

December 2013



News

A Christmas Message from the President

And so this is Christmas, We hope you have fun, with your near and dear ones, the old & the young, so go the words of that much loved song that we hear sung so often around this time of the year. As President of ADFA I would like to join with my committee and express the desire that all of those connected with our organisation in any way to have fun with your families and dear ones, the old & the young. We wish you all a most enjoyable Christmas and a Happy New Year. May this festive season bring tranquillity to those who may have fallen on hard times during the year and to those who have lived with the poignant memory of a family member who once occupied the chair now standing vacant at the festive dinner table.

ADFA has lost members and friends during the past year through no fault of their own. What we have not lost though is the will and determination to continue our work towards helping others less fortunate than ourselves who may through no fault of their own fall victim to an asbestos related disease. Foremost in our minds however, is the sad realisation that after all those years those responsible for the greatest on-going industrial disaster this country will ever know, simply walk away. They were the ones who schemed and lied and gouged enormous profits from the labour of those who worked in their "death factories" many of whom were destined to die a painful and lingering death. They were the ones who strenuously denied and indeed went to great pains to cover up their despicable and disgusting secret and must surely have blood on their hands. There was irrefutable evidence that asbestos killed people and they let it happen. To those out there and you know who you are we here at ADFA wish you a Merry Christmas also. For this is the season of "peace on earth and good will to all men". Sadly the grab for wealth took precedence over anything that vaguely resembled good will towards others. Were a little good will shown there maybe fewer empty chairs.

Barry Robson
*President, Asbestos Diseases Foundation of
Australia Inc.*

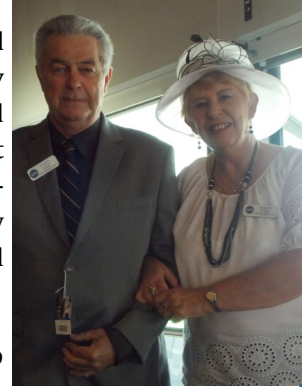


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Another Life Member

As a result of a suggestion put forward and unanimously accepted by all members of the committee it was agreed that the President of ADFA, Mr Barry Robson should be offered life membership. This was announced at our annual fund raiser on 2 November at Rosehill Gardens where he was reluctant to accept this honour claiming that he felt sure there were others more deserving than himself. The committee and other members of our group thought otherwise. He now joins a small company of previous recipients who are enjoying this accolade and will forever be mindful of those who made it possible.



Barry will share the company of other Life Members that include Mr Armando Gardiman who heads up the legal firm of Turner Freeman and who raised many of the ground breaking issues associated with compensation claims for innocent victims of Asbestos Related Diseases. He is considered to be an authority in the defence of Mesothelioma victims and has won many favourable court decisions over a period of many years.

Add the names of Thelma Day, Shirley Shead, Ella Sweeney and Eileen Day all "Asbestos widows" who have fought fearlessly to keep the plight of victims in the public domain despite the loss of a partner.

Unfortunately Mr Tom Cook who was a founding member of our organisation more than twenty years ago passed away some two years now. Barry Robson was elected President of ADFA in 2002 and has retained that position unopposed ever since. He is a dedicated and driven person and we are fortunate to have had his direction and expertise for so long.

Congratulations Barry...you deserve it.

By Mike O'Donnell



Annual General Meeting

At ADFA's Annual General Meeting held on December 11th, the following incumbent members were re-elected unopposed:

President: Barry Robson

Vice President: Marie Stokes

Secretary: Eileen Day

Treasurer: Helen Davis



Remember ADFA is always looking for Volunteers. If you would like to join us or find out ways in which you can help, please give Jean a call on 9637-8759.



ASBESTOS DISEASES FOUNDATION
OF AUSTRALIA INC

Supporting victims, Informing and Campaigning

Media Release

Thursday November 7, 2013

Asbestos victims welcome scrapping of waste levy, but urge further steps to prevent dumping

The Asbestos Diseases Foundation of Australia has welcomed a decision by the NSW government to trial the scrapping of a levy on asbestos waste being sent to tips, saying the high cost of disposing asbestos from home renovations was one of the leading causes of illegal dumping of the deadly substance.

The organisation hopes the 12-month trial in at least 10 local government areas will be a success, and can be expanded throughout the state.

ADFA president Barry Robson said he also wanted other states and territories to follow suit with similar schemes to curb illegal dumping, which has seen countless cases of highly-dangerous asbestos dumped on city streets, at times near schools and child care centres.

“Even the smallest exposure to asbestos fibres can be potentially deadly, so when we see piles of broken asbestos waste dumped near homes, parks and schools it is extremely concerning to us,” Mr Robson said.

“As well as greater penalties for illegal dumpers, which the NSW Government has already implemented, making the legal disposal of asbestos more affordable will only help reduce cases of dumping and ensure more asbestos than ever before is safely and securely disposed of.”

Mr Robson also welcomed the decision to have the Environmental Protection Authority pay \$50 towards the cost of removing and transporting asbestos to tips and landfill sites, saying the costs for home renovators had been a driving reason some chose to dump the material.

However ADFA said there is still more that can be done to ensure the safe removal and disposal of asbestos products from resident homes, with Mr Robson urging the NSW Government to also examine amnesty days where asbestos can be dropped off fee-free for safe disposal.

“In Western Australia they have implemented amnesty days for asbestos, which have been hugely successful at allowing people to safely remove and dispose of potentially deadly asbestos products from their homes,” He said.

“In Sydney, Holroyd City Council has also trialled an amnesty system, which so far has been extremely effective at not only reducing dumping, but also helping home renovators eradicate long-term asbestos hazards from their properties by removing the cost burden.”

For media comment please call ADFA President Barry Robson on 0407 235 685

ONE MANS FIGHT



Readers of our previous newsletter will recall the name Dr. Alan Prucell PHD, MA, MVBA. A graduate of Trinity College in Dublin and Queens University in Belfast. We featured him and his one man campaign to abolish the use of air blowers (commonly know as leaf blowers) used by cleaning staff in schools and in particular school rooms.

Alan retired from his many government positions in 2005 and found that retirement was boring and did not fit. Being a keen gardener he took a position as a part time gardener at Como Secondary School working three days a week in Perth where he lived. It was there he first came in contact with leaf blowers being used by cleaning staff to “blow” class rooms. He thought this was rather strange considering the school was advertised as “asthma friendly”. He also discovered what he felt was abandoned asbestos adjacent to a rubbish skip in the school yard. His complaints regarding leaf blowers went as high as top government officials including the education minister who refused to accept his concerns that particles of dust were so minute they could remain airborne for days and photographic evidence that dust has settled on window sills, skirting boards and architraves in the class rooms. He was told that leaf blowers were accepted practise by cleaning contractors in schools which could suggest that they may probably be in use in most schools throughout the state. It was pointed out that particles of dust and asbestos could be carried in to the class rooms on the shoes of children whose parents may be in the process of renovating the home and thereby disseminating dangerous particles around the school when disturbed. No mention has been made of the dangerous carbon monoxide gas dispelled by petrol driven blowers which is tasteless, odourless, colourless and toxic to humans. The operator using a machine over a sustained period must be in extreme danger were he not wearing an approved respiratory mask. Children who have respiratory problems may find these fumes aggravate their condition and cause distress.

While schools like many other organisations have a “duty of care” for children in their charge it seems totally irresponsible that these machines are used at all let alone approved by the Education Department and unsupervised at that. Unlike a vacuum cleaner which sucks up dust these machines expel a powerful blast of air forward guaranteeing any particles of dust including asbestos reach ever possible area within its path. Asbestos fibres are so small they are measured in microns. These are 25,4000 to the inch. They can be spear shape and often are. They are invisible to the naked eye and so light they may hang in the air for weeks. It takes just one of these tiny fibres to lodge in the lung to precipitate the possibility of mesothelioma. Although the longer the exposure the greater the risk. Of some 750 schools in West Australia 150 are in need of attention to stabilise or remove asbestos. Not only are children the only ones involved, teaching staff are also at risk. In a survey carried out in the one state in the U.S it was discovered 410 had died as a result of asbestos related disease and for each one an estimated 9 pupils would contract a similar complaint in future years. ADFA would like to congratulate Alan for the work he does in bringing the dangers of leaf blowers to the public notice and we wish him well.

A TIMELY WARNING

Veteran fire fighters and Rural Fire Service commissioner Phil Koperberg has sent out a timely warning to those who lost homes in the recent spate of bush fires and particularly in the mountains to the west of Sydney. Phil is now the co-ordinator of Bush Fire Recovery and advises the NSW Government on emergency response strategies. His advice to those returning to inspect the damage is to beware of the dangers that lie within those ashes. Those fires were so intense and volatile that almost everything in their path has been reduced to a fine ash and among those ashes lies deadly Asbestos. Most homes in the area built before 1987 would most certainly contain Asbestos which is impervious to heat and fire. It will remain dangerous for many years to come.



Forensic assessment of some 150 homes destroyed show upwards of 90% have a potentially serious level of Asbestos contamination. Mr Koperberg says Government agencies will be set up in the area where those who wish to seek advice can do so. Signs have been posted and handouts available.

Remember the risk lies in the future.



'BUSHIES' MISS OUT.

Our hard working and genial Secretary Eileen received the following letter from Cheryl Lynch who lives in Bellingen in Northern NSW. Cheryl tells of a subject rarely mentioned but one ADFA has been aware of for many years and that is the problem of the disposal of what is regarded as a highly dangerous and indestructible material in country areas.

To my knowledge there aren't any tips in this state in country towns who accept Asbestos. Although your writer is aware of the vast amount shipped to country areas when employed by James Hardie and frequently required to work there by that company. So what are the good people of Bellingen and other country towns expected to do?. Make criminals of themselves and dump it in the bush and have to live with the guilt forever?.

Over to you E.P.A. (Environmental Protection Agency)



DID YOU KNOW...

That more than fifty countries have banned Asbestos. Surprisingly the United States does not. For one of the most prominent and civilised countries in the world this is a surprising information. Not only do they allow the importation of Asbestos but the quantity exceeds more than a thousand tons annually. A significant amount when one considers the amount of products produced that will ultimately contain deadly fibres and be distributed far and wide in a country that already has a death toll that averages more than fifty victims every day. Many more will suffer from an Asbestos Related Disease (ARD). There is no suggestion that the situation will change despite a very active Asbestos movement similar to ADFA that campaigns relentlessly for the abolition of this most damaging mineral ever mined. Could the reluctance to ban this material stem from the fact that major stake holders just happen to be U.S investment firms who hold shares in Brazilian Asbestos companies, the country from which most of the Asbestos is sourced?

That on the 11 November the Prime Minister stated publically (Quote) "There is Asbestos in the roof of Government House".

That a new study involving a total of 30,000 Firefighters from three large cities in the U.S, San Francisco, Chicago and Philadelphia found they had higher rates of several types of cancers and all cancers combined, than the U.S population as a whole. The findings are consistent with earlier studies, but because this one followed a larger population for a longer period of time, the results strengthen the scientific evidence for a relation between fire fighting and cancer the researchers have said. The researchers found also that cancers of the respiratory, digestive and urinary systems accounted mostly for the higher rates of cancer in the study population. The firefighters had a rate of MESOTHELIOMA two times greater than the rate in the U.S population as a whole. The researchers said it was likely that the findings were associated with exposure to Asbestos and noted this is the first study ever to identify an excess of Mesothelioma in Firefighters.

That on 1st July 2013 what is now known as the National Asbestos Exposure Register was formed and is now up and running. This is a federal government incentive designed to bring anyone who feels he or she may have been exposed to Asbestos the opportunity to register with the Asbestos Safety and Eradication Agency. The information you give will then be recorded in the National Asbestos Exposure Register and you will be given a Reference number for future use. This information cannot be destroyed without the permission of the National Archives of Australia. ADFA strongly advises all those who suspect they may have experienced some exposure no matter how little to register. Records show that difficulties may occur in the event of a claim being made in future whereby the origin of the exposure is in doubt. Anyone is eligible to register if they feel the need but in particular we would advise those members of emergency services such as fire fighters, police, ambulance and S.E.S to take positive steps to register as a necessity. The vision splashed on our TV screens of people wandering through the ruins left by recent bush fires minus any form of protection was frightening in the extreme...

Information at: enquiries@asbestossafety.gov.au

FAX: (02) 6204 2029

Merry Christmas

AWARENESS DAY 2013

Awareness Day was celebrated on the 29th November to mark Awareness Week at our usual venue at the Maritime Museum at Darling Harbour. In front of an audience of invited guests our Senior Patron of ADFA Her Excellency Professor Marie Bashir The Governor of N.S.W praised the work carried out by the volunteers at ADFA and assistance given to those affected by an asbestos related disease. Her Excellency spoke also of the many victims of Mesothelioma who have passed away affected by a condition neither known nor caused by them.

Also in attendance were students from Ashfield Boys High and Korowal School in the Blue Mountains. This is an opportunity to pass on awareness of the dangers of asbestos that may some day affect those of their own generation. Other speakers included Senator Doug Cameron, our newest Patron Barbara Hall. Professor Nico van Zandwijk chief scientist at Asbestos Diseases Research Institute (ADRI) spoke glowingly of remarkable progress being made by his team at the Concord Hospital location. In a world first a new drug that could offer a future treatment is to be trailed at the same hospital. Turner Freeman were represented by Tanya Segelov and the Dust Diseases Board (DDB) chief Peter Dunphy both attended the ceremony to lend their support and spoke of the ravages caused by asbestos and the need for more awareness in the community.



AN UPDATE FROM ADRI

A new drug is to be trailed by Concord Hospital commencing at the end of this year and will involve thirty patients.

It is hoped that this trial will lead to a possible treatment for Mesothelioma suffers by targeting tumour cells with a synthetic material that inhibits their growth. Known as TargomiRs, Professor Nico van Zandwijk of ADRI in collaboration with EnGeneIC in a world first application says, “ we hope to find an optimal human dosage to quickly enable us to take us to the next stage. However to do this we need further funding of \$750,000 to get us there”.





Tribute to Donors and Supporters ADFA Gala Race Day



Congratulations must certainly be extended to all those involved in our tremendously successfully annual fund raiser race meeting at Rosehill Gardens on the 2nd November. This was far and away the best meeting that we have staged in the five years since we commenced to raise funds in this way. Held with a crowd of patrons numbering some 650 the day was entertaining and a most cordial atmosphere prevailed. **ADFA** received many complementary remarks and the Events Co-ordinator at Sydney Turf Club said she would welcome us back next year.

There are so many people to thank for making the day such a pleasant outing that one hardly knows where to start. First and foremost we have to mention our volunteers who gave generously of their time both at the race course and in the weeks leading up to it. Much work carried on behind the scenes was a monumental effort on its own and never a request refused. To Eileen, Helen, Maree, Joan and Jeanette we say "thanks" ladies for all your folding and wrapping and tying and many other little chores that had to be done. Special thanks goes to our office lady Jean (Genie) who is just that, a genie without the bottle. She worked tirelessly throughout and often on her own in the lead up to the race day. Barry and Kate were on hand at all times to assist as well. Special mention must be made of Tracy Milenko, the CEO of Walkin' Promotion, one of our sponsors and a close friend of ADFA who was responsible for those wonderful table decorations that people often commented upon.

To all the companies that bought races your generosity knows no bounds
we thank you profusely.

and

- **Turner Freeman Lawyers**
- **Vincents Chartered Accountants**
- **Lidoran Group**
- **CSR Limited (Bradford Solar)**
- **AMWU National**
- **Blacktown Workers Club**
- **CFMEU Mining & Energy**
- **West Tradies Club joint with CFMEU Construction & General**



To all those who purchased tables and those who bought seats and participated to make it such a wonderful day we say many, many thanks.

Let's not forget those who donated those great gifts for our auctions:

- **Electrolux**
- **Dick Smith**
- **John Laws**
- **Ken Done**
- **Sydney Tall Ships**
- **Nepean Belle**



A big thank you also to Brian "Sparkles" Parker who gives his time each year to MC this event, and what a great job he does.



Just to say "Thank you" to all of you kind hearted people who so willingly opened your hearts and your wallets to assist us financially never seems adequate. Rest assured that every cent raised will be spent wisely and will with the exception of normal running expenses such as phones, postage, fuel for the cars goes towards assisting those in need of our help and guidance. No funds are skimmed off in the form of administration fees as we at **ADFA** volunteer our services. We do however make a sizable donation to Profession Nico van Zandwijk and his team of dedicated scientists at and many others, we thank you all for your generous support. ADRI at Concord Hospital who work tirelessly in their search for a cure for the dreaded Mesothelioma cancer. So in a way all you good people who donated to us on race day also play a role in that research. If I have inadvertently neglected to mention anyone or any organisation here that deserved to be recognised please accept our apologies. You are not forgotten by us. To all involved ADFA would like to wish you good health and good luck and a Merry Christmas and a Safe & Happy New Year!



LIARS AND CHEATS

Over the years many of them have developed an air of respectability the better to ingratiate themselves into our lives. Not all of us are taken in by this vapidty. Take for example the James Hardie organisation who manufactured Asbestos products and fostered a coterie of rogues and villains. Willing to deceive and participate in a pernicious and deceitful undertaking to cover up

the most horrendous industrial disaster ever know in this country, they were to blame for the deaths of hundreds upon hundreds of innocent workers. Not indirectly, but directly. By the simple expedient of denying all the knowledge that Asbestos killed and indeed going to pains to encourage its use, these rogues waxed fat on immense profits while in full possession of the knowledge that it was the core reason for the ever increasing death toll.....**Liars all** . The most prominent member of this rogues gallery was one John Boyd Reid who was at the helm of James Hardie for some twenty three years and to suggest he was not aware of the dangers involved is ludicrous in the extreme.



Lets look at another villain. This one is named Peter MacDonald. MacDonald took over the reins of leadership some time after Reid retired. Also a member of the "cone of silence" he inherited the lie that came with the territory and was privy to overseas information coming through that Asbestos was a dangerous commodity. In fact it was well know since the early 1930's about the potential lethal properties of Asbestos. But profits for the James Hardie company were never so buoyant and those in the know weren't game to rock the boat even if it meant spilling the beans. What's a few hundred lives anyway?!? MacDonald was called to account along with nine others who made up the Board of Directors when the scandal broke that they gave false information to the Stock Exchange in respect to the compensation fund being capable of funding any and all future claims. Hardies left a few hundred million in the fund and decided to relocated to the Netherlands. The fund fell short by an estimated 1.2 billion dollars.

Another villain. This time a female. But still a villain none the less. Her name is Meredith Hellicar. She was once the chair of the Board of Directors and along with Peter MacDonald was put on trial for being a party to false information given to the Stock Exchange. In summing up her evidence the presiding judge Justice Gzell described her as an "unreliable witness"

Now lets meet John Boyd Reid. The arch-angel of all liars. For the twenty-three years that he was in charge of James Hardie and Company he lived with a dark secret that defies belief. There was irrefutable evidence that the Asbestos laden products made by Hardies carried a component that caused Mesothelioma, a fatal cancer attributed to exposure to Asbestos. He would most surely have had to know about this because of his legal back ground and the numbers of those lining up to take action against the company for compensation on behalf of victims. Yet he flatly refused to acknowledge this publicly as many countries engaged in similar occupations chose to accept the credibility of the evidence put forward. Only a person of unbridled dishonesty could carry such a lie for such a period of time knowing that innocent victims were dying debilitating deaths because of his refusal to speak out. All this in the name of profits. Hardies were to become one of the wealthiest privately owned companies in the country and he one of its richest men. He was the recipient of a multitude of awards and recognised as a generous benefactor to many charities. (It is easy to be generous if one has the funds even if those funds came about as a result of the deaths of many people. Or maybe this is just his way of placating his own conscience). His fondness for notoriety knew no bounds and he always encouraged such charities to display his name prominently where ever possible. Reid retired in 1996 and left a legacy so abhorrent that most people would find it hard to forget. Certainly the families of those who he helped to an early grave won't forget.

Asbestos Alert In Small Country Town

Gwydir Shire Mayor Mr. John Coulton's admissions to at least two confirmed incidents of dangerous asbestos being inappropriately handled by council workers, shows conclusively how some councils treat the threat that this substance carries with a blasé and nonchalant attitude.



A whistle blower named Mark Sankey, an employee since 2008, has made allegations that when employed at the land fill sites owned by

Gwydir Council he was frequently asked to cover asbestos with garbage and leaf matter so as to hide it from view. When he questioned this instruction he claims he was threatened with dismissal. He has since been dismissed by the council who offered as the reason, "his skills were no longer required".

Mr Sankey would have been exposed to asbestos dust on many occasions. Were there any substance in these allegations (and we have no reason to think otherwise) it calls for immediate investigation on the part of WorkCover and the Environmental Protection Agency, both of whom now confirm that they will be looking into all aspects of the safety issues concerning asbestos in the shire. Having heard speakers from those organisations and others including the President of the Asbestos Diseases Foundation of Australia Mr. Barry Robson at a seminar convened in the CWA rooms on Saturday, 12 October, many inhabitants of the sleepy little village of Warialda will awake to the knowledge that some of them may have been exposed to deadly asbestos fibres. This is not to suggest that the township will become another "cancer cluster", far from it. In fact, very few people exposed to asbestos actually contract an Asbestos Related Disease when one considers the huge numbers of those who come in contact with it on a daily basis. It can however enter homes and offices and work places carried in on footwear and clothing belonging to those who have been exposed.

Having had personal experience with the ravages that Mesothelioma brings and were I a resident of that town or others controlled by Gwydir Council, I would be taking steps to inform those in charge in no uncertain terms that this is a material that cannot be taken for granted and must be treated with caution. Cutting up water pipes and other items that contain asbestos as it has been alleged, is inane stupidity and a practice not to be encouraged. Such acts carry a fine of up to \$1M and if incurred no doubt would be passed on to rate payers.

To this end, ADFA would strongly advise anyone who has been in the vicinity of any work being carried out that may have involved disturbing asbestos in situ to contact the National Asbestos Register and inform them so you can be placed on record. **Contact them on 1300-363-079.**

From the Desk of Our Lawyer

Turner Freeman Lawyers

2013 has been a busy year as always. We are continuing to see increasing numbers of mesothelioma claims by persons whose only exposure to asbestos is through home renovations, often referred to as the 3rd wave of sufferers. These persons tend to be younger, often in their 40s or 50s. Many have young children and as part of their claim seek damages for the commercial cost of replacing their services to their children. Such a claim is also being increasingly made by sufferers looking after partners with significant physical or mental injuries such as dementia. There have been 3 decisions of the Dust Diseases Tribunal this year which have dealt with such claims and we will likely see more in the future.

We are hopeful that the newly created Asbestos safety and Eradication Council, to which Turner Freeman partner Tanya Segelov is one of the independent members, will have a significant impact on the management of asbestos containing materials still present in our community, particularly in the residential sector, which is presently unregulated.

We are also hopeful that the clinical trial to be commenced by ADRI in 2014 as a result of the very generous donation by Turner Freeman client Andrew Lloyd from his common law settlement will provide some steps towards of an effective treatment for mesothelioma.

We wish all ADFA members a happy festive season and a safe and healthy 2014. Please do not hesitate to contact us if you have any legal questions.



**Tanya Segelov,
Partner**



Central Coast Asbestos Diseases Support Group

2013 has been a very busy year with the committee's visit to the opening in April of the Workers Memorial at Kings Park in Canberra. The Federal Government funded Asbestos Safety and Eradication Agency on which ADFA president Barry Robson is a committee member, new NSW government asbestos legislation also a trial in 2014 for interested councils to support the removal of the asbestos levy when depositing of asbestos at tips, new and exciting discoveries from the scientists at the Asbestos Diseases Research Institute. So after many years of advocacy and hard work we may be seeing some serious interest into the dangers of

asbestos and the toll this dangerous substance has on many families and friends of those afflicted. Thanks to Jean and the committee especially Barry for their hard work in the organisation of a very successful charity race day this year.

The Central Coast Asbestos Support (CCADS) has continued for yet another year with some new members we have sadly lost Merv Kerney to mesothelioma also Danny Willis our deepest sympathy to the families and friends of these lovely guys. The Christmas luncheon for members and friends of the support group will be at the Ourimbah RSL bistro 12.30 p.m. Wednesday 18th December our next meeting will be fourth Wednesday 22nd January 2014. I take this opportunity to extend my wishes for a happy Christmas to you all and a healthy and successful year in 2014.

**Maree Stokes, Vice President ADFA
Co-ordinator Central Coast Asbestos Diseases Support**



ADFA would like to take this opportunity to thank the many indigenous peoples and the custodians of traditional lands who co-operated with us on any occasion when requested during the year. ADFA is grateful and you have our support.



An Irish Blessing

May the Road rise up to meet you
May the wind be always at your back.
May the sun shine warm upon your face,
the rain fall soft upon your fields
and until we meet again
May God hold you in the palm of his hand.



*The Committee and Staff at
ADFA would like to wish
you all a Merry Christmas
and a safe and happy
New Year.
Thank you for your support in
2013.*



Thank you to our Supporters



**Turner
Freeman
Lawyers**

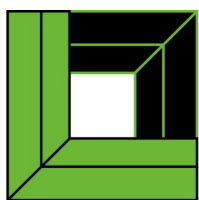


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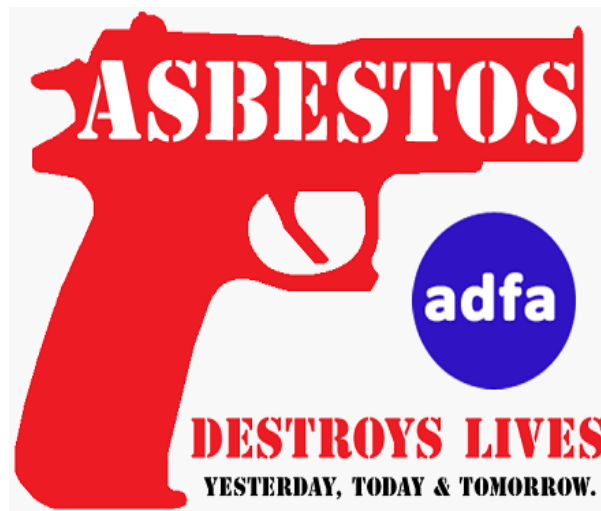
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