



**ASBESTOS VICTIMS ASSOCIATION**  
**S.A. INC** Est. 2000

# Newsletter

FEBRUARY 2012

*"There For Our Members Whenever and Wherever They Need Us"*

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Welcome to this edition of our newsletter.

We at AVA hope that this year will be better than last for all our members and we will be continuing to work at informing as many people as is possible to the dangers associated with asbestos.

Some very interesting events have occurred since our last newsletter, The High Court of Australia decision against AMACA in December, The High Court of Australia decision against the ATO in favour of Hardies, and the court decision in ITALY which handed down Jail sentences to a former owner and major share holder of an asbestos plant.

## **TWO CONVICTED IN ASBESTOS LINKED DEATHS TRIAL IN ITALY**

A Swiss billionaire and a Belgian Baron were found guilty and sentenced to 16 years each in prison by an Italian court on Monday February 2012 in a groundbreaking trial over 3,000 alleged asbestos-related deaths.

The former owner of a company making Eternit fibre cement products and a major shareholder, were sentenced in absentia after being found guilty of causing an environmental disaster and failing to comply with safety regulations. They were also ordered to pay damages to civil parties.

"I have never seen such a tragedy. It affects workers and inhabitants, it continues to cause deaths and will continue to do so for who knows how long," prosecutor Raffaele Guariniello said in his closing speech in November.

The trial, which began in 2009 after a five-year investigation, is the biggest of its kind against a multinational for asbestos-related deaths.

It is expected that both men will appeal the courts decision

## **HIGH COURT REJECTS JAMES HARDIE APPEAL**

High Court rejects James Hardie appeal against asbestos compensation sufferers of mesothelioma. The terminal asbestos related cancer victims have had a win today, thanks to a High Court decision to reject an appeal by James Hardie against compensation awarded to mesothelioma sufferer, John Booth. Mr Booth retired mechanic was awarded compensation by the Dust Diseases Tribunal of NSW which found the 'white asbestos' or chrysotile he was exposed to from brake pads made by two Hardie companies now known as Amaca Pty Ltd and Amaba Pty Ltd, respectively caused his mesothelioma.

James Hardie appealed the decision to the NSW Court of Appeal which dismissed the Hardie appeal. James Hardie then sought special leave to appeal to the High Court which granted leave to appeal but in a decision handed down mid December 2011, dismissed the appeal. Mr Booth's solicitor, Gerard McMahon of Turner Freeman said "had James Hardie succeeded in the appeals to the High Court, it would have undermined the capacity of mesothelioma victims to claim compensation, Thankfully the High Court has rejected Hardie's arguments and that means mesothelioma victims can continue to obtain compensation for their terrible disease." The James Hardie appeals centred on the argument that the evidence given by Mr Booth's medical witnesses was unreliable and that Mr Booth could not prove when his mesothelioma developed or that Hardie's asbestos was in any way responsible. The High Court found that the evidence given by Mr Booth's expert medical witnesses was sufficient for an inference to be drawn that Hardie's asbestos was a cause of Mr Booth's mesothelioma.

Source: Turner Freeman Lawyers

## **Something to Ponder?**

The sooner you fall behind The more time you will have to catch up

## EXECUTIVE COMMITTEE

### President

Terry Miller

### Vice President

Kat Burge

### Office Manager

Pam Sandys

### Treasurer

Pam Sandys

### Chairman

Tony Henstridge

### Publicity Officer

Tony Henstridge  
(Big "T")

## **JAMES HARDIE WINS \$300m PAY OUT FROM ATO**

On Friday 10th Feb 2012 the High Court of Australia dismissed the ATO's application seeking leave to appeal a 2011 Federal Court decision that had been in favour of James Hardie.

The ATO now has to refund \$248 million plus interest. Some of the company's legal costs will also be paid by the ATO.

The tax dispute centred on an amended assessment provided to James Hardie subsidiary RCI in 2006 on its 1999 accounts relating to capital gains arising from a restructure in 1998.

James Hardie has stated that it will contribute 35 per cent of the refunded amount, or just over \$108 million, to the Asbestos Injuries Compensation Fund (AICF) if it is received before the end of March.

AVA has publically called for James Hardie to contribute all of the refund regardless of when it is paid to the AICF. The Fund is in need of this top up and we believe that James Hardie could show some moral character and put all of the money into the fund. This would ease one of the worries of victims and their families.

**The money involved in the ATO refund was earned in Australia and should stay in Australia to help Australian victims.**

### **WHYALLA SUB BRANCH**

#### **John Arthur reports**

Meetings that are held every third Thursday of the month are going well and very well attended. We are going to hold a get together every third Thursday of each month and hold our meetings every third month from now on. Congratulations to Marlene Arthur who received a community service award on New Year's Day for her service to the community over the past 40 years.

Members and any person that has worked with or around asbestos are welcome to drop into our office any day and have a chat and a cup of coffee or tea, bring family or friend service went well. We had just over sixty people attend, they came from .

#### **Meeting Dates:**

Third Thursday of each month

#### **Venue:**

87 Essington Lewis Ave, Whyalla 8645 0555

### **PORT AUGUSTA SUB BRANCH**

#### **Geoff Maul reports**

Here we are starting 2012 and again we will be continuing the asbestos message and hopefully get it across to the young and home renovators. Peter Benbow will be the contact for May and June filling in for Geoff Peter's contact number is **8642 2138** We invite anyone who would like attend our monthly meetings held on the First Friday of each month.

**The APRIL meeting will be held on 13th so as not to clash with Easter**

#### **Venue:**

Port Augusta Bowling Club, Corner Marryatt & Jervois Street. You can contact Geoff on 8642 2884.



#### **Nanna Shirley's Kitchen**

#### **SHIRL'S SLICE**

### **INGREDIENTS**

1 Pkt. Scotch Fingers, 1 Pkt. Jelly Crystals, 1 Cup Water, 500g Dried Apricots, Cream, and Flaked Almonds

### **DIRECTIONS**

Cook apricots in one cup of water until mushy ( stir often)  
Add jelly Crystals and stir in  
Lay biscuits in a Swiss roll tin  
Pour mixture over top and spread  
Mix cream and spread over top  
Sprinkle on almonds and refrigerate



### **BEST NEXT DAY**



## KATZ\_KORNER

Welcome to 2012 let us hope it will be a positive one. In our last newsletter I talked with a victim Trevor and as a result of his story we have had a number of requests seeking a meeting with Trevor from people who are also going thru similar issues, and Trevor has said he would be happy to talk with anyone so we will arrange this for anyone who would like to talk with him.



AVA would like to thank Ian Willmott General Manager International Fire and Safety Equipment for their support and donation of a fire extinguisher and fire blanket, this has become necessary due to requirements of some of the venues that we attend throughout the state giving information regarding asbestos and its dangers. If you are in the market for a fire extinguisher or recharge your current one, call in and speak to Ian.



I am also very pleased to announce that the Hon. Jay Weatherill Premier of South Australia has become a PATRON of Asbestos Victims Association SA.

**REMEMBER - "ASBESTOS IS DEADLY SERIOUS"**



## **DATES TO REMEMBER**

### **YOUR SOCIAL MORNINGS**

These mornings are held in our rooms at Level 3 60 Waymouth Street Adelaide on the SECOND Wednesday of every month, starting at 10am, but early birds are welcome and you can stay as long or as little as suits you. They are not formal meetings so that gives each of you an opportunity to meet with and talk to others who maybe in a similar situation. Remember you are not alone.

### **Dates for 2011 Social Mornings**

**March 7th, April 11th, May 9th, June 13th, July 11th, August 8th, September 12th, October 10th, November 14th, December 12th.**



### **Please Put This IMPORTANT Date in Your Diary NOW**

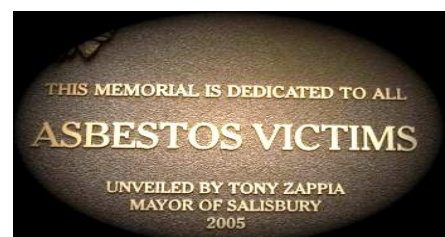
**Asbestos Victims Memorial Day**

**DATE: Friday November 30th 2012**

**VENUE: Pitman Park SALISBURY**

**TIME: 10:30 am to 11:30 am**

**Speakers TBA**



**PAM's CORNER**

I hope everyone has enjoyed a safe and peaceful Christmas-New Year time. May 2012 bring good things for you all.

This year has begun busily for us, with bookings made across the state where we will be able to distribute information about ways to avoid exposure to asbestos, especially during home renovations. Remember, we are happy to arrange presentations at times to suit any of your organisations.

**! DANGER! ASBESTOS DUST !****ASBESTOS AWARENESS SAVES LIVES****Asbestos is still an issue**

Asbestos safety is more important than ever in South Australia. It is in our homes, schools, hospitals, workplaces, roads. Any building erected or renovated between the 1950s and the 1980s may contain asbestos materials. Asbestos can be found in many types of asbestos, asbestos containing, fibre and asbestos to name just a small selection. There are over 1000 products associated with asbestos.

There is no safe asbestos. Asbestos should not be handled or removed without proper training and equipment. Asbestos should not be handled or removed without proper training and equipment.

- Have you, or anyone you know, been affected by asbestos?
- Do you need information about asbestos related diseases?
- Do you need information about the possibility of making a claim for compensation?
- Did you know that there is support available for anyone suffering from an asbestos related disease?

Would you like to know more about asbestos?

Free information seminars can be organised at a time and place suited to your convenience



All our services are freely provided - by volunteers. There are no paid staff.  
Tel: (08) 8212 0208 Mobile: 0418 807 834  
Email: [info@salisbury.asbestos.org.au](mailto:info@salisbury.asbestos.org.au)  
Website: [www.salisbury.asbestos.org.au](http://www.salisbury.asbestos.org.au)

*If you are ever exposed to asbestos dust, make sure that it is noted on all your medical records*

Some of you will find an information sheet enclosed with this newsletter. We hope that you will be able to ask your doctor, or other medical practitioner, to display it in the waiting room.

It is mainly being sent to victims and families who have contacted AVA for assistance.

Should you require more copies of this information sheet, please let us know and we will happily post them out.

AVA is continuing to be a member of the SA Asbestos Coalition which has members from many diverse areas and look at how we can communicate with the public on the dangers of asbestos particularly in the area of home renovations.

Our Memorial day was very well attended with over 200 people braving the drizzle to remember those we have lost to asbestos. The Royal Caledonian Society of SA Pipe Band again were excellent and Graham Pridham gave a very moving account of the effect on he and his family after losing Helen to asbestos disease

**AVA THANKS THE FOLLOWING MAJOR SPONSORS & SUPPORTERS****TURNER FREEMAN****WORKCOVER CORPORATION****ADCO PRINT****SAFework SA****Salisbury City Council****Australian Manufacturing Workers Union****Public Service Association of South Australia****The Australian Workers Union (SA)****United Voice S A Branch****International Fire & Safety Equipment P/L****Construction, Forestry, Mining, & Energy Union Con/& Gen Div****The Police Club Inc. S.A.****Newsletter sponsored and printed by Adco Print****PATRONS**

**The Hon. Jay Weatherill Premier of SA**  
**Senator Nick Xenophon**  
**Jacqueline Raphael, J.P.**

**Tony Zappia Federal Member for Makin**  
**John Camillo State Secretary AMWU**  
**Salisbury North Football Club**