



News

A message from the President of ADFA

Greetings to all of our members and others.

ADFA has been approached by a group from the University of Coffs Harbour (known as the Southern Cross University) to participate in a research project. To be known as the *Asbestos Narratives Project* its purpose is to understand the psychological, social and economic impacts of asbestos disease on individuals and families.

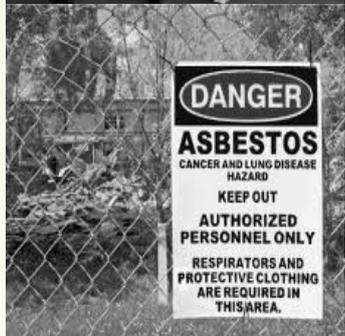


Southern Cross University has received a grant to assist in carrying out this valuable survey and Mike O'Donnell and I, along with five others, have been appointed to form the Asbestos Narratives Steering Committee. ADFA takes pride in being the only independent body asked to join such a prestigious group whereby we may contribute many years of hands-on-experience and bring to the table knowledge and expectations of a brighter future for those affected in any way through an Asbestos Related Disease (ARD).

With our Newsletter you will have received a questionnaire, I strongly urge you to take a few minutes and complete the questionnaire and return it in the enclosed pre-paid envelope. This effort on your part can only be a good thing and remember, the very corner stone of ADFA's existence is to help those less fortunate than others. Please help us in this project.

Thank you for your support.

Barry Robson, President
Asbestos Diseases Foundation of Australia Inc.



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Editor:
Michael O'Donnell

Welcome



Robert Moerman, Managing Director

In early February Robert Moerman, pictured left, called into the office of the Asbestos Diseases Foundation of Australia to meet the Executive Committee. Robert is the Managing Director of Cape Cod Australia Pty Ltd, a long established and highly regarded building and construction company and as the name suggests, specialises in renovations and extensions to existing dwellings along with modern techniques.

Due to the nature of the work, his staff may come into contact with deadly Asbestos and to this end he has at differ-

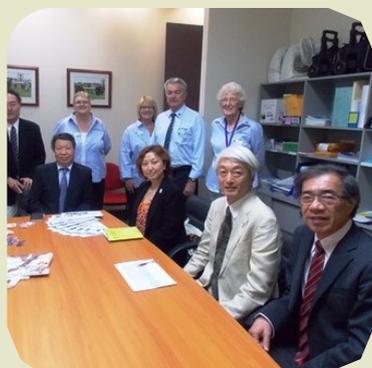
ent times conducted training classes so as to guarantee the safe handling of Asbestos along with other necessary procedures to protect his onsite sub-contractors and workers. The purpose of his visit was to gather more information regarding Asbestos handling and a request for ADFA to supply speakers for his next seminar, a request we happily agreed to and caused ADFA's President, Barry Robson to comment upon his initiative in helping spread the word. Cap Cod Australia are the proud recipients of three prestigious Housing Awards. ADFA would like to see other employers follow their lead. Robert's company is now a member of ADFA and we welcome such people who join us in the fight to make the workplace a safer environment.



"Barangaroo"

Chalk one up for ADFA. Ever vigilant of the dangers of asbestos, particularly on and around building sites, ADFA sought to have a walkway running adjacent to the Barangaroo site closed off to the public. Situated in the CBD and asbestos having been found on the site on four previous occasions, the President of ADFA, Barry Robson along with Brian Parker, NSW President of the CFMEU and other unions, claimed that not only was there a threat to their members but also to the many hundreds of people using the walkway. To their credit, the CEO of the Environment Protection Authority, Mr Barry Buffier, having been informed of the situation, acted swiftly to establish an exclusion zone and restrict public access. A nearby child minding centre is due to close in the near future and many people living and working in buildings around the Barangaroo site can "breathe a little easier" in the knowledge that ADFA cares.

Overseas Delegation on Study Tour



On the 21 February, ADFA hosted a delegation of four high ranking union officials from Japan in our offices at Granville. Prior to their coming to us they had been taken on a tour of the research centre at Concord as part of their itinerary. They composed a team of four along with a

professional interpreter Mr. Shoji Tasaka. Mr. Tomoki Miyamoto, Vice President of the All Japan Municipal Workers Union, Mr Wataru Kawasumi from the Teacher's Union, Mr. Mitsugu Kato Secretary-General of the Japanese Textile Food and Chemical Workers Union and Ms. Tomoko Kubo Deputy Assistant Secretary of Santasma District Council of Tokyo.

None had ever visited Australia before and all showed a keen interest in what we do when ADFA's President Barry Robson took them on a tour of the office and presented them with some small gifts as mementoes of their visit. Committee members were slightly dismayed when they realised how little was being done in that country to combat the inevitable onslaught of asbestos related disease when one considers the amount of that material formerly used. They however, have now banned the use of asbestos. They have no support groups or an education programme in place but part of their visit was to take back information and ideas to remedy this situation, especially in the workplace. Photos were taken and they seemed happy that the camera used was a Nokia product. ADFA said goodbye to some nice people and wished them well in future endeavours.



In Memory of John Halfnights (1948-2011)

Ryde Golf Club will hold an annual fundraising event in memory of John Halfnights with the proceeds donated to ADFA.

John was born the youngest of 5 children on 19 March 1948 and grew up in Lane Cove. He attended Artarmon Public School and Hunters Hill High and will always be remembered as quite a character. After finishing school he became a Plumber's apprentice. On completion of his apprenticeship he travelled Australia for 12 months working for some of that time in the mines at Dampier and Tom Price.

On his return he commenced his own plumbing business and was very popular with his clients many of them wanting to feed him and enjoying his company. He was a keen sportsman enjoying cricket and playing rugby union for Chatswood Rugby Club.

He met his wife, Margaret, in 1965 and they married in 1973,

moving to North Ryde where they remained. They have 3 children, Kirsty, Mark and Carrie and he was always actively involved in their lives and of his adored grandchildren.

John joined North Ryde Golf Club in 1973 and always enjoyed the camaraderie of his many friends. He was a Director on the Board for 12 years.

John became ill in 2009 while travelling in China, but it wasn't until 2010 that he was diagnosed with Mesothelioma. He put up a very brave battle still working and playing golf until succumbing to this awful disease on 13 February 2011.

It is our pleasure to have been able to conduct this event and provide some support to a cause we truly believe in and will continue to assist.



The Asbestos Narratives Research Project:

A collaboration between Southern Cross University and ADFA.

A message from the research team at Southern Cross University

It gives us great pleasure to be able to contribute to this ADFA newsletter and to introduce our research team, Associate Professor Rick van der Zwan, Dr Steve Provost, Dr Grant Cairncross and Ms Julie Tucker from Southern Cross University's Coffs Harbour Campus to ADFA members. Our team will be working closely with ADFA during 2013 in order to deliver the Asbestos Narratives Research Project. This project has been designed to enable a better understanding of the social, psychological and economic impact of asbestos-related disease on sufferers and their families. The research is funded by Comcare through the Asbestos Innovation Fund.

The Asbestos Narratives Research Project has been designed to give the people affected by a diagnosis of an asbestos-related disease the opportunity to tell their own story. We will be working closely with ADFA, with people diagnosed with an asbestos-related disease and with careers and family members. Everyone's story is important. The results of the research will be reported to Comcare and will be used to help inform the design of services and programs.

In the first part of this research we will be asking people with an asbestos-disease diagnosis to complete the questionnaire you will have received with this newsletter. The questionnaire will ask about how you have been affected by your diagnosis. We would also like to explore the ways in which your life has changed as a result of your diagnosis. We will be working with careers and family members, exploring how their lives have been affected as well in the coming months.

Finally we would like to thank ADFA for supporting this research and for sharing their expertise and experience with us. We are very much looking forward to working together with ADFA and ADFA members in 2013.



ADFA would like to take this opportunity to say thank you to the wonderful people at Rockdale City Council and the citizens of Rockdale who have agreed to sponsor our Newsletter.. We value their support and look forward to a

long association and welcome them aboard.

ADFA will soon release details of a seminar specifically for the Rockdale community whereby the dangers of living with asbestos will be fully explained.

Bus trip on again!

Have you ever been standing on the corner waiting for the lights to turn green and suddenly one of those huge tourist coaches pulls up right beside you? What's the first thing you notice? Right... all those happy faces smiling down at you - some even wave.



You think to yourself, "I wish I was on that bus". Well you can be if you contact ADFA and book a trip on one of the many day trips now being arranged. The bus trips are great value as ADFA will pay for the bus, you only pay for your lunch. Everyone will receive a gift or we may hold a raffle to liven things up. You deserve a day out so tell your friends and arrange a group. We have 100 destinations to choose from or you may like to tell us where you would like to go.

Just give Jean a call on **1800-006-196** now and she will provide you with all the details.

From the Desk of Our Lawyer



Tanya Segelov
Partner

Urgent need for changes in the law to help widows of asbestos sufferers

As reported previously the O'Farrell Government rejected the advice of the New South Wales Law Reform Committee to amend the law in New South Wales to assist widows of asbestos sufferers.

As the law currently stands a claim must be started in a sufferer's lifetime for general damages (damages for pain and suffering) and damages for loss of expectation of life to be recovered in a claim by the deceased's estate. For most persons in New South Wales who are not working and have been accepted by the Dust Diseases Board damages for pain and suffering and loss of expectation of life make up the majority of the claim approximately \$250,000.00 to \$300,000.00. This means that if a claim is not commenced in the sufferer's lifetime then in most cases it is not worth while bringing a claim.

The Law Reform Commission recommended that the law be amended to allow a claim to be commenced within 12 months of death.

The Law Reform Commission also looked at the effect of the decision in *Strikwerda*.

This decision provides that where a deceased dies of an asbestos disease and leaves his estate to his dependants then in the event the dependants bring a claim for dependency under the *Compensation to Relatives Act*, the Court must deduct from this claim the amount the dependants will inherit as a result of an award for damages for pain and suffering and loss of expectation of life. This means that any monies awarded to the estate for general damages and loss of expectation of life are then deducted from the *Compensation to Relatives Act*. The effect is to wipe out the claim for general damages and loss of expectation of life.

The Law Reform Commission recommended that the *Strikwerda* decision be abolished in dust diseases claims.

The O'Farrell Government has refused to implement the recommendations of the Law Reform Commission Report because it says in doing so it may jeopardise the Funding Agreement with a James Hardie. The O'Farrell Government relies on figures from KPMG prepared for the James Hardie which estimate the costs to James Hardie as a result of the changes ranging from \$23.4 million to \$182.3 million however the Government's own actuaries estimate of the costs at between \$36 million and \$55.2 million. Both of these figures are based on the speculation as to the likely number of cases that would be brought if claims could be filed post death. In relation to the abolition of the

Strikwerda principal the actuaries estimate the cost being between \$6.4 million and \$33.9 million over a 40 year period.

The South Australian, Western Australian and Victorian Governments have amended the law in relation to *Strikwerda*. This has not caused a large increase in the number of claims or pay outs.

The situation for widows where the sufferer did not make a claim in their lifetime is made worse by the policy of the Dust Diseases Board not to process an Application by an Estate if no Application was made in the deceased's lifetime. This means that if a sufferer is not told that they can make a claim at common law and with the DDB and they do not do so in their lifetime the Estate will miss out altogether.

Urgent action needs to be taken to lobby the New South Wales Government to implement the Law Reform recommendations. The O'Farrell Government is hiding behind the excuse that it does not want to jeopardise the Agreement with James Hardie. It has not been prepared to fight James Hardie and stand up for the widows of asbestos sufferer's. As a result widows in New South Wales will continue to receive significantly less monies than widows in South Australia, Victoria and Western Australia if an asbestos sufferer cannot finalise their case in their lifetime.

Looking Back

With Mike O'Donnell

The Killing Fields



In the last issue of Asbestos News we spoke of the appalling death toll of mesothelioma victims in the small town of Patterson in New Jersey in the US. The death toll there was six times the national average per capita, the highest in the nation and for white females, the second highest in the nation per capita. However, let us turn our attention to the town of Prieska in another part of the world – South Africa. With a similar population of some 10,000, it stands in the Northern Cape Province and hosts a community of black inhabitants. It also has an asbestos mine owned by an English company, Cape P.L.C. There is always plenty of work available in the mine and children as young as six years old are employed there after school. Known to be amongst the biggest miners in the business, the danger to workers, predominately black, was a carefully guarded secret and had been known to the Mine owners for many years. This did not inhibit their operations in any way and as any worker became ill, as they frequently did, they were simply discharged and another stepped up to fill

the breach. Poverty drove the workers into the mines and when they finished their day's work, they came home to eat and sleep in shanties made from the local product.

They were never given any safety equipment nor advice. Hospital attention was unknown to them. They were only blacks after all and were expendable and when discarded were thrown on the scrap heap and left to die horrendous deaths. Never a suggestion of compensation or assistance as we now know it and in desperation many wives turned to prostitution to support their families. Urging a clear policy on asbestos, the British Asbestos Newsletter said that excesses and negligence of the South African industry during the apartheid years contributed significantly to the level of disability, premature death and financial hardship among workers and their families.

A group of South Africans is suing a leading company in the industry for claims related to exposure to asbestos. We don't know the outcome of that action because Lawyers contrived to string out indefinitely the length of proceedings whereby many of the Litigants simply passed away and removed the consequences of a trial. One of the many dirty tricks used by the James Hardie organisation in this country was when Hardies issued a directive that only employees over the age of 50 were to be used in the hands on task of actually manufacturing asbestos. The thinking being that they may die before they become ill and therefore removed any possibility of further court action. A dead person can't claim compensation. Treated as virtual slaves and working under the most primitive conditions

imaginable, the death rate of these poor individuals will never be known, nor will the suffering and hardship of those left to mourn them. Asbestos is now completely banned in this country and we only have to contend with what the miners have left us. However, they all have several features in common, all tried to refute that asbestos was a harmful product and even went to court to argue the merits of its use despite overwhelming evidence that it killed people. When they had extracted as much as they needed from the land, enough to turn a hefty profit, they simply walked or filed for bankruptcy leaving a scarred and desolate landscape as a monument to greed and avarice, left for the public to foot the bill for regeneration.

Finally one has to wonder how it is that these deceitful people were never charged with criminal offences and faced the thrust of the law. Sure lots of them were very well regarded socially and many were people of substance [read the Good Old Boys Club] but none of them at the helm of any of these companies ever stepped forward and willingly offered to pay compensation to victims without first being dragged before a court and publicly humiliated despite spending millions defending the indefensible. Prominent among these was the scion and last remaining member of the James Hardie line, John Boyd Reid. Boyd took control of James Hardie in 1973 and showed no sign of removing deadly asbestos from its product in place of a less dangerous component. Although, he most certainly must have known by this time that he was using a killer substance that overwhelming evidence proved made people sick, very sick.

Did you know...

That were you a black person making a claim for an Asbestos Related Disease against the giant Owens- Corning company in the United-States you stood a good chance of receiving a significantly lesser sum than if you were a white person. You would probably be a steel worker or a shipyard worker living in Baltimore in the U.S.A. and in the year 2000 and have to prove that you had a diminished lung capacity due to your exposure to Asbestos. The company would argue that because blacks scored consistently lower in tests used to determine lung capacity they

should have to meet a higher standard to prove Asbestos-caused lung damage. After hearing testimony from medical experts on both sides judge Joseph .H.H. Kaplan ruled that there was no reason to use a medical standard for whites and blacks much to the surprise of lawyers and court room observers. The court was told by expert witnesses that other factors determined lung capacity included age height gender and socioeconomic conditions along with nutrition. About this time Owens Corning were spending 1.2 billion dollars to resolve 176,000 damages claims. Twelve thousand of these were in Baltimore alone.

That India, a user of vast quantities of lethal asbestos products and a country where no restrictions apply also has a ship-breaking industry which employees some 40,000 workers. These unfortunate people don't go to work in an air conditioned factory with proper tea making facilities and clean toilets, their day begins with a twelve hour shift in the ship breaking yards of Bombay and along the coast in western India (there are no ship breaking yards as such but acres and acres of stinking gluey mud flats). There they are confronted by dangers of rust bucket asbestos ships that have been run aground at full speed until the

engines stop, they then set to work dismantling these monsters literally with their bare hands. For this soul destroying task they are paid the princely sum of 47 cents per hour and sadly one of them will not return home each week. Falling metal and fires take their toll and asbestos accounts for many more – how many more you will never know.



That if you are renovating or carrying out extensions, the onus is on you to ensure that the Encapsulator or asbestos removalist is in receipt of a current removalists license. This can easily be done by simply contacting WorkCover NSW Certification Unit on 13 1050. Remember massive fines now apply for anyone found dumping asbestos or not adhering to the rules. *See Asbestos Removal Certification in this issue of ADFA News.*



Asbestos Removal Certification

With more and more emphasis and media attention now being focused on the dangers associated with Asbestos, it is important to remember that only those carrying a current certified licence to remove and dispose of Asbestos properly are legally allowed to handle it in the event of extension or remodelling being carried out. These licences come in the form of two grades—Class A and Class B— and in some cases no licence is required provided certain conditions apply.

Type of Licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> • Any amount of friable asbestos or asbestos containing material • Any amount of asbestos containing dust • Any amount of non-friable asbestos or asbestos containing material
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> • Any amount of non-friable asbestos or asbestos containing material <p style="margin-left: 20px;">Note: A Class B licence is required for removal of more than 10m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10m² of non-friable asbestos or asbestos containing material.</p> • Asbestos containing dust associated with the removal of non-friable asbestos or as asbestos containing material. <p style="margin-left: 20px;">Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.</p>



WorkCover NSW Certification



Central Coast Asbestos Support Group

The members have returned for this year with a new couple attending I hope some of our long-time members return. It was lovely to see Fay Desreux and her friend Val.

I have arranged for a speaker from Carer Support Unit of Central Coast Local Health to talk about Advance care planning which aims to improve responsiveness to the needs and welfare of patients and their carers. I hope it will be of interest and help, we also have a speaker for the 24th April.

A number of members have requested a visit to the Asbestos Diseases Research Institute at Concord Hospital at the March meeting. I will take a note of those interested and we will discuss a suitable date. I am sure Professor Nico van Zandwijk will be happy to welcome us.

Two research teams from separate Universities are conducting questionnaires the information will help to understand those suffering from mesothelioma and their families and carers. I wish to thank our members who are participating in these important studies. These research projects have been a long time coming and will be quite comprehensive. Let us hope there will be more help for sufferers of asbestos related diseases in the future and we look forward to the outcomes.

All are welcome to our next meeting on 27th March.

Cheers for now

Maree Stokes

Vice President and Central Coast Support Coordinator



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

The death toll continues...

Dr James Leigh, a senior lecturer at the Sydney School of Public Health at the University of Sydney, claims that up to 36,000 people have been exposed to asbestos in this country alone. Guess how many he anticipates will die by the same cause by the year 2020? The answer is 54,000. Far and away the greatest man-made disaster to visit our shores ever and it certainly rivals catastrophes such as Chernobyl and Bhopal.

It was available and the dangers of asbestos were catalogued many years ago by those involved in its use. However, they ploughed on gouging huge profits over the bodies of innocent workers. This surely must be in itself a form of murder.

Now guess how many of those responsible for this carnage were ever charged with a crime in this country and processed through our courts, you're right '0'.

Woman fulfills promise to uncle

IN FULFILLING a promise to her beloved uncle, Wagga woman Barbara Scott has raised crucial awareness and funding for asbestos related diseases.

For the past eight months Barbara has been collecting donations for charities and organisations dedicated to raising awareness for asbestos related diseases, and those responsible for vital on-going research.

Barbara was inspired to undertake the campaign as an active charity worker for the Asbestos Diseases Foundation of Australia after her uncle was diagnosed with mesothelioma – a terminal asbestos related disease.

After a courageous battle with the illness, Barbara’s uncle passed away on Wednesday August 22 while receiving care and treatment at Westmead Hospital.

“For the last eight months I have fulfilled a promise to my Uncle Errol by dyeing my hair blue and pink to raise more awareness of asbestos related diseases,” she said.

“The colours represented the men and women who are being killed and affected by asbestos.

“Agree or disagree with asbestos, this got people talking and that is what I wanted.

“I know my uncle would be very proud of me.”
See your ad here

Barbara declared she has been overwhelmed by the “incredible response” from the community, with residents of all ages responding positively to the brave advocate’s appeal.

She last week wished to thank the businesses, organisations and individuals who generously supported and contributed to the campaign, helping to raise more than \$800.

“I would like to thank The Riverina Anglican College, Price Attack, Bendigo Bank, Liquor Legends in Forest Hill), The Leader, AAFC 332, Red Mandolin Cafe, Forest Hill Public School and it’s community, Wagga Regional Day Care, The Black Hat Ladies, Dahlsens of Wagga, The Asbestos Disease Foundation of Australia, the Wagga Asbestos Diseases Support Group, Twitterers @blu4acause, family and friends and all those people who handed me a donation or donated from around Australia straight to ADFA via the website,” she said.

Thank you to **The Leader** for allowing ADFA to publish this article.

The Leader is Wagga’s free weekly community newspaper. Published every Wednesday, it is distributed to residences in the city of Wagga Wagga.



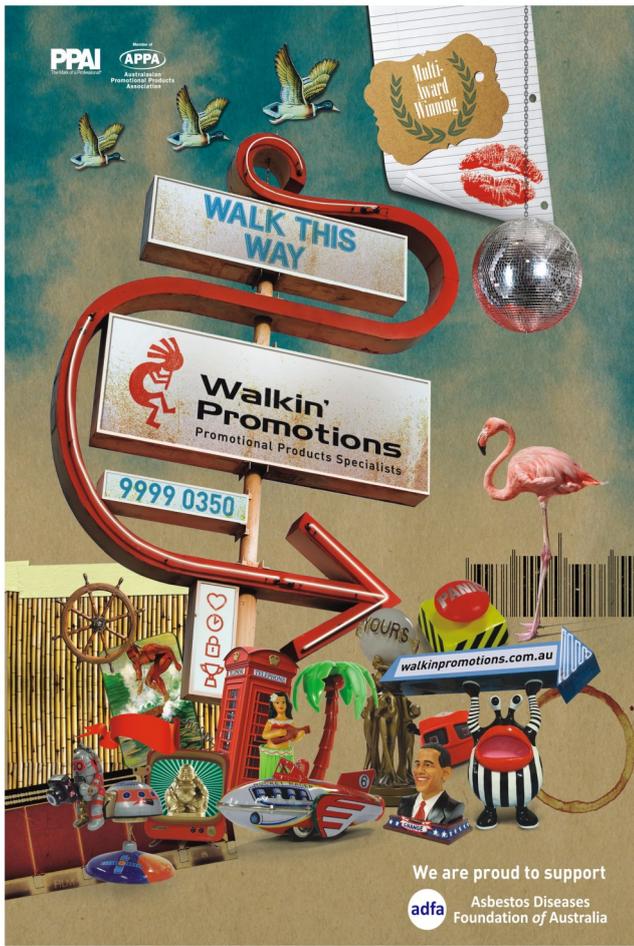
MAKING A DIFFERENCE: Wagga woman Barbara Scott has thanked the community for supporting her campaign to raise awareness about the dangers of asbestos and asbestos related diseases.

Picture: Oscar Colman

Story: Stephanie Muir

Thank you to our Supporters

Turner Freeman Lawyers



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To embrace a lifetime, we give you time.



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WASTE CONTRACTORS &
RECYCLERS ASSOCIATION
OF N.S.W



ROCKDALE CITY COUNCIL

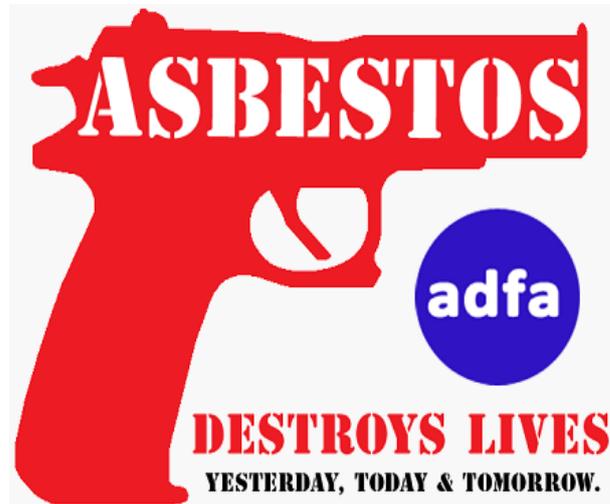
On Historic Botany Bay



Maritime Mining Power Credit Union

you first. always.





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