



**OVER 35 YEARS CARE AND  
SERVICE TO THE COMMUNITY**

July 2014

Dear Members and Friends

It gives me great pleasure to remind you of forthcoming events for the remainder of this year 2014. Also in this Newsletter I will bring to your attention a number of contentious issues relating to (1) a Bill that was introduced into Parliament last year by the Hon. Kate Doust MLC (Provisional Damages and gratuitous benefit to the disabled relative of the asbestos diseases sufferer) and (2) a Final Report of the Review of the Workers' Compensation and Injury Management Act 1981, (as relating to asbestos caused diseases).

### **1. ADSA Fundraising Golf Tournament 2014 Sunday 28th September**

The 4 Ball Ambrose Fundraising Golf Day 2014 to raise funds for medical research will again be held at Meadow Springs Golf Club in Mandurah on 28th September 2014. We encourage members and friends join us for this very special lifesaving event to raise urgently needed funds for Medical Research and treatment of asbestos caused malignancies.

There's a special **HOLE-IN-ONE** prize for a lucky golfer – a brand new Nissan X-Trail valued around \$30,000.00 donated by **Rex Walker** and **Mandurah Nissan**. For a flyer and more information please contact:

Meadow Springs Golf Club – email [functions@msgcc.com.au](mailto:functions@msgcc.com.au) or (08) 9581 6002

Dave Hall – ADSA Vice President on email [hallsafe@westnet.com.au](mailto:hallsafe@westnet.com.au) or 0428 817 151

Asbestos Diseases Society of Australia – (08) 9344 4077 or email [adsinc@inet.net.au](mailto:adsinc@inet.net.au)

### **2. ADSA Walk for Research and Awareness 2014 'Rod Triplett Tribute Walk'**

We are honoured to announce the Asbestos Diseases Society of Australia Inc 'Rod Triplett Tribute Walk' for Research and Awareness 2014 to save lives.

The late Mr Rod Triplett was a well known and respected builder and like so many other builders, carpenters, plumbers, trades assistants, and apprentices he was exposed to asbestos building products that were commonly used in Australia and particularly in the construction industry to build commercial and domestic structures in Western Australia. Tragically Rod succumbed to mesothelioma in March this year as a result of his exposure to asbestos in the building industry.

Our organisation's Walk for Research and Awareness is an annual event to raise vital funds for medical research into treatment and cures for asbestos caused diseases. Please join if you can in the life saving walk which need not be for the entire duration if you live outside the metro area. The details of the Walk and registration flyer are on the back page which will provide you with actual destinations and places scheduled to walk.

### **3. Asbestos Awareness Week November 24 to November 27 2014**

The ADSA has been again invited back to Royal Perth Hospital for Asbestos Awareness Week this year. There will be an information desk on the main concourse of the Hospital where we will be able to provide information to patients, visitors, and hospital staff.



#### **4. Ecumenical Memorial Service 2014 for those who have died from asbestos caused diseases**

The Ecumenical Memorial Service in remembrance of those who have died from asbestos-related diseases will be held this year on Friday 28 November 2014 at the Redemptorist Monastery, Vincent Street, North Perth commencing at 9:30am.

#### **5. ADSA Christmas Picnic 2014 Sunday 7th December**

Mark off Sunday 7th of December in your calendar this year for the ADSA Christmas Picnic at Whiteman Park. Our entertainment is the festive Rhythm n Groove Band and Father Christmas will be making his scheduled visit. A decision was made to return to having a luscious barbecue steak, beef sausages and salads with fruits and the traditional desserts. (More detailed information on the above mentioned activities will be provided in the August 2014 newsletter).

#### **6. FINAL REPORT OF THE REVIEW OF THE WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981**

The provisions relating to asbestos disease claims will be re-located to the compensation section of the Act and a number of other changes are proposed to clarify the status of the asbestos diseases lump sum entitlement. The new statute will consolidate and simplify the claim procedure and determinations required for asbestos diseases for statutory and common law purposes.

Schedule 5 of the current Act will be repealed and provisions impacting on compensation for asbestos related diseases will be located in the compensation section of the new Statute. It is recommended that lump sum compensation for asbestos diseases be placed into the new Statute and be defined as a lump sum similar to the current Schedule 5 entitlement. The new statutory lump sum will apply to workers suffering asbestos caused diseases, pneumoconiosis, mesothelioma, lung cancer and diffuse pleural fibrosis. It is recommended that the asbestos diseases lump sum amount will be 30% of the prescribed amount (currently **equivalent to approximately \$64,000 of the current prescribed amount**). The prescribed amount changes on first of July every year at approximately equivalent to the CPI, meaning adjustments usually go incrementally upwards. It is very likely that this new arrangement of lump sum compensation payments will not be subject to the Centrelink claw back provisions. Also it is intended that the proposed Statute will correct the current anomaly whereby Centrelink is either deducting pension or precluding recipients up to six or more months and that also includes entitlements to health cards. For example, persons in receipt of the age pension will be able to receive the full prescribed lump sum without any concern of Centrelink obligations other than the possible application of the deeming provisions, that is, proceeds of earnings from assets.

As a result of our submission to WorkCover outlining the concerns of our members (former workers in the asbestos industry) who are receiving a lump sum payment while in receipt of the age or disability pension, the Commonwealth Government will not be able to interpret such payments as a loss of income or earning capacity. The Centrelink interpretation was incorrect and surely it was a long time coming to have it changed. It is also recommended that the new Statute consolidate and simplify the claim procedure and determinations required for asbestos diseases for both statutory and common law purposes. That will mean that asbestos disease medical panels will only ask questions on whether a person is suffering from mesothelioma, lung cancer, pneumoconiosis (asbestosis) and diffuse pleural fibrosis and what is the assessed level of whole person impairment attributable to the asbestos related diseases. It is also recommended that the existing special provisions relating to common law assessments for asbestos diseases have no termination day. **Our organisation and Slater and Gordon, Perth** also sought an assurance from WorkCover that the receipt of the statutory lump sum should not preclude a worker's right to pursue and receive common law damages in relation to the same or successive asbestos diseases. The above changes will produce a long overdue benefit to our disabled members currently receiving pensions.

It is therefore strongly recommended that our members continue with annual check-ups with Dr Deleuil at our office to obtain the best advice in relation to their impairment or degree of disablement.

## **7. PERIODIC EXAMINATIONS OF PERSONS EXPOSED TO ASBESTOS**

We would again urge members and friends to have regular medical check-ups, on a yearly or 2 yearly basis for persons who had previous asbestos exposure. Dr Deleuil is available at our Osborne Park office for medical check-ups and referrals. It has been recognised that low dose radiation high resolution CT Scan (HRCT) is more likely to detect early stages of malignant and non-malignant asbestos caused diseases. Dr Deleuil's surgery operates every Tuesday and Thursday morning. **Please make an appointment by ringing our helpful staff at the office.**

## **8. COMMON LAW (PROVISIONAL DAMAGES, BENEFITS TO DISABLED RELATIVE)**

This particular Bill is being referred by the Honourable Michael Minchin, MLC, Attorney General to the Law Reform Commission of Western Australia to enquire into compensation regimes for persons suffering from asbestos diseases with particular regard to the following areas:

*“Whether the ‘once and for all’ rule applicable to judgments in personal injury actions should be reformed so that, where the victim of a tort develops, subsequent to judgment, an injury or disease which is of a different or more serious character than the injury or disease from which the person suffered at the time of judgment, a Court will be authorised in certain circumstances to award further damages to that victim.”* (This applies to Provisional Damages).

There are additional recommendations also referred to the Law Reform Commission by the Honourable Attorney General which touch on damages for the value of services provided by the plaintiff to others, for example, whether, where a personal injury prevents a plaintiff from providing gratuitous services, domestic or otherwise, to another person, the damages recoverable by the plaintiff should include a specific head of damages calculated by reference to the value of those services. Our organisation is concerned that the referral to the Law Reform Commission may be of some unnecessary longevity which otherwise would be quite a reasonable proposition to have it resolved sooner by the Honourable Members of our Western Australian Parliament.

## **9. CEO OF ETERNIT ASBESTOS, STEPHAN SCHMIDHEINY, CHARGED WITH MASS MURDER**

The Milano Prosecutors Guariniello and Colace had already had the CEO sentenced to 18 years for wilful environmental disaster and are now charging him with the wilful mass murder of 213 people who worked for Eternit or lived in Casale Monferrato area where the Asbestos Plant was located. The question ought to be asked, how did the Australian Chief Executives and owners of the asbestos mining and manufacturing companies get away with murder. Recently there were a number of Royal Commissions initiated by the Commonwealth Government to investigate some lesser deserving matters. It is about time that our Federal politicians should also consider a long overdue Royal Commission to explain to the Australian people why were the asbestos mining and manufacturing killer companies able to continue their unsafe work practices and sale of carcinogenic products with complete impunity to the detriment of the Australian community.

## **10. FUNDRAISING RAFFLE**

Our current Winter fundraising raffle will be drawn on **9 September 2014** and tickets are now available. We would greatly appreciate assistance from members and friends to share at least one book of ten tickets amongst their friends and acquaintances.

With best wishes and kindest regards,



Robert Vojakovic AM JP

PRESIDENT



# ROD TRIPLETT TRIBUTE WALK



**1949 - 2014**

**WALK FOR RESEARCH & AWARENESS 2014 - PEMBERTON TO PERTH**



ADSA Walkers in the Ludlow Forest 2013

Welcome to the annual Asbestos Diseases Society Walk for Research and Awareness 2014 and the Rod Triplett Tribute Walk. In 2014 we are Walking to raise lifesaving funds for Medical Research and to raise awareness of the risks of asbestos exposure.

Many will remember Rod Triplett for his work building homes all over the South West and for his untiring support of many worthy causes in his home community of Australind and the South West.

Rod died in March this year from Mesothelioma caused by his work with asbestos building products and his family have kindly consented to our honouring his memory by naming the ADSA Walk 2014 the Rod Triplett Tribute Walk.

The ADSA Walk 2014 is from Pemberton to Parliament House and will be coming through your town.

Please support our Walkers on the day by joining us to Walk through your town and make a donation to Medical Research or sponsor a Walker online at [asbestosdiseases.org.au](http://asbestosdiseases.org.au)

Contact Simone at our office for full details of the Walk and Sponsorship of our Walkers on 9344 4077 or 1 800 646 690.

You can also contact Simone via email [simone@asbestosdiseases.org.au](mailto:simone@asbestosdiseases.org.au)



ADSA Walkers arriving at Parliament House 2013

## DATES & LOCATIONS OF THE 2014 WALK

<b>Sunday 14 September</b>	We leave Perth
<b>Monday 15 September</b>	Pemberton to Bridgetown
<b>Tuesday 16 September</b>	Bridgetown to Burekup
<b>Wednesday 17 September</b>	Rod Triplett Tribute Breakfast at Australind then Collie to Quindanning
<b>Thursday 18 September</b>	Pinjarra to Armadale
<b>Friday 19 September</b>	Armadale to Parliament House - we arrive at 12.00 noon

Stay in touch via [facebook](#) and [Instagram](#)

## ASBESTOS DISEASES SOCIETY OF AUSTRALIA INC

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