



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

24th February 2014

Dear Members and Friends

The Asbestos Diseases Society of Australia Inc (ADSA) will hold its Annual General Meeting (AGM) on **Sunday 16th March 2014 at 2pm** at 11 Royal Street, Osborne Park - City of Stirling Library - Osborne Park Community Centre. The Centre is located almost diagonally from our office in a north-east direction, behind the BP service station on the corner of Main and Royal Street - opposite the Osborne Park Hotel car park. Limited parking is available under the building off Royal Street. However, abundant parking can be accessed in the car park of the Osborne Park Hotel and Supermarket directly opposite the ADSA Office.

All members and friends are cordially invited to attend the 2014 AGM. Afternoon tea and light refreshments will be served upon conclusion of the AGM. There will be an opportunity for members and friends to meet and have an informal chat with guest speakers and with other members and friends, including those in a similar situation to exchange information or valuable experience. **To assist us with catering arrangements, please call our office on 9344 4077 to confirm the number of persons attending the AGM.**

The formal part of the AGM Agenda will include receiving reports of the Society's activities during the preceding financial year and the election of office bearers and ordinary Committee Members of the Asbestos Diseases Society of Australia Incorporated for the Calendar Year 2014. The current members of the Management Committee of the Asbestos Diseases Society of Australia Inc. have consented to accept re-nomination for the 2014 Calendar Year. However, additional nominations will be accepted provided they are in writing, signed by two financial members of the ADSA, accompanied by the written acceptance of the nominee who is a financial member of the ADSA. All nominations should be addressed to the Electoral Officer of the ADSA PO BOX 1394, Osborne Park 6916 and must be received by the 14th March 2014.

Upon conclusion of the formal part of the Agenda several eminent medical speakers have graciously accepted our invitation to attend the AGM and to speak or make a presentation on the latest medical research investigations and treatments of asbestos malignant diseases such as Lung Cancer/Mesothelioma. Also there will be a substantive explanation on the latest Asbestos Diseases Compensation Bill 2013 which is currently before the W.A. Parliament. This particular Bill is of great importance to our members disabled by either malignant or non-malignant asbestos caused diseases. An eminent overseas speaker of some thirty years experience on many aspects of asbestos diseases litigation and corporate deception and cover up has consented to attend our meeting and speak on innovative ways asbestos victims have revolutionised national asbestos dialogues, raised awareness and lobbied governments. The following guest speakers have confirmed their attendance, Professor Anna Nowak, Dr Gregory Deleuil, Medical Consultant to our organisation, Hon. Kate Doust MLC, Hon Chris Hatton MLA, Laurie Kazan-Allen and Tim Hammond BA LLB.

1. 2013 CALENDAR YEAR

We have seen this Calendar Year increased numbers of asbestos caused malignant diseases, Mesothelioma and Lung Carcinomas with the loss of life in 2013 at sadly more than 305 of our members and friends.

The enactment of diffuse pleural diseases by the West Australian Parliament in 2011 has been sabotaged by virtue of not being included in Schedule 5 of the Workers Compensation and Injury Management Act 1981 (Schedule 5 entitlement applies only to asbestos injured workers above 65 years of age) and section 41(4). Regrettably as a consequence of the omission of diffuse pleural fibrosis from Schedule 5 no payments were made to workers suffering with this disease. One can only speculate on any effect of the persuasive asbestos industries lobby and their insurers has succeeded to rob asbestos victims and their families of just compensation entitlement.



Ecumenical Memorial Service

A moving Ecumenical Memorial Service to remember members and friends who have died from asbestos diseases was held at the North Perth Redemptorist Monastery on 29th November 2013 with more than 250 members and friends in attendance including a number of Parliamentarians both State and Federal. The chosen theme of the service was "Healing" to remind us of the many asbestos disease sufferers who are currently undergoing or waiting for lifesaving medical treatment.

ADSA Christmas Picnic

Approximately 500 members and friends with their families attended the ADSA Christmas Picnic at Whiteman Park on 8th December 2013. The weather was perfect for the introduction of a new activity provided for the children by Kids in Sport. The Kids in Sport coaches set up a circuit of games for the children that were enjoyed by all. The roast lunch with fresh salad was delicious and everyone had a great day in the Park.

Asbestos Awareness Week 2013

Asbestos Awareness Week 2013 was very successful with the ADSA invited to Pinjarra High School for their Student Health Expo and to Royal Perth Hospital where we were prominently placed to give information on asbestos awareness in the main Walkway through the Hospital.

2. FUNDRAISING GOLF TOURNAMENT AND WALK FOR MEDICAL RESEARCH AND AWARENESS

Our second Fundraising Golf Tournament was held 29 September 2013 at Meadow Springs Golf Club in Mandurah. A great sum of \$30,000 was raised for Mesothelioma and Lung Cancer research and treatment programs at SCGH. This year the Golf Tournament will take place on Sunday 28th September 2014 at the same venue.

ADSA Walk for Research and Awareness 2014 to raise funds for asbestos disease medical research will be from Pemberton to Perth commencing on Monday 15 September 2014 and finishing on Friday 19 September 2014 at Parliament House. To register your interest in joining the ADSA Walk 2014 please email Simone on simone@asbestosdiseases.org.au or call the ADSA Office on 9344 4077.

3. ASBESTOS DISEASES COMPENSATION BILL 2013

As mentioned in our November 2013 Newsletter on 31 October 2013 the Hon. Kate Doust MLC Deputy Leader of the Opposition in the Legislative Council introduced into the Legislative Council (the upper House of the Western Australian Parliament) the Asbestos Diseases Compensation Bill 2013. Modelled on the South Australian Dust Diseases Act 2005 the Bill basically legislates for the right of an asbestos disease sufferer to settle a claim for asbestos disease on a provisional basis and the right to claim damages for the care they are no longer able to give to another person due to their disablement caused by asbestos disease.

The preamble of the Asbestos Diseases Compensation Bill 2013:

An Act to provide for a second award of damages in the case of an injured person suffering more than one asbestos disease and to provide compensation for the loss or impairment of the injured person's capacity to perform domestic services for another person.

Provisional Damages and Sullivan v Gordon Damages have been explained in detail in our Newsletters last year, however, as a reminder, at present in Western Australia sufferers of asbestos related diseases can only claim Common Law compensation on a once and for all basis. This means if someone receives compensation for asbestosis, and they later develop mesothelioma, they can receive no further compensation. The proposed legislation will allow sufferers to receive provisional damages for their asbestos disease and to make a further claim if they go on to develop another asbestos disease. Sullivan v Gordon damages allow asbestos victims to recover damages for loss of their capacity to perform domestic services for another person such as for a young child, elderly parent or partner with a disability.

The Hon. Kate Doust's Second Reading Speech is a heartfelt explanation of the need for asbestos diseases sufferers in Western Australia to be recognised by an Act of Parliament that specially includes access to Provisional Damages for asbestos diseases sufferers and a damages award for the loss of capacity to perform domestic services for another person. From the Second Reading Speech given by the Hon Kate Doust:

"The tragic legacy of asbestos is not over and continues to be felt in Western Australia today. Australia is now seeing a "third wave" of people being diagnosed with mesothelioma. The "first wave" consisted of miners and manufacturers. This was followed by the "second wave" of construction workers, carpenters and other trades people exposed to asbestos fibres from building materials. Tragically, a "third wave" of home handy people are now being diagnosed with this deadly disease – with those being exposed to existing asbestos products in the home whilst carrying out renovations or maintenance.

The Bill will ensure that the West Australian position regarding the treatment of asbestos-related claims is consistent and on par with most other states and territories and that just and fair compensation is available for people suffering from asbestos-related diseases.”

On Thursday 20th February the West Australian Attorney General spoke on the Bill and acknowledged that asbestos related diseases are a serious issue for our community, however he said the Government will not support the Bill and amongst other things alleged that this particular Bill’s “legal concepts are novel and require an explanation.” The introduction of an Asbestos Diseases Compensation Bill is an initial step towards an Asbestos Diseases Compensation Act albeit subject to the Government Agreement. This Legislation will provide greater fairness to asbestos diseases sufferers and their families. We are determined to have this Legislation accepted by the Government and we must have the full support of our members and friends to lobby the Politicians on Government benches in both Houses of Parliament.

Shortly you will be receiving an additional Newsletter specifically dealing with this particular Legislation and it is our sincere hope that a larger number of members and friends will attend the AGM to hear the speakers explaining the concept of the Legislation in more detail and indeed take part in forming a petition to the Government of Western Australia.

4. REVIEW OF THE WORKERS’ COMPENSATION AND INJURY MANAGEMENT ACT 1981

In 2013 WorkCover published their Discussion Paper on changes to the Workers’ Compensation and Injury Management Act 1981 (the Act). The proposed repeal of Schedule 5 of the current Act will be substituted by a Statute with a one – off lump sum equivalent to the 30% of the Prescribed amount, varied annually. The concern of the ADSA Committee is the apparent risk that the 30% of the Prescribed amount may attract Centrelink claw back provisions and affect the health card entitlement. On this very issue we will have a further discussion should this particular part of the Legislative changes adversely affect our members which otherwise previously would have been entitled to a Schedule 5 lump sum.

The ADSA Committee has decided to generally go along with the proposition outlined in the WorkCover Discussion Paper, however the Committee has reserved the right to object on any changes to the Act that may affect the rights and just benefits to asbestos diseases victims and their families.

There will be also an extensive explanation on Workers’ Compensation changes and as mentioned already the proposed Asbestos Diseases Compensation Bill 2013. Again we would urge all members and friends to attend our coming AGM as this will be a very important meeting where you will be fully appraised on these very important legislative changes by the Hon. Kate Doust and eminent Barrister Tim Hammond.

We have been in close discussion with our friends Unions WA and Slater and Gordon who have also made substantive submissions in regards to the WorkCover Discussion Paper.

5. ENVIRONMENTAL PROTECTION (deduction for environmental protection activities)

We are led to believe that expenditure, whether capital or revenue that has incurred for the sole or dominant purpose of carrying on an environmental protection activity is deductible in the income year in which it is incurred. An earning activity is an activity, including an investment activity, carried on or proposed to be carried on for the purpose of producing assessable income, exploration or prospecting, or mining site rehabilitation. It also includes leasing a site or granting a right to use a site. Thus the cost of demolishing an asbestos shed on a rental property is deductible. Regrettably those deductions are not available to an owner/occupier but rather to landlords who are receiving assessable income leasing or renting properties. In our opinion all owners and investors of factories, units and offices in Osborne Park, Welshpool, Kewdale, Cloverdale, Cannington and other areas of Western Australia with asbestos roofs should include in their renewal planning to remove the asbestos roofs as a cost of doing business.

6. CT SCANS AND RADIATION

Over the past six months some of our members have been informed that the CT Scans they receive from SKG are “high radiation dose” and therefore pose a risk. This so-called information is so worrying to members that they have asked the ADSA (our office) for assistance.

ADSA approached SKG to explain the concern and they responded as follows: “SKG has for many years used a low-radiation dose CT scan designed specifically for asbestos patient screening. SKG’s scans are tailored to your own clinical history and presentation, guided by ADSA Doctors who sit down with you, talk to you and establish how often you need a CT scan. For example, not everyone requires a CT scan every 12 months. The ADSA Doctors refer you for what you need, and then your ADSA Doctor will explain the findings and what they mean for you after your CT scan. This is not a ‘one-size-fits-all’ approach.

SKG has many years of experience in knowing how often to scan, how to scan (lying on your back or front) and how much radiation dose is required, so that the right information is obtained for you. All SKG scanners are 'low dose', producing CT Chest images using radiation doses below the Diagnostic Reference Levels as suggested by the Federal Government. On any CT scanner, the radiographer can 'turn down the dial' and give you a lower radiation dose. But can the doctors still see what needs to be seen? Lower doses must be balanced by the ability to detect small lumps and interstitial lung disease (asbestosis)."

More than twenty five years ago the late Dr John Glancy started SKG's relationship with the ADSA and Drs Peter Leaver, Dirk Sweeney, Jon Cartoon and Stephen Young have continued to provide tailored imaging services for our organisation over the years. For a dedicated service taking into account past asbestos exposure, ADSA and SKG work together to monitor and guide our members.

7. PERIODIC EXAMINATIONS OF PERSONS EXPOSED TO ASBESTOS

We have always advocated a need for regular medical checkups, that is, yearly or every 2 years for persons who had previous asbestos exposure. It would appear that a number of members are not taking advantage of seeing Dr Deleuil in our Osborne Park office for their medical checkups and referrals. The real advantage of regular checkups is peace of mind and early detection of diseases which usually result in better treatments which may be potentially lifesaving. Please take note that Dr Deleuil's surgery operates every Tuesday and Thursday morning, it is essential to make an appointment, please ring our office to arrange a suitable time.

8. FUNDRAISING RAFFLE

Autumn fundraising raffle tickets are now available and we would greatly appreciate assistance from members and friends to disseminate at least a book of ten tickets amongst their friends and acquaintances.

A gentle reminder to members the membership's subscriptions for 2014 calendar year are due now.

With best wishes and kindest regards,



Robert Vojakovic AM JP

PRESIDENT

*Best wishes to all
members, friends and
their families for a
pleasant and
peaceful Easter.*

*President, Committee
and Staff*



asbestos diseases society of australia inc.

