



February 2015

# News

## *A Message from the President*

*Barry Robson President,*

*Asbestos Diseases Foundation of Australia Inc.*



No news from the NSW Liberal government after adfa met with Attorney General Brad Hazzard on two very important issues.

First the Strikwerda where widows are at a disadvantage over compensation payments and secondly the James Hardie saga where the company has said that they will not top up the fund which utterly means that the fund will go into slow decline and to eek out the money victims will be then be paid in INSTALMENTS. **This can not be allowed to happen.**

Hardies have just announced that they are on track to make a profit of \$235 million. If James Hardie can find half a billion dollars to hand over to shareholders, and \$11 million a year just for their CEO, surely they have an obligation to ensure every victim of their deadly asbestos products is properly compensated.

We ask the question of why has the NSW Government not got stuck into the company over this shortfall and stand up to Hardies and DEMAND that they TOP UP THE FUND.

The Attorney General Brad Hazzard has reassured adfa that he will get onto this poste haste, but NOTHING seems to be happening.

ALL TALK. Well I intend to remind the Attorney General Brad Hazzard that the election is less than 40 days away.

And I am sure they do not want adfa members back out on the streets demonstrating once again about the lack of ACTION from the GOVERNMENT.

*Barry Robson*

*President, Asbestos Diseases Foundation of Australia Inc.*



### INSIDE THIS ISSUE

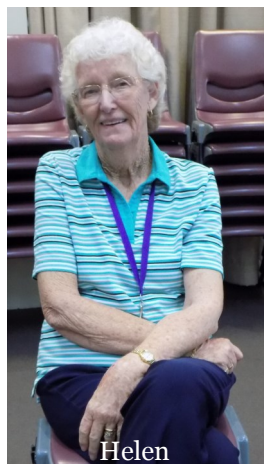
AGM Christmas Meeting.....	2
Christmas on Central Coast.....	3
Awareness Day .....	4 & 5
Interview with Catherine O'Farrell....	6
Central Coast Asbestos Diseases Support Group.....	7
Message from DDB.....	8
Welcome to Governor of NSW.....	8
From the Desk of Our Lawyers.....	9
Is that asbestos in my home.....	10
What to Do in Your Home.....	11
Christmas in July.....	12
In Memorandum.....	13
Thank you Letter.....	13

# AGM CHRISTMAS MEETINGS

ADFA held its Annual General Meeting on the 10th December 2014



Kate, Eileen, Barry & Nicole



Helen



Maree



Jeanette, Thelma & Agnes



Russ, Ray & Mike



Jeanette, Anne, Thelma & Agnes



Ray, Thelma & Russ



Maree, Eileen, Helen, Barry & Kate

ADFA Executives





# CHRISTMAS CENTRAL COAST

Central Coast Christmas lunch was held on the 17th December at the Ourimbah RSL..



Helen & Maree



Colin, Maree, Ian & Fay



Ray, John, Mick & Colin



Helen & Kate



Thelma & Brian



Barry, Bev & Sue

A very pleasant luncheon at the newly renovated Ourimbah RSL Club.

All that attended had an enjoyable time.

A Thankyou to the Management of Ourimbah RSL Club for supplying a room for free covered by the clubs Grants system. *Maree Stokes*

It was lovely to meet with the members of the Central Coast Support Group. We all enjoyed lunch and getting to know the new members and what we can do to help them. *Eileen Day*

It was great to have so many members join us for the Annual AGM at Granville.

It was good to see Ann White up and about , as well as our other members.

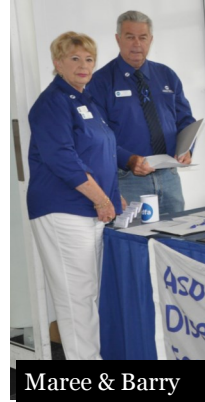
Lunch was enjoyed by all along with a few drinks to the festive spirit.

We would like to thank those that joined us for the AGM. *Eileen Day*

# AWARENESS DAY 2014



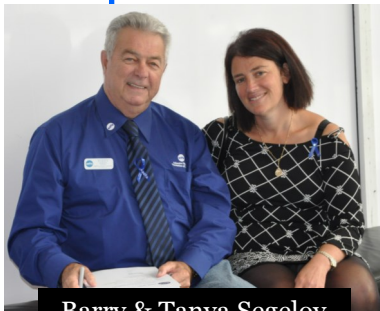
Barry, Kate, Eileen & Helen



Maree & Barry



Prof. Nico



Barry & Tanya Segelov



Paul Bastian—AMWU



Maree, Paul Bastian & Barry



Peter Tighe—ASEA



Maree, Anita Anderson—DDB & Barry



Father John Boyle



Prof. Nico van Zandwijk—ADRI





Helen, Prof Nico—ADRI & Barry



Barry Robson—President ADFA



Members & Guests attending



Betty the Asbestos House



Harpist Belinda

Awareness Day was enjoyed by all who attended. We even had students from Holroyd High School and hope to have them join us again for our 2015 Awareness Day.

Each of the speakers spoke on different and interesting subjects.

The raffle that Jean put together raised \$309 and was won by a staff member of the DDB.

We had for sale our new Torches and Pens that were supplied from Walkin' Promotions and these sold very well.

Helen presented a cheque to ADRI's Professor Nico on behalf of ADFA for \$45,000, which included \$10,000 from the Estate of the Late Hans Mross who was a member of adfa who passed away last year from Mesothelioma.

# Families of NSW asbestos victims missing out on compensation, advocates urge law change

[Photo: Sydney Widow Catherine O'Farrell with a family photo. Her husband, Bob Wallin, died of mesothelioma in 2008.](#)

By Nick Dole  
20 Jan 2015,



Asbestos awareness groups say the families of asbestos victims need more time to seek compensation because some sufferers are dying before they get a chance to start legal proceedings.

Under current laws, unless a victim initiates legal proceedings while they are still alive, their families may be entitled to nothing.

Asbestos Diseases Foundation of Australia president Barry Robson said families are often too busy caring for their loved ones to think about their legal affairs.

"For mesothelioma ... on average, [the time] from diagnosis to death is 155 days. That's not a lot of time to get your head around a death sentence," Mr Robson said.

He said families who have lost a loved one face added distress when they learn they have missed the compensation deadline.

"It's just another kick in the guts," he said.

Asbestos compensation lawyer Tanya Segelov, from law firm Turner Freeman, said some victims do not even know they have an asbestos-related disease.

"Sometimes people aren't diagnosed until autopsy," she said.

The Asbestos Diseases Foundation of Australia is also seeking changes to a law which reduces the amount of compensation victims' families can claim.

Sydney widow Catherine O'Farrell was entitled to compensation following the death of her husband Bob Wallin in 2008.

However, under a legal principle known as Strikwerda, her payout was reduced because her late husband had already received compensation for his suffering.

She said she was left with hefty debts and a daughter to support.

"It was a very hard slog and I just don't feel that any family should have to go through that," she said.

Greens MP David Shoebridge said New South Wales should follow the lead of other states and change the law.

"It's a damning indictment on politicians here in NSW that we haven't remedied the law. It's just such an obvious injustice," he said.

"The path to decency has been mapped out by every other state and territory."

The Government has indicated it will not accept legal changes that put pressure on the asbestos compensation scheme, which it says has "viability issues".

A spokeswoman for Attorney-General Brad Hazzard said the Government "will do all it can to ensure the scheme's ongoing capacity and in that context will consider any changes that assist the scheme".

# Central Coast Asbestos Diseases Support Group

Support, information & advocacy for people living with asbestos diseases.

Maree Stokes, Vice President ADFA

Co-ordinator Central Coast Asbestos Diseases

## Support Group



The members of Central Coast Asbestos Support Group enjoyed a Christmas Luncheon at the Ourimbah Club the members were pleased to have Barry Eileen Helen and Kate join them and we thank them for their attendance.

Our first meeting was on January 28<sup>th</sup> 2015, it is 10 years since the support group commenced at Niagara Park and we have seen many asbestos sufferers and their families over this long period of time. I often think of the wives, partners and families that I have met and hope that they have been able to move on in their lives but one never ever forgets the loss and the tragedy that asbestos causes. We attended the funeral of Laurie Evans on 23<sup>th</sup> January, Laurie was a member of the support group and a 20 year member of adfa. Our deepest sympathy to his wife Betty and family.

I have been speaking with five men recently diagnosed with mesothelioma, they all live in the Central Coast area. I hope they will join us at our meetings. I shall continue with my support via phone calls. I was requested by one man who wanted to speak to another who was in the same situation, this is what support means.

Thanks to Ourimbah RSL Club for supplying a meeting room for us for another year and for those who wish to join us we are having lunch in the bistro at 12 noon prior to the meeting. A nice social get together but those members who wish to attend the meeting only, 1pm in the allotted meeting, please check with reception.

The next meeting Wednesday 25<sup>th</sup> February and March 25<sup>th</sup> 2015

Cheers for now, Maree Stokes

Don't forget, be involved with [www.dustedcommunity.com](http://www.dustedcommunity.com)

### Support Group Meetings

4<sup>th</sup> Wednesday of every  
month

1pm—3pm

Ourimbah Bowling Club

6— 22 Pacific Highway,

Ourimbah NSW

Contact:

Maree Stokes

0419 418 190



## Dust Diseases Board

The Dust Diseases Board is introducing a new service for the dependents of deceased workers to help them complete their compensation application form. The Board's staff understand that the form can be difficult to complete and many people find it difficult to understand what information and documents they need to provide with their applications. The Board is now offering a telephone application lodgement service to help applicants. The Board's staff will take all information needed to complete the application form over the telephone. The staff will explain how the compensation process works, what documents the applicant will need to send to the Board and how to get those documents required. The Board will send the completed application form to the applicant to check, sign and send back with the required documents. The Board thinks this will help make the process easier for applicants and also speed up access to compensation payments.

The Board will be introducing the service on a 3 month trial from March 2015.

Anita Anderson

General Manager

Workers Compensation Dust Diseases Board

Toll Free: 1800 550 027

### **His Excellency General The Honourable David Hurley AC DSC (Ret'd) Governor of New South Wales**



Asbestos Diseases Foundation of Australia Inc is happy to announce that His Excellency General The Honourable David Hurley AC DSC (Ret'd) Governor of New South Wales has agreed to grant Vice-Regal Patronage to adfa.

His Excellency is the 38th Governor of New South Wales and replaces Her Excellency Professor The Honourable Dame Marie Bashir AD CVO who was our Senior Patron for many years.

We look forward to having His Excellency support adfa as our Senior Patron and we hope our members welcome him as well.



## From the Desk of Our Lawyers

This year is a critical year in asbestos litigation. The AICF, the Fund set up to pay James Hardie claims, has yet to file an application in the Supreme Court seeking approval to pay claims by instalments. Given James Hardie's public statement that the Fund will seek such an order to commence on 1 July 2015 we except the Fund to file proceedings any time. We are assisting ADFA in their efforts to lobby the NSW and Federal Governments to ensure that victims claims continue to be paid. We have meet the NSW Attorney General Brad Hazard and will continue to liaise with his office.

We discussed with the Attorney General NSW's failure to implement legislation to ensure widows who also bring dependency claims recover all their damages after the decision in Strikwerda noting that all other States have passed such legislation. We are hopeful the Attorney General will consider our request.

We are also waiting for a number of important decisions pending before the New South Wales Court of Appeal which we expect will be handed down over the coming months. These decisions affect widows' claims and those claiming for the loss of ability to care for others as well as claims against defunct companies where the last insurer cannot be identified. I hope to be able to advise in the next newsletter that we have won these appeals.

Following the successful first conference of the Asbestos Safety Eradication Agency I continue to work with the Agency on a number of projects focusing on identification of asbestos in the home. Turner Freeman and ADFA have continuously raised the lack of regulation in relation to asbestos in the home and we hope these efforts will result in mandatory identification and reporting of asbestos within the next few years. This is so important as we continue to see a rise in claims by persons exposed to asbestos during the course of home renovations.

As always feel free to contact me or the team at Turner freeman if you have any questions about asbestos claims.

Tanya Segelov

**Turner  
Freeman**  
Lawyers

You can contact Turner  
Freeman on their Toll Free  
Number : 1800 800 088

# Is that asbestos in my home?

Is your house built before the 1990's, than it is likely to contain some form of asbestos material or product unless it has already been removed.

The following photos are examples of what asbestos in your home may look like. These images only show some of the key areas in your home where you may find different types of asbestos. Asbestos was used in so many products around the home for a variety of purposes, these photos are just a selection.

Not all forms of asbestos need to be removed but when you are planning renovations it is important that you consult an appropriately qualified professional.



What to wear to protect yourself



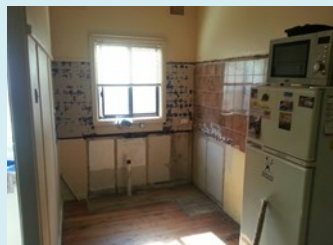
Asbestos cement sheet eaves lining.



Asbestos floor tiles and adhesive.



Simulated brick asbestos cement sheet cladding—moulded slices of brick attached to asbestos cement sheeting.



Splashback was sheeted with asbestos, unable to remove tiles without disturbing the asbestos.



Asbestos cement sheet walls in a toilet.



Old Garage & work shed with asbestos cement roof sheeting & asbestos sheet walls.



Asbestos cement flue left in place for new hot water system.



A small package board mounted over an asbestos insulation board or mill-board, (white material partially visible behind the package board is the asbestos board).

## WHAT TO DO IN *YOUR OWN HOME* WHEN YOUR NOT SURE

If you own an older house, it probably all sounds a bit depressing. The good news is that many asbestos products are said to pose little risk as long as they are in good condition and left untouched.

Sometimes the best thing you can do is paint them, where appropriate, and leave them in place.

But when people first buy a house they are, understandably, very keen to rip in and renovate, and maybe even take a few risks.

But testing for asbestos is simple. It costs about \$100 a sample, depending on where you have it tested.

You can send small samples through the mail, as long as they are double bagged in a sealable bag such as a zip-locked sandwich bag.

Finding a testing facility is fairly straightforward – an internet search – and checking it is accredited is easy enough also, with a visit to the <http://www.nata.com.au>, or <http://www.workcover.nsw.gov.au> - (search—asbestos contractor) where you can search for the companies you may have found.

Many testing companies have procedures for safe ways to sample small sections of suspect materials. A thumbnail size of the material is about all you need but they will explain this to you if you are unsure.

When you take a sample, don't forget to wear a P2 mask (found at most hardware stores) and why not add a couple of extra precautions to the list, including wearing disposable gloves and immediately changing the clothes you have been wearing and putting them straight into the washing machine. However, it is much smarter to wear disposable overalls instead, which only cost a few dollars.

On the website of another tester, there are warnings against sampling sprayed finishes.

"If the material you are considering sampling looks like a sprayed finish, particularly if it is insulating material on pipework, boilers or ceilings, do not sample this yourself," the company advises.

"Special precautions are required for sampling this material. Disturbing lagging that contains asbestos is extremely dangerous and should only be carried by qualified individuals."

It is so straight forward you have to wonder why there is not more education about getting suspect materials tested.





## "He's Been Everywhere Man"



This year's **Christmas in July** we are off to

### **AUNTY MOLLY'S WINTERFEST SHOW**

Where you will have the pleasure of joining in with international recording artist **LUCKY STARR**



Join us in a festive two course lunch of Turkey,  
Ham & Cranberry Sauce with Plum Pudding and  
all the trimmings plus entertainment at  
**THE OLDE BACKHOUSE**



When are we going: **Wednesday 29 July 2015**

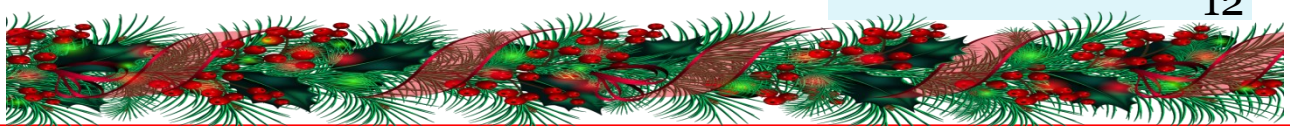
for a bus trip to Morisset to join Toni at the helm to help make your luncheon a very Christmas experience.

Cost per person: \$40...includes Bus, Meal & Entertainment

Drinks to be purchased by yourself.

To Book your place, please contact Jean on 1800 006 196

RSVP: 3 June 2015 – Payments to be made by 8 July 2015



## In Memorandum

ADFA would like to extend their deepest Sympathy to the families that have lost a loved one.

Ian Kinnaird 13.07.42— 19-12-14

Laurie Evans 19-01-40—18-01-2015

Our thoughts and prayers are with you all at this very sad time.....



### **Letter to “ABOUT THE HOUSE (ATH)” Member John Limpus & his company**

Hi John (About The House)

A letter of thanks and praise. (From a Client)

Your honesty and integrity was an absolute refreshing change as your company were the only asbestos group to actually take a sample and have it tested (Australian Safer Environment & Technologies) and advise me there were NO traces of asbestos. The same job was quoted by other companies (one quote being \$11,000).

John, your company has not only saved me a small fortune but has restored my faith in tradespeople.

A credit to About The House. There should be more honest & helpful tradies as yourself and your company. I would highly recommend About The House with total confidence and trust

Ps. I was not even charged for the delivery of the asbestos test.

Once again John, highest thanks and praise.

King Regards,

**Thank you John for sharing this fantastic letter with adfa and we hope that you & your company have continued success in business..**

ADFA is happy to announce that the position of Public Officer has been filled by Mr. Paul Garrett— Assistant Branch Secretary of the Maritime Union of Australia.

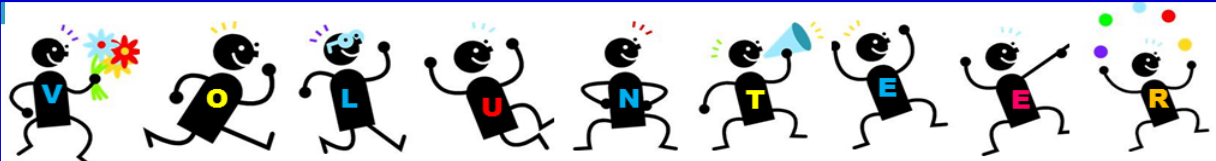
We welcome Paul on board and look forward to adfa members meeting Paul at the General Meetings and functions.

**Don't forget that the adfa meetings are on the second Wednesday of the month at 1:00pm here at Granville.**

**We would love you to come & join us for a chat & a cuppa and to meet the Executives and members...**



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



## Thank you to our Members



**Turner  
Freeman  
Lawyers**



**Dust Diseases  
Board**



WASTE CONTRACTORS &  
RECYCLERS ASSOCIATION  
OF N.S.W



**AMWU**



**Furzer Crestani**  
Chartered Accountants



**ROCKDALE  
CITY COUNCIL**  
*On Historic Botany Bay*





## Thank you to our Members

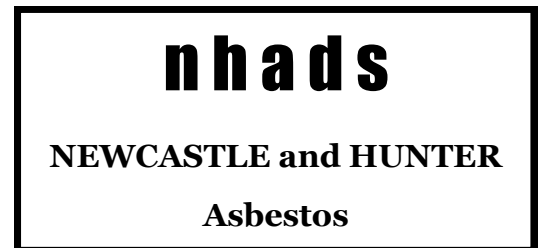


**Maritime  
Mining  
Power**  
Credit Union

you first. always.

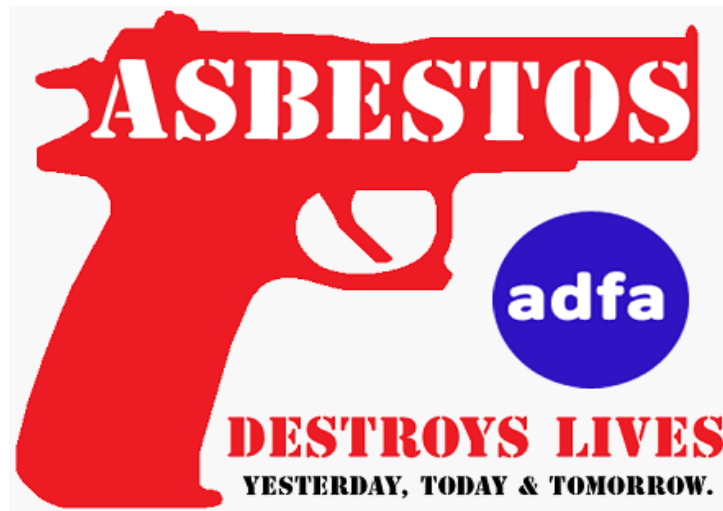


**CFMEU**  
**CONSTRUCTION  
AND GENERAL**  
**NSW BRANCH**



**Action Demolition & Asbestos Removal Pty Ltd**





**Asbestos Diseases Foundation of Australia Inc.**

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