



News

A message from the President of ADFA



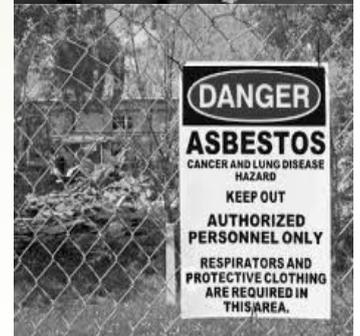
The old year has passed and we now welcome the New Year. For some, the transition brings the hopes and aspiration of a better future and that peace and goodwill prevail. For others, whose lives have been touched by an Asbestos Related Disease, it comes with the knowledge that so far no cure has been developed. As the toll advances north to a total of 1,000 annually, some victims are experiencing a slightly better quality of life due to advances in research and medication. We can only hope that this trend continues.

Many inquiries and commissions, both State and Federal, have been instituted in past years and many decisions made – many of which do not appear to have legs. People prominent in the field of medicine and others in the union movement, legal and political areas all agree that the time for talking has long past and positive action must now be taken to rid the country of the Asbestos scourge. It will take time, a lot of time, and it will cost money, a lot of money, but when the talk turns to Government funding it immediately cries “poor-mouth” and terms such as, “Budget cuts and economic downturns” are thrown into the mix to cloud the real facts that they do not take this matter seriously. People are dying, but what the hell, let’s have another inquiry.

Remember also, that you don’t have to have worked in an asbestos factory or asbestos mine to contract Mesothelioma. Everyone in this country that breathes is a candidate.

Perhaps a few cents in the form of a levy from each pay packet over a sustained period could be a starting point. The time for action is now! ADFA believes that this is the year to start the ball rolling.

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



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Fight to Breathe



Readers of the ADFA Newsletter may recall our story of the three young adventurers, Mathew Klintfalt, Benny Langston and Tom Ferguson, who set out to climb Mount Aconcagua; the highest mountain outside of the Himalayas at a height of 7000 metres.

Despite little funding and not much in the way of sponsorship, the boys set off on 5 December 2012 with a stout resolution to succeed—and they did! The boys reached 5,000 metres before making the decent back down. The three mates experienced first hand the difficulty of breathing in the same way as a victim of Mesothelioma may have when they encountered the rarefied air on this high mountain.

Mathew's mother, Carol, is a Mesothelioma sufferer so Mathew knows well the discomfort and uncertainty with which his mum lives, hence the name, "Fight to Breathe" and the urgent need for a cure. The boys are raising money for the Asbestos Diseases Research Foundation, if you would like to support them you can do so at



www.everydayhero.com.au/fighttobreathe.

Asbestos is dangerous, let's do something about it and get involved.

A Research Study

Why do some people with Mesothelioma not have chemotherapy?

Dr. Steven Kao and his colleagues at the Asbestos Diseases Research Institute, Concord Hospital and The University of Sydney are researching reasons people diagnosed with Mesothelioma do or do not have chemotherapy. From studies done previously, we know that some people who could benefit from chemotherapy treatment decide not to have it, but we don't know the reasons they make that decision.

We are inviting people with Mesothelioma, their family and caregivers to be interviewed, either by telephone or in person, about their experience of diagnosis and treatment. If you cared for someone who died due to Mesothelioma we would also like to talk to you about your experiences. If you are interested in talking to our researchers please contact either:

- ◆ Our free call number 1800 778 167 (please leave a message and we will call you back)
- ◆ Ms. Anne Warby, Research Officer, on 02 9767 9816 or anne.warby@sydney.edu.au
- ◆ Dr. Haryana Dhillon, Investigator, on 02 9036 5392 or Haryana.dhillon@sydney.edu.au

**This research is funded by the Dust Diseases Board*



Judy Horobin, Partner
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Judy Horobin is a Partner at Turner Freeman Lawyers who practices in the area of Dust Diseases litigation

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Lawyers

In New South Wales victims of benign asbestos diseases such as asbestosis or asbestos related pleural disease who have a right of action at common law in the Dust Diseases Tribunal of New South Wales, can bring their claim on a provisional damages basis.

By bringing a claim on a provisional damages basis it enables the plaintiff to receive damages for the benign asbestos condition but allows the plaintiff to bring a further claim in the future in the event that he develops another asbestos disease such as pleural Mesothelioma, peritoneal Mesothelioma, asbestos related lung cancer or any other asbestos induced cancer.

Given that there is no age barrier to developing an asbestos related cancer (particularly Mesothelioma), this is an important protection for a plaintiff.

Let us take a practical example of a plaintiff who has asbestos related pleural disease and who is bringing a common law claim for provisional damages for that condition of asbestos related pleural disease in the Dust Diseases Tribunal of New South Wales.

The plaintiff would recover damages for his asbestos related pleural disease. When judgment is entered the Judge makes an order listing the dust related conditions in respect of which the plaintiff may seek further damages should he develop one of those diseases in the future. In the case of our plaintiff with asbestos related pleural disease, the asbestos related conditions in respect of which he could seek further damages in the future are:

- a) Asbestosis
- b) Pleural Mesothelioma,
- c) Peritoneal Mesothelioma
- d) Asbestos related lung cancer
- e) Asbestos induced carcinoma of any other organ

Had that plaintiff brought his claim for asbestos related pleural disease on a full and final damages basis, he would be prevented from making a further claim in the future should he develop any of the conditions listed above. Whilst the claim on a full and final damages basis would have included a sum of money for the risk of developing another asbestos related disease such as Mesothelioma in the future, the sum of money that he would have received for that risk is only small.

Unfortunately we are seeing more and more clients in their 80's and even 90's developing asbestos related cancer such as Mesothelioma. For this reason plaintiff's with a benign asbestos disease are advised to bring their claim on a provisional damages basis.

If you would like further information on provisional damages, including which other Australian States have a system that allows for claiming provisional damages, then we invite you to contact Judy Horobin at Turner Freeman's Parramatta office on 02 8833 2500 or on our toll free number 1800 8000 88

Letter to the Editor



Measures implemented by the WA Government intended to deter illegal dumping by introducing an exemption, will apply as of January 2013 to asbestos sheeting bound in black plastic, but soil contaminated with asbestos will still be subject to the levy.

In a recent issue of your Newsletter, Mr Tony Khoury, the Executive Director of the Waste Contractors and Recyclers Association of NSW (WCRA), points out that the West Australian Environment Minister, Bill Marmion, has scrapped the levy placed on Asbestos waste at designated tips. The levy in NSW is some \$95 per tonne and must surely act as a disincentive to those seeking to dispose of waste asbestos legitimately and one can only wonder why, when clean-up costs are so that NSW has not followed the lead taken by WA.

In one instance, a Central Coast Council spent \$17,000 removing

six tonnes of Asbestos abandoned by the roadside in their precinct, because of this people are not encouraged in any way to do the right thing.

Dumping of asbestos is a dangerous and foolhardy practice. When will these 'dumpers' realise that they are not only breaking the law but endangering many people who may be exposed to their dumping of asbestos. Councils should seriously consider removing this levy and follow the example set by the WA Government.

Name withheld by request

More Illegal Dumping

POLICE were forced to close a lane in Ultimo in central Sydney on 15 December to allow specialist Sydney City Council contractors to remove two tonnes of illegally dumped asbestos.

Two childcare centres are located metres from where the asbestos was dumped and just blocks away is the city's waste management depot.

Fire & Rescue NSW and a team from HAZMAT covered the asbestos with black plastic and sand and clean-up took nearly two days with crews having to work slowly so as not to break up the material, which could send the asbestos fibres airborne.

Sydney City Council contractors were working closely with the NSW Environment Protection Authority to clean up the material and identify who dumped it.

Sydney City Council has been calling for the removal of a state government waste levy from the disposal of asbestos, amid claims it contributes to illegal dumping.

World Health Organisation States...

"There is sufficient evidence in humans for the carcinogenicity of all forms of Asbestos". Asbestos causes Mesothelioma and cancer of the lung, larynx and ovary. Also, positive associations have been observed between exposure to all forms of asbestos and cancer of the pharynx, stomach and colorectal. Global production of Asbestos continues to escalate and last year 2.3 million metric tonnes of white asbestos were produced globally.

The five top producers were:

- ⇒ Russia, One million
- ⇒ China 400,000
- ⇒ Brazil 302,000
- ⇒ Kazakhstan 223,000

Aimed directly at the Asian market and given the latency period for asbestos related diseases, Asia can expect a wave of deaths in future years. Workers in the Asbestos industry, already often low paid and working in poor conditions, will have long periods of illness, unemployment and growing poverty for their families. In the year 1970, Asia used 14% of total global asbestos production. In the year 2012 that figure had mushroomed to 65%.

The Vietnam-Australia Asbestos Disease Prevention Project

For several years, Union Aid Abroad-APHEDA, the overseas humanitarian aid arm of the ACTU, has been assisting an asbestos disease prevention project in Vietnam and Lao PDR with local trade union movements.

With assistance from Australian unions, donations from members and one year of funding from AusAID's Innovations Fund in 2009-10 and ANCP in 2012-13, this small scale program has now begun to work with eight partners from government and trade unions, and also works directly with employers.



Key achievements to date:

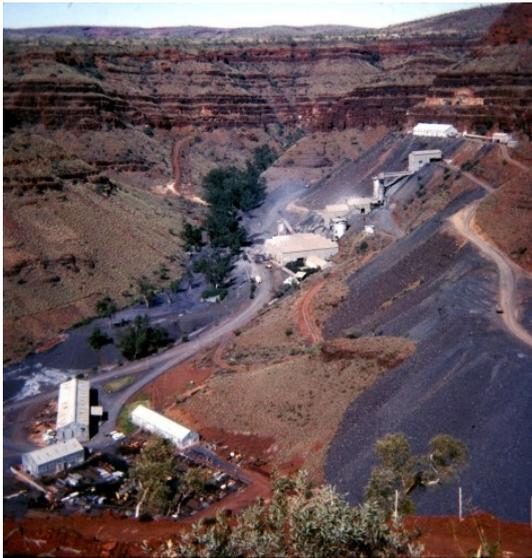
- ◆ Establishing a National Resource Centre for Asbestos Awareness in Vietnam within the Vietnam trade union's Occupational Health & Safety unit, the National Institute for Labour Protection.
- ◆ Exposing the dangers of asbestos, through the Lao trade union, to workers, industry and government including directly with the National Assembly of Lao PDR.
- ◆ Mapping and research in a range of industries and workplaces as to levels of asbestos exposure.
- ◆ Supporting the development of a National Profile of Asbestos Use in Vietnam.
- ◆ Working with enterprises to implement better dust extraction methods.
- ◆ Health checks for workers in roof sheet and mining enterprises.
- ◆ Development of new and low-cost personal protection equipment.
- ◆ The development of education and communication materials, including training courses for workers and union officials.
- ◆ Promotion and support for alternative materials other than asbestos in roof sheet and roof tile production.
- ◆ Supporting advocacy on asbestos hazards amongst government, employers and consumers.
- ◆ Linking Australian and international experience on asbestos hazards and possible alternatives, within the region.



Looking Back

With Mike O'Donnell

The Killing Fields



Asbestos was never in short supply throughout the world - indeed, Australia had an abundance of it. It can be found in almost all states on the Mainland and Tasmania which had a little asbestos mine as well in a small town on the west coast called Zeehan. All mines had one thing in common, if you worked in and around an Asbestos mine you had a better than average chance of dying of an asbestos related disease.

Probably the most notorious of these mines was in a town called Wittenoom, some 1,100 kilometres northeast of Perth. Founded by the mining magnate Lang Hancock in 1930, it contained vast quantities of blue asbestos. By the year 1943 a plant had been established and was in full production and ownership had passed to CSR. The trouble was, asbestos caused a disease called Mesothelioma, it is both incurable and fatal.

This country was in the throes of the great depression and many people, including indigenous Australians gravitated to the area in search of work in the mines. Treated as slaves by their white employers, they worked under the harshest conditions in remote and desolate areas. When asked why the 'white fellas' were paid more than they were, they were told that's what the government said they were to be paid. As more and more of them became 'dusted', they were told it was a white bloke's disease and wouldn't harm them. And so began the appalling death toll that some say numbered in the area of 400 and may eventually reach 2,000. A political writer at the time remarked of the mine owners that they, "Raped the land of its wealth and many of a future and left the bare bones of your work for the world to view".

Another equally disastrous venture into asbestos mining took place in Barraba, a small town in the northwest of NSW. Woodsreef, an open cut mine covering some 400 hectares, employed a workforce of some 1,200 workers. Asbestos was first mined at Woodsreef from 1919-1923. The Chrysotile Corporation of Australia carried out large scale mining at Woodsreef between 1970 and 1983.

White asbestos mining and processing at the site stopped in 1983 when asbestos was banned and the company who owned the mine was declared bankrupt.

Proper records were never kept, locals say only seven people died as a result of Mesothelioma and other asbestos related diseases. This is an absurd figure considering the number of workers employed as opposed to the death toll when one considers, for example, the death toll of an asbestos manufacturer in Italy numbered in the area of 4,000 people.



In Australia the mines have closed, although asbestos production has increased markedly and finds a ready market in developing Asian countries.

Perhaps the mine that has the most disreputable background is the Baryulgil mine situated near Grafton in NSW and populated by a mainly indigenous community who formed the major part of the workforce. Overshadowed by one of the largest mountains of tailings in the country, the homes were all built of asbestos sheeting so that when workers came home after a hard days mining asbestos, they came to a home where they

lived, slept and ate, also made of asbestos. The mine was said to have been found by an aboriginal man by the name of Billy Little who was given a plug of tobacco and a bottle of rum for his efforts. The mine soon developed and production began and the dreadful contents of the mine started to take its toll. Many of the employees became ill only to die in later years of cancer. A former employee kept a diary of 293 aboriginals employed by the mine but he lost track of the number who died on his watch.

Many politicians have visited the site and all were of the same opinion, something should be done, and it was 20 years later. The decision was to bury the town - and this they did, literally. They dug giant pits and everything was buried. When I spoke to the co-ordinator of the Aboriginal Health Service in Grafton a few months ago, he told me Indigenous Australians are still presenting with chest and lung complaints.

The Last Game

As we fired up our B.B.Q. and hammered the stumps into the lawn in the backyard ready for a back yard traditional cricket match, one may notice that Uncle Harry, who normally fielded at what he called the back fence position, was no longer there. He was usually noted for his vicious underarm when he bowled, he was just as effective when fielding next to the Jacaranda tree. One may notice also, an old man in a wheel chair, drawn and emaciated by Mesothelioma, his oxygen bottle nestled by his side, plastic tubes running through his nose. Actually he was not that old really - only half way through his life. Family and friends were stunned by the news he had terminal cancer. How could he have cancer? They wanted to call the game off but he insisted it go ahead. Nobody enjoyed the Australia Day match that day.

When the doctors sent him home after his last stay in hospital they said, there was nothing more that they could do, "Make him as comfortable as you can and we'll

increase the morphine to relieve the pain". His struggle to breathe was obvious though, when the lungs cease to function properly, oxygen is only of minimal help, "Don't expect any improvement, his time is very limited." That was the verdict.

How many times do doctors have to pass this information on to families and victims left behind by the ravages that resonate with Mesothelioma? This was a preventable disease. For many people, a cricket game could still be a reality. As far back as the 1930's the dangers of Asbestos were well documented and the disease, named by Dr Wagner, a South African authority on lung cancer, discovered this in the lungs of mine workers there. The company's manufacturing of asbestos products made billions of dollars profit and turned a blind eye to the human suffering they caused. Some even had to fight their way through the court system to gain compensation and begrudgingly at that. Greed knows no bounds.

Did you know...

That

A.M. Best Company, a New Jersey based Economist and Industrial forecaster raised its net ultimate Asbestos losses for the United States Property/Casualty industry to \$80 billion. This figure represents an increase of \$10 billion over the rating firms previous estimate.

A.M. Best noted that the Property/Casualty industry has incurred nearly \$75 billion in Asbestos exposures and approximately \$37 billion in environmental costs as at the end of 2011. A.M.

Best stated, “asbestos related claims will not abate in the near future”.

The increase in the asbestos estimate reflects the fact that the Property/Casualty industry continues to incur \$2 billion in losses per year while paying out an additional \$2.5 billion.

A.M. Best reported, “with no end in sight from these losses and given that total funding for insurances now has reached nearly \$74 billion it is clear that the asbestos problem will persist for many years to come”.

Source: A.M. Best, December 10, 2012

That

on 12 December, 2012 the Executive Committee stood down from their annually elected positions and the incumbent President of the Asbestos Diseases Foundation of Australia called for nominations. As predicted there were none and so the Committee was re-elected unopposed. Those re-elected are

- President: Mr. Barry Robson
- Vice President: Ms. Maree Stokes
- Secretary: Ms. Eileen Day
- Treasurer: Ms. Helen Davis
- Public Officer: Mr. Mike O’Donnell

The President then informed those attending the annual general meeting that this could be taken as a vote of confidence in the committee and members were satisfied with the job being done

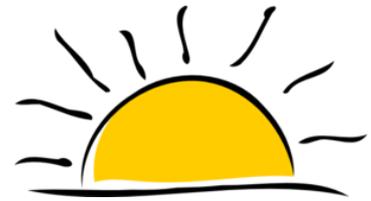
by them and offered thanks. However, in another form it suggests that ADFA is a “closed shop”. This is an unhealthy attitude and in fact any member wishing to join the Committee and take part in an administrative role are encouraged to do so. New blood is always welcome here and all that is required is a willingness to serve a cause that cares for those victims and families affected by an asbestos related disease.

ADFA is a highly regarded charity run by volunteers. Remuneration comes in the form of satisfaction and the knowledge of having helped others whose lives have been destroyed by asbestos. Those who serve on the Executive Committee and have done so for many years cannot go on for ever in that capacity. We therefore need others to take over the reins in future years. Are you one of them?

That

before the advent of concrete and plastic piping, more than 20,000 miles of Fibrolite”, asbestos cement water pipes, were laid to carry water supply and irrigation services to communities throughout Australia. Because of its almost indestructible quali-

ties, many miles of piping made from asbestos still remain beneath the surface of the ground and more than half of the homes built in NSW between 1954-1955 had external walls made with asbestos sheeting. Of the 28,882 homes built, 15,050 were composed of internal walls made from asbestos as well.



Central Coast Asbestos Support Group

On 19 December, 2012 the Executive Committee travelled to Ourimbah to attend the Central Coast Support Group Christmas lunch. This is the third year we have attended and as usual, a good time was had by all.

It was also a great opportunity to see at first-hand the camaraderie and mate-ship that this group of some twenty plus members displays and is by far the most outstanding support team in this state when it comes to matters of Asbestos and those affected by its deadly legacy.

Maree Stokes is the co-coordinator of the Central Coast Support Group as well as Vice President of ADFA and is highly regarded by all those familiar to her. Hard working and dedicated, she has to travel frequently to Sydney to attend meetings and ADFA business relative to the smooth running of both groups. Fortunately, Maree is surrounded by eager helpers and to her and her associates we at Head Office, along with all Foundation members wish them a successful year ahead and much good luck in the future. Rewards certainly await you.



The Central Coast Asbestos Support Group meetings on the 4th Wednesday of each month. Contact Maree Stokes on 0419 418 190 for further information.

Central Coast Asbestos Support Group Report

We all enjoyed our Christmas luncheon at Ourimbah Bistro and I wish all of our members a happy and successful year in 2013.

I expect that many of us have spent time with families or taken a holiday or visited friends. I have visited my family in Nowra and visited Canberra with my sister. We saw the Toulouse-Lautrec art exhibition at the National Gallery, visited Parliament house and the wonderful cartoon exhibition at old Parliament House. The cartoons gave me many a laugh - such wit and satire is truly a gift.

January is a slowdown month

for most of us and ADFA meetings in Granville will commence with the first executive meeting on the 6th February and our first support group meeting on Wednesday 27th February.

I hope to have some appropriate guest speakers at our support group meetings this year.

Cheers for now,

Maree Stokes
Vice President and Central Coast Support Group Coordinator

Asbestos Diseases Research Foundation

The Asbestos Diseases Foundation of Australia Inc (ADFA) proudly supports the Asbestos Diseases Research Foundation (ADRF) in support of Dr. Yuen Yee Cheng's research. Dr. Cheng's work was recognized at the International Mesothelioma Interest Group held in late 2012 in Boston where she was awarded a *Young Investigator Award*.

ADFA will continue to support the research and work of Professor Nico van Zandwijk and his team of ADRF researchers based at Concord Hospital.



Members and supporters of ADFA attended the Annual General Meeting and Christmas party on December 12.



ADFA President Barry Robson at work.



Maree Stokes, President Central Coast Support Group and ADFA supporter Thelma Day.



Judy Horobin, Turner Freeman Lawyers & Helen Davies, ADFA Treasurer.



Andrew Ferguson and Russell at the AGM.



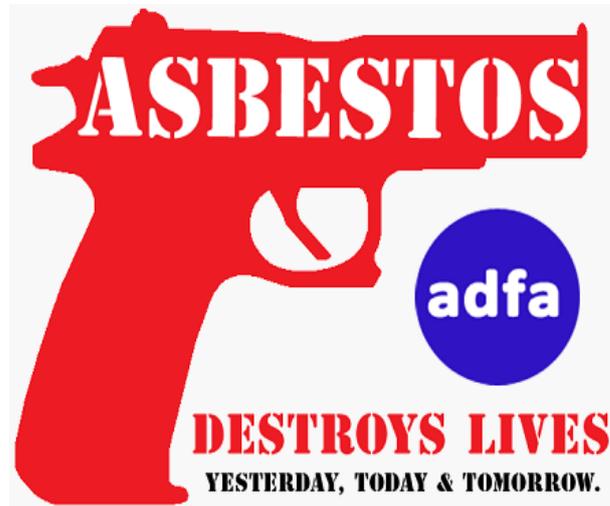
Members of ADFA attending the AGM.



Tony Crestani from Furzer Crestani Chartered Accountants

Central Coast Asbestos Support Group enjoying Christmas lunch.





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