

Dear Members and Friends,

This is a special edition of the ADSA newsletter, celebrating another victory for justice and WA law reform, The Civil Liability (Provisional Damages for Dust Diseases) Bill 2024. Pages 2 and 3 give a brief overview of the ADSA and its members battle for justice and law reform journey. We thank everyone who has continued the tradition of “paying it forward” by donating to the ADSA advisory service and fueling the fight for justice against powerful organisations and individuals. From the 1988 litigation CSR executive N.E. Irving is quoted, *“even if the workers die like flies, they won’t be able to pin anything on CSR.”*

Not on the ADSA watch! With almost 50 years of advocacy and fighting powerful companies, their monumental legal teams for justice we still have more work ahead. Once again thank you for your continued support. Founders Robert and Rose Marie Vojakovic are so proud to have been joined by our many members, supporters, and friends on this journey of hope, justice, love and support. They are both taking a well-earned rest and continue their lifework as patrons of the ADSA. Here they are pictured on the steps of the Supreme Court of WA.



ADSA Ceo & Members with the Attorney General announcing the legislation.

The ADSA 46th AGM was a powerful meeting with former Premier the Hon Peter Dowding SC, still caring for dust diseases sufferers since his days as Labor Mines Minister in 1983 and subsequent Premier, addressing the meeting on the need to keep vigilance for workers and their potential asbestos exposure in WA’s booming mining industry. We also launched our new website. Its mobile device friendly and with a user-friendly interface. We welcome feedback as we continue to fine tune. Please note we are not aiming to replace human contact. Feel free to call us or email us with your queries and or donations.

Please take note of our pastoral care schedule and put these important dates in your diary. We will also contact members who are registered to attend these. Thank you to Crawford Lodge who provide accommodation



for rural and remote cancer patients for assisting us with some recent visitors.

On the 7th of May we will commence our annual end of financial year giving program. All donations are tax deductible and are used to support ADSA pastoral care programs for dust disease sufferers and their families. The annual Xmas raffle will resume in September and be drawn in December.

Kind Regards
Melita Markey CEO



Don't ignore cold and flu symptoms, which could be early indicators of lung disease.

People who may have been exposed to asbestos and silica dust are suffering persistent coughs or ongoing respiratory illness are urged to contact the ADSA's onsite health assessment services.

What are the warning signs to be aware of?

+ shortness of breath + persistent coughs + rapid weight loss + chest or abdominal pains + blood in the sputum

Pastoral Care Meeting Schedule

- | | |
|---------------------|--------------------|
| Mesothelioma | Bereavement |
| • Tue 07/05/24 | • Tue 21/05/24 |
| • Tue 04/06/24 | • Tue 18/06/24 |
| • Tue 06/08/24 | • Tue 20/08/24 |
| • Mon 09/09/24 | • Tue 24/09/24 |
| • Tue 08/10/24 | • Mon 21/10/24 |
| | General |
| | • Tue 11/06/24 |
| | • Mon 16/09/24 |



Support our mission by choosing the ADSA for your tax-deductible donation by the 30th of June 2024.

ADSA and Law Reform - 50

Lessons for Justice

The battle for justice of avoidable asbestos diseases spans five decades of continued vigilance by the ADSA, unions and a few caring politicians. The early civil cases commenced in 1977 and although unsuccessful paved the way for the first victories in 1988 against CSR by former ADSA members and former Wittenoom workers. They set an incredible set of principles that continue to service justice today.

1. Companies cannot hide behind a corporate veil, shifting their assets and leaving shell companies with nil assets to pay compensation.
2. Companies that participate with a careless disregard for life can be directed to pay a portion of damages as punishment – known as punitive damages.

22nd September 1988.

The CSR chief executive concedes negligence and accepts the responsibility for the Wittenoom tragedy and states, "the company has been found to be negligent in regard to the dust. And I think, probably, properly negligent. I mean you can't hide behind that."

The latest Victory - Civil Liability Amendment (Provisional Damages for Dust Diseases) Bill 2024

Readers may recall our regular updates on the ADSA campaign and advocacy to bring Provisional Damages and Gratuitous Services to West Australian Legislation. The proposed provisional damages regime modifies the 'once and for all' rule in certain circumstances. For example, people will not be restricted in the number of claims that can be made for further damages, provided that such claims relate to the development of a different injury or disease which was expressly identified at the time of the initial judgment. Sufferers with a non-malignant dust-related disease that go on to develop a more serious form of disease, such as mesothelioma or lung cancer, can now make a claim for their malignancies.

The Asbestos Diseases Society of Australia is grateful for the care and compassion the Cook Government has shown to asbestos diseases and silicosis sufferers. They have listened to the ADSA by introducing provisional damages that will significantly reduce the burden on sufferers and their families as they battle these incurable dust diseases.

Tears, elation as judge rules in asbestos case



Left Tim Barrow his lawyer John Gordon behind ADSA Committee and Robert Vojakovic AM right front

Mrs. Jane Joosten: A Hero

Forty-seven years ago, Mrs. Joan Joosten was diagnosed with mesothelioma, having worked as a secretary (1950-1953) for Australian Blue Asbestos in the company office on the Wittenoom mine site. Mrs. Joosten was a visionary who stood up and fought for others, asking CSR to provide social and financial assistance for struggling and destitute families affected by asbestos caused diseases. She agitated for the hospice movement and used her own financial resources to mount a civil claim for damages.

Joan's case proceeded to trial but failed to prove negligence. The trial judge suggested, in his opinion, that Wittenoom asbestos fibres was a "sad misadventure" without any admission of guilt by CSR and its subsidiary ABA. An appeal was lodged, due to be heard on the 10th of March 1980, but 30 minutes prior to the appeal Mrs. Joosten died from mesothelioma. ADSA, supported by S&G, was able to resolve the late Mrs. Joosten's claim for the benefit of her family some years later.



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years of Action for Justice

Law Reform History List

- A.** 1983 Acts Amendment (Asbestos Related Diseases) was passed by the Labor Government supported by the Hon Peter Dowding SC and AG Berinson to amend the statute of limitations allowing for the long latency period of asbestos diseases.
- B.** Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986
- C.** Law Reform (Miscellaneous Provisions (Asbestos Disease Act)) 2002 (WA) Amended to preserved, for the estates of victims of asbestos-related diseases, general damages for pain and suffering and loss of enjoyment of life that would otherwise have been extinguished with the death of the asbestos-related disease victims.
- D.** Fatal Accidents Amendment Act 2008 - In 2008, the WA Parliament enacted legislation to abolish the Strikwerda principle. Essentially, when applied, the Strikwerda principle resulted in general damage awards, inherited by the dependents of asbestos victims, being deducted from the calculations of a dependent's damages claim.
- E.** Private members Asbestos Compensation Bill 2013 introduced to WA Parliament by the Hon Kate Doust MLC.
- F.** Wittenoom Closure Act 2022 - Fund the compulsory acquisition of Wittenoom properties. The bill failed to provide a memorial to Australia's worst industrial disaster. SHAME
- G.** The Work Health and Safety Act 2020 (WHS Laws) commenced on 31 March 2022 and sets out the requirements for providing a safe and healthy work environment.
- H.** Workers Compensation and Injury Management Act 2023 - Implementation July 2024.
- I.** Civil Liability Amendment (Provisional Damages for Dust Diseases) Bill 2024. Read 18 April 2024.



ADSA Celebrating 20 years of Justice 1999

MORE WORK TO BE DONE

- A.** Provisional Damages and Sullivan and Gordon Damages (yet to be legislated).

The ADSA is also grateful to the union leaders and caring politicians that have worked so hard to support the ADSA on this and previous legislation. They have also offered to support the ADSA on the next long delayed step to ensure that sufferers eligible damages for gratuitous services can access this in WA.



State Sec Unions WA Owen Whittle, ADSA CEO, & Asst Sec Kari Phacek

International Workers Memorial Day 29th April at Solidarity Park, Harvest Terrace, West Perth

Justice will never bring back out loved ones, but it may save the workers coming tomorrow. So, we salute our brave asbestos disease warriors and other fallen workers. May we never forget them.

A memorial service was convened by Unions WA to commemorate those workers killed and injured at work. Too many workers lose their lives in this way despite so much to protect them.

The service also reflected on asbestos disease in Western Australia. Banned more than 20 years ago, it still takes over 4000 lives a year. In 2018, Unions WA allowed the ADSA to place a small plaque to the thousands of workers lost to Wittenoom's deadly dust.



ADSA's 46th Annual General Meeting 2024

"As Ms Laurie Kazan-Allen rightly highlighted in her email to me, it was a glaring omission not to acknowledge the ADSA in the 20-year commemoration. So today I rise to thank them for their incredible work over many years." - Mr Russell Broadbent MP

Friday 22 March 2024 - ASDA Office, Main St Osborne Park

Our 46th AGM acknowledged the ADSA is rapidly approaching a Silver Anniversary of care and service to the sufferers of asbestos and other dust diseases, as well as their families and other members of the Australian community. Planning will need to commence for our 50th anniversary commemoration. 2023 ended on an emotional note for the ADSA with the Federal Parliamentary Commemoration for the 20th Anniversary of the Asbestos Ban in Australia. The Minister for Industrial Relations Hon. Tony Bourke noted in his speech that there are over 4000 deaths a year from asbestos-related diseases and talked of the impact of asbestos on the Eastern side of Australia. The speech neglected to acknowledge the work of ADSA, WA death toll, & Wittenoom Australia's worst industrial disaster. ADSA is most grateful that these glaring oversights were corrected shortly after in Hansard with a statement of indulgence by Mr Russell Broadbent MP, Chair of the Parliamentary Committee for Asbestos Related Diseases.

ADSA is most grateful our former VP and committed golfer Mr Dave Hall accepted the nomination to be ADSA's 2nd President. We are always so grateful for the knowledge and experience in worker health and safety Dave brings in our mission to save lives. Dave, his wife Elaine and fellow committee member Greg Comans run the ADSA Golf fundraising day with the support of the excellent team at the Meadow Springs Golf course Mandurah and a group of fantastic sponsors. Raising \$15k to support our Nurse Practitioner and ADSA pastoral care program. The funds allow us make home visits to regional areas like Bunbury, Busselton, the hills and shortly the Pilbara.

Each AGM we are blessed with great guest speakers. This year former Premier Hon Peter Dowding SC and Assoc. Prof Bobbie Oliver on why Asbestos Victims Deserve Memorials.



Dave Hall, Dr Chin, M Markey and Professor Saint's granddaughter Ms Tabatha Saint

To hear their speeches please go to our website under events AGM. The AGM main event is the presentation of 32nd Emeritus Professor Eric G. Saint Memorial Award. This 2024 recipient is the much-respected oncologist, Dr Melvin Chin in recognition of his kind support for patients in his care, dedication and expertise in mesothelioma cancer treatment, and his development of new research to enhance and extend survivorship of patients affected by asbestos caused cancers.



Join us at Meadow Springs Golf Course in February 2025 for the next ADSA 4 Ball Ambrose Fundraising Day



Summary 2023

- Through 2,162 appointments, the medical team reviewed 941 patients for counselling and assistance in connection with asbestos exposure and likely health risk.
- 142 new registers were evaluated and counselled by the ADSA Advisory Staff in relation to issues of asbestos- caused diseases.
- 1023 phone and email enquiries were received by the ADSA office regarding exposure to asbestos and its health risk and medico-legal matters.
- Our advisory services team completed 130 patient consultations.
- Our nurse practitioner, Deirdre Louw, hosted 21 pastoral care events both in local and rural areas.
- 393 patients were sent for scans.
- 267 breathing tests were completed.



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