 1975 the decision was made to burn everything that would burn and bulldoze everything, including top-soil, into huge pits and cover the whole thing with more soil.

There seemed to be little haste to carry out this work. In fact, almost twenty years had expired until the works were complete in 1996-97.

Time was not of the essence. After all, these people were only Aborigines. New homes have been built on the old site but the inhabitants still cough and continue to live with the threat of an Asbestos Related Disease and will continue to do so for many years to come.

### Foot Note:-

The Dust Diseases Board has a mobile clinic fully equipped with all the necessary staff to be able to visit places like Baryulgil and those thought to require a lung scan. The last visit there to your writer's knowledge detected 22 people in need of attention.



A new addition to the ADFA newsletter will be regular articles from Judy Horobin, a partner at Turner Freeman Lawyers who are the solicitors for ADFA. She will keep members updated on what is happening in relation to asbestos and other dust claims.

## COMPENSATION TO RELATIVE CLAIMS

In 1998, after lobbying by ADFA and unions, the NSW Government amended the law in dust diseases claims to allow damages for pain and suffering and loss of expectation of life to survive death, provided a claim was started in the sufferer's lifetime. Normally, when you die of the injury that you are suing for, your claim for pain and suffering and loss of expectation of life dies with you. For retired persons, these damages represent the largest part of their claim, worth between \$200,000 and \$300,000. ADFA argued that given the short life expectancy for someone diagnosed with mesothelioma it was not always possible to finish a case in a person's lifetime and the families of persons who died before a claim was finished should not be worse off as a result.

Following the change in the law however defendants have argued that any monies received by a widow/widower/children from an Estate should be deducted by the Court from damages awarded under the *Compensation to Relatives Act*. If a person dies of a dust disease a defendant can bring a claim for loss of financial benefit and loss of services under the *Compensation to Relatives Act*. In NSW such claims are often not brought as many defendants will re-

ceive a lump sum benefit and ongoing pension from the Dust Diseases Board. The amount of the lump sum and pension is deducted by the Court from damages under the *Compensation to Relatives Act*. However, if the deceased was still working or did not get a pension from the DDB then it is likely the dependants have a claim under the *Compensation to Relatives Act*.

As the law currently stands, if a person dies before their claim is finalised, while the Estate can continue the claim and recover damages for pain and suffering and loss of expectation of life, the amount of these damages which flow to a defendant under a Will are deducted for their *Compensation to Relatives Act* claim. This means that the changes to the law in 1998 are negated and the families of those who die before they can finish their claims are worse off.

For the last 2 years ADFA has lobbied the NSW Government to change the law so that the amount awarded to an Estate is not deducted from a *Compensation to Relatives Act* claim. In South Australia and in Victoria the law has been changed. In 2011, the then Labour Government referred the matter to the Law Reform Commission. In late 2011, the Law Reform Commission pub-

lished its Report recommending that the law be changed.

The Law Reform Commission also recommended that the law be changed to allow damages for pain and suffering and loss of expectation of life to survive death where a claim is started within 12 months of the person dying. At present, a claim must be started for the damages to survive. However, sufferers may be too ill to start a claim or a diagnosis not made until autopsy.

ADFA has now met with representatives of the Attorney General and Premiers' offices to discuss the Law reform Commission's recommendations. Barry Robson and Mike O'Donnell represented ADFA along with Tanya Segelov of Turner Freeman as ADFA's lawyer. Two widows also attended and told their stories, both showed great courage in coming forward and spoke with great effect.

The meeting went well with the Government advising it is seeking an actuarial report to assess the effect of the change in the law as well as legal advice to ensure that any change in the law will not affect the NSW Government's agreement with James Hardie. A further meeting will be held in May 2012 once the

# Central Coast Support Group

A busy month in March with meetings and participation in the Australian Government Jobs and Skills Expos in Port Macquarie and Gosford.

Barry Robson and I attended the Expo in Port Macquarie which had 74 exhibitors and 1,750 attendees . The second Expo held in Gosford was attended by me and our life member Thelma Day where a total of 75 exhibitors and approximately 3,200 job seekers visited the event. Thanks to Shamus O'Reilly for his help.

ADFA was there to inform the public and people who may potentially take jobs in the areas where asbestos is present. Some senior school children attended to discover apprenticeships available and they were attracted to our new badges with the gun motif. Our motto: "*Have one but please wear it .*"

Approximately 352 job seekers will be placed in a job or training as a direct result of the Expo.

## **Central Coast Asbestos Diseases Support (CCADS)**

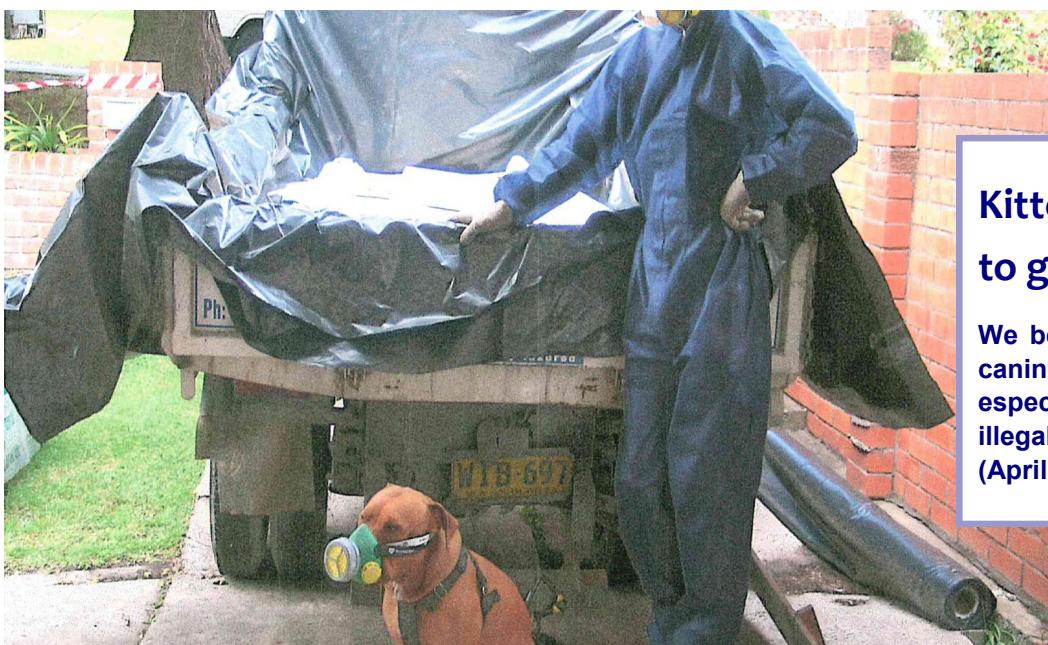
The members are now back together for another year. Welcome to ADFA member Mick Smith. Long time attendee Adrian Desreaux is not very well, we missed you and Fay. Hope you feel better soon. Our normal meeting date for April falls on Anzac Day so we will have a luncheon outing at Mangrove Mountain Golf Club on Wednesday, 18 April.

Cheers for now, stay well and happy.

**Maree Stokes, Vice President, ADFA  
(Central Coast Support Group Coordinator)**



**Maree Stokes & Thelma Day**



**Kitted Up and Ready  
to go...**

We believe this to be the only canine in the country especially trained to sniff out illegally dumped Asbestos (April 1, 2012).

# Dangerous Stuff!



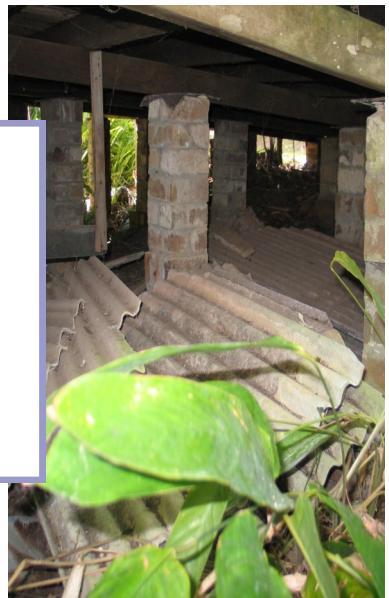
Hornsby—Asbestos removed from house, broken up and put



Asbestos remove by builder & laborer—Allambie Heights

These photos were sent to ADFA by John Limpis, proprietor of the building group "About the House" and operating out of the Central Coast, a notorious venue for disposing of asbestos waste. John is a registered removalist and says, "I find this wanton abandonment almost on a daily basis" and points out the deadly nature of D.I.Y. home owners and renovators who expose themselves to "live" asbestos. He states also that, "people who are responsible for this behaviour have no regard for their children and families, to say nothing of their neighbours. Having this material around the house would be like living with a ticking time bomb". Such was the durability of asbestos products to weather sea air, many thousands of homes along our coastline contain asbestos in one form or another.

Roof thrown under house



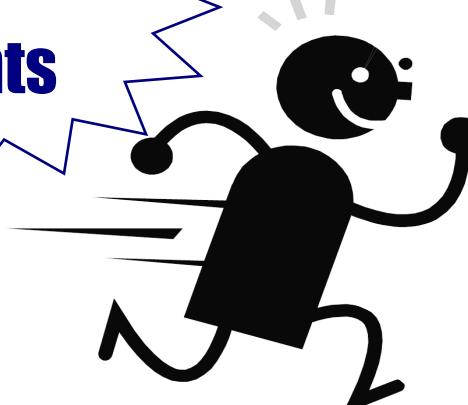
Saratoga—House demolition



Professional Asbestos Removalists.



## Upcoming Events



### Shopping Trip

#### **Our fabulous Shopping Trip**

ADFA members and their friends we have improved it even more this year and now is the time to reserve your seat before the bus fills. Details can be obtained by calling Christine on **0418 406 214** - **Saturday 24 November 2012**



### ***City to Surf***

ADFA is hopeful of getting a group of runners or walkers to participate in this year's City to Surf fun run to be held Sunday, 12 August. Members and their families and friends are asked to support us in our efforts to raise money for ADFA and at the same time enjoy a great day out. Please call Jean at our office on **1800-006-196**.



### **ADFA RACE DAY**

**SATURDAY, 3 NOVEMBER 2012**

Tickets: \$150 each

Table of 10: \$1,500

Sponsorship Package: \$10,000

Please call Jean at our office on

**1800-006-196**

LADIES & GENTLEMAN, JOIN US FOR THE EVENT OF THE YEAR

The Asbestos Diseases Foundation of Australia's

**GALA RACE DAY 2012**

**Saturday 3rd November - Rosehill Gardens Racecourse**



**ONE NOT TO BE MISSED - PLACE YOUR BETS - HERE THEY COME**

**RACE DAY SPONSORSHIP PACKAGE**

- \* Naming rights to one race
- \* One table of 10 including 3 course lunch and beverages
- \* One on-course sign on the day 10m x 1m in strategic position
- \* Signage at Winning Post for sponsored race
- \* Sashing of winning horse in race
- \* Framed sashing photo with winning horse
- \* Post race drinks with winning connections
- \* Associated media coverage - All races shown live via TVN in over 2,000 pubs and clubs Australia wide plus NZ, Fiji, Hong Kong; Foxtel Digital via homes and on broadband. All races are broadcast live via 2KY Radio
- \* One full page mono advertisement in Race Book on the day
- \* Full Sponsorship: \$10,000 (\$10,000 package includes 10 tickets to the event for your guests)
- \* Alternatively Single Tickets may be purchased at \$150 each or per table \$1,500



With your help and support, ADFA can continue to work to raise awareness of the risks of asbestos and provide care to people living with asbestos disease, their families and those left behind.

As the 3rd November is Derby Day we will be celebrating our event in a BLACK & WHITE Theme.

Prizes awarded for BEST BLACK & WHITE HAT, MOST UNUSUAL HEADWEAR, AND

BEST BLACK & WHITE OUTFIT MALE & FEMALE.

On the day you will be able to watch the races track side where you will feel the excitement and the intensity as they run through the finish line, or sit in the air conditioned comfort of the Grand Pavilion where you will be served wine, beer or

Asbestos Diseases Foundation of Australia Inc.

P.O. Box 484, Granville NSW 2142

Ph: 1800 006 196 or 9637 8759 Email: [info@adfa.org.au](mailto:info@adfa.org.au)



**To the many members and others who showed such a huge interest in the trial of the European billionaires widely reported by ADFA we have more good news. A documentary of the trial has been made and ADFA will hopefully soon be in possession of the tape to show among other things the sentencing to sixteen years each of the two rogues for the deaths of up to 4,000 people. Further news as it comes to hand...**

## Support Group Information

ADFA run support groups for people living with asbestos related diseases (pleural plaques, asbestosis and Mesothelioma). Family members, carers or anyone with an interest in asbestos related diseases are also welcome. For further information on Support Groups contact us on **1800 006 196**

### Concord Asbestos Mesothelioma Support (CAMS) Group

CAMS is a support group for people with Mesothelioma and their families and carers. Meetings are held on the 4th Wednesday morning of the month at Concord. For more information please contact the office on **9637 8759**.

### Central Coast Asbestos Support Group Information

Meetings are held the 4th Wednesday of the Month. For more information contact Maree Stokes on **0419 418 190**.

#### Asbestos green ban

UNIONS have banned work at a former James Hardie factory site in Sydney's west that is said to be riddled with asbestos.

German firm Remondis proposed building a waste treatment plant on the site at Camellia, near Parramatta.

But Unions NSW said it was full of asbestos and voted for an interim green ban on work there. A green ban is a form of strike action relating to environmental concerns.

A Union NSW spokesman said none of the organisations members would work at the site until concerns were addressed.

### As a sponsor of ADFA, we can offer you:

- ✓ Free advertising in our Newsletter along with your Company logo and a short message;
- ✓ Free membership to a well known and successful charity that has been in existence for over 20 years;
- ✓ Tax concessions for any donation made over \$2;
- ✓ Free entry to any functions that may occur during the year (excluding fundraising events).

Please contact us on **1800-006-196** if you would like to discuss becoming a sponsor of ADFA.

## MEMBERSHIP

Should you want to become a member of the Asbestos Diseases Foundation of Australia, simply call our office and ask for a membership form to be sent to you. The annual membership fee is \$25 and you will be helping a most worthy cause as well as becoming a member of a highly desirable and prestigious charity.

Please contact us on **1800-006-196**.

## ADFA

**The Asbestos Diseases Foundation of Australia Inc. (ADFA)** is a not-for profit organisation working to provide support to people living with asbestos related diseases, family members, carers and friends. For medical, legal or any advice on Asbestos exposure, contact ADFA :

**Phone: 1300-006-196**

**Email: [info@adfa.org.au](mailto:info@adfa.org.au)**

**Address: Suite 3, AMWU Building,  
133-137 Parramatta Road, Granville NSW 2142**



*Thanks to our Sponsor Walkin' Promotions.*



**ASBESTOS**

**There is no warning. There is no cure.**