



GIPPSLAND ASBESTOS RELATED DISEASES SUPPORT INC.  
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JULY, 2004  
VOLUME 3, ISSUE 3

# ASBESTOS NEWS

Inside this issue:

Page 2.

James Hardie cont.

Wreath Laying

New Office Space

Page 3.

1<sup>st</sup> year Medical Students  
Monash Uni

Morwell Freemasons

Vacant Position

Page 4.

Latrobe City Community  
Grants

Memorial Quilt Travels

Asbestos Storage Site

Lurgi Plant Demolition

Page 5.

Sponsors Page

Page 6.

GARDS info page

## JAMES HARDIE COMMISSION

The James Hardie Commission is still accepting written submissions but the bulk of the evidence has been presented at the commission. The evidence has not been flattering for the Hardie Group, its share price has taken a battering on the Stock Exchange and quite honestly it couldn't have happened to a more worthy bunch of people. The commission will be releasing a 26-page paper by council assisting John Sheahan, SC outlining possible findings that could be made in relation to James Hardie, its advisors and directors of the Medical Research & Compensation Foundation. It is worth noting that James Hardie's recent actuarial estimate commissioned by them now predicts a \$1.3 billion shortfall – and yet the company continues to deny any legal or moral obligation to provide further money.

Two of the GARDS committee Vicki Hamilton and Trevor Callow were able to attend the commission for 2 days whilst in Sydney consulting with the researchers who are helping with evidence for the commission. GARDS received funding from the Victorian Workcover Authority to assist the researchers gathering facts for the inquiry. We were very happy that GARDS & VWA could do their bit in a very lengthy and costly trial which Slater & Gordon and Turner & Freeman are doing pro bono for asbestos victims.

Vicki & Trevor were able to listen to statements made by Phillip Morley the Chief Finance Officer of the Hardie's Group who was also a director of each of the company's asbestos-tarnished subsidiaries (Amaca & Amaba) at the time of their transfer to the MRCF. In a meeting that went from 6pm on the 15<sup>th</sup> of Feb 2001 until 4am the following morning, Morley executed a dozen documents on behalf of the subsidiaries, including a deed that indemnified James Hardie from any asbestos related liability in the event that it was successfully sued. The deed further promised that the subsidiaries would not sue in respect of any of the excessive dividends, management fees and asset transfers that benefited the parent company prior to the subsidiaries ultimate separation. We were also privileged to hear the first opening statements made by the CEO of James Hardie Group, Mr Peter Macdonald. He actually stated that the Foundation was fully-funded according to the best information available at the time. Cont. Page 2

### ***DON'T FORGET!***

**Community Review  
on  
Draft of**

**Work & Health in the  
Latrobe Valley**

**Hannah Walker &  
Dr Tony LaMontagne  
At GARDS  
Premises  
Tues July 20<sup>th</sup> at  
7.30pm**

**Supported**



## HARDIE COMMISSION CONTINUED...

He even went further to say that Hardie had gone beyond its legal obligations – stating that the company had ‘gifted’ \$80 million to the trust, when they might otherwise have transferred nothing but the assets of the subsidiaries. This money was given though in exchange for the substantial indemnity outlined above and was a fact apparently missed by Mr Macdonald. We now await the findings of the commissioner David Jackson, QC the time table which we believe has been set at 2 weeks for written submissions and then a further 2 weeks for written submissions in reply and then one week of oral submissions with findings due 21<sup>st</sup> of September. Lets hope there is some justice for asbestos victims somewhere in all of this we can only hope and pray.



## REPORT ON MEMORIAL WREATH LAYING CEREMONY

On the 5<sup>th</sup> of May GARDS conducted its 4<sup>th</sup> annual memorial, which was a very moving experience for those who attended. Minister Russell Jones from the Uniting Churches of Moe and Newborough conducted this year’s ecumenical service. Guest speakers were Brian Boyd, Senior industrial officer from Victorian Trades Hall Council and Bette Phillips from Partnerships in Grieving, Creative Ministries. On display at the ceremony was the Memorial Quilt which Bette the coordinator spoke about lives that have been lost to work related death. The squares on the quilt express family’s feelings that may otherwise be inexpressible and sends a very powerful message about safe and healthy work in every Victorian workplace. Representatives from the trade unions and the general community were invited to a light lunch afterwards at the function room of Slater & Gordon.

## NEW OFFICE SPACE

GARDS has finally moved into their new office space. We are located in the same building and in the same area, but are now in suites 19 & 20. We would like to thank 3 wonderful people who helped with our move and relocation, they have just completed the Community Jobs Program at the Latrobe Business Centre and without their help the move would have been a very tough one. We also had help from a few other enthusiastic individuals doing the Community Jobs Program who painted our new office and made it fresh and clean, we really appreciated that help. Of course you won’t be able to miss us when you come we have our logo painted on the door of our office. Thanks to Rod for donating his time to do this for us. Remember all that office equipment that International Power Hazelwood donated to us well it is now in place and is being put to good use. Thank you once again. We thank all those people who have helped us in some way in the relocation there are truly some wonderful people in our community. We invite all our members and interested community to come and have a cuppa and bikkies in our new office.



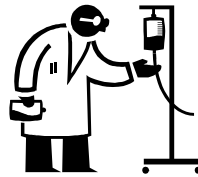
## 1<sup>ST</sup> YEAR MEDICAL STUDENTS LEARN ABOUT LATROBE VALLEY

On the 3<sup>rd</sup> of May GARDS was privileged to speak again about asbestos and related issues to around 80 1<sup>st</sup> year medical students at Monash University, Clayton. This is now the 3<sup>rd</sup> year that we have been involved in the tutorial on Social Position and Health.

GARDS was lucky enough to have 5 people able to attend and speak from different perspectives, that of the worker who has been exposed and affected by asbestos in their work environment, carer who is caring for their loved one who has mesothelioma and someone who has experienced the pain of having cared for and lost a loved one from asbestos related disease and the aftermath in the family that it leaves behind. The committee also spoke about the support/info that is given to the community along with the political, environmental and emotional issues that GARDS deals with on a daily basis.

The students again had some very probing questions to ask of our speakers about work/former work situations, life styles and general health and another big issue that we are facing now home renovations and how that will effect another whole generation and the need to educate the public.

We felt that the students got a real sense of the issues around asbestos and not just the clinical medical side of diagnosis but also the very real emotional issues that happen in a family and the situations that arise for families when dealing with this disease. This whole issue not only effects individual families but also all of the community. We thank those who organise this each year for enabling us to attend. We are again looking forward to next year's tutorial.



## VACANT POSITION ON COMMITTEE

We now have a vacancy on the committee due to the resignation of Fay Needham. It is with regret that we accepted Fay's resignation from the committee and would like to thank her very much for all her hard work and commitment to GARDS. We wish her well with all her future endeavours and hope that she will remain an active member of GARDS in some way.

*Thank You*

The committee has decided that the position will remain vacant until the next Annual General Meeting.

## MORWELL FREEMASONS

GARDS was invited to be a special speaker at the Morwell Freemasons on the 24<sup>th</sup> of June. The full GARDS committee and their spouses attended this meeting where there were approx 50 Freemasons and their families in attendance. The Freemasons were very interested to hear of the work that GARDS is accomplishing in the community and about some of the family's that GARDS support along the way. After the speaking engagement the committee was invited to stay for a very lovely supper, which was supplied by the Freemasons committee. We thank the Freemasons for the hospitality that was afforded to us.



## COMMUNITY GRANTS PROGRAM 2003/2004

GARDS has applied to Latrobe City a number of times for their Community Grants Program and has finally been successful in obtaining \$2,500, which will go towards purchasing a power point projector. GARDS does speaking engagements at various venues in Latrobe Valley and further a field and this will now be of great value in helping aid those talks. We are very excited about this grant and we thank very much the Latrobe City councillors and others who helped GARDS in securing this very much-appreciated donation.

### CREATIVE MINISTRIES MEMORIAL QUILT TRAVELS LATROBE VALLEY

As discussed in the last GARDS newsletter the Memorial Quilt was in Latrobe Valley for one month under the custodianship of GARDS. The Memorial Quilt was displayed at the annual wreath laying, it then went on to the Gippsland Trades and Labour Council office where union officials were introduced to the expression of grief from families who had experience work related deaths. The quilt then went on to a church service held at the Moe Uniting Church; it was then displayed at the Newborough Uniting church where it stayed for 1 week. Its final destination was the Latrobe City Council main offices in Traralgon. The general public could view the quilt for a period of 2 weeks. We hope, as many people as possible in Latrobe Valley have been able to access this very moving tribute. If you would still like to create a square for this quilt can you please contact the GARDS office and we will be only most happy to help you in this. Thank you Creative Ministries for allowing us to be a part of this special memory.

### ASBESTOS STORAGE SITE

GARDS has been involved in discussions with Latrobe City council, Gippsland Trades and Labour Council and AS CLEAR over a site that has been chosen to store domestic asbestos in Latrobe Valley. GARDS met with these representatives at the chosen site and went through all identified dangers that could occur and what procedures would be put in place for the disposal of asbestos from the general community. GARDS was happy about the site chosen and from the understanding given to us that all safety standards and procedures will be of a high standard.

### LURGI PLANT DEMOLITION

The Lurgi plant demolition has been a constant source of concern for not only the trade unions but for the general public as well. GARDS has been concerned by the number of complaints it has received over the demolition of the site. On Wednesday 16<sup>th</sup> of June GARDS along with Department of Treasury and Finance, Victorian Trades Hall Council, Gippsland Trades & Labour Council, Victorian Workcover Authority, Environment Protection Authority and the local member of Parliament Brendan Jenkins MP were invited by the government to inspect the site. What took place at the front gate of the site was, not all on the approved list were being allowed onto the site by the contractor. Some of those who were not allowed onto the site had a great deal of knowledge and expertise in the area of demolition. GARDS was allowed to access the site but refused this offer as they felt uncomfortable about taking this offer up when others who were more highly qualified and who had permission to view the site from the owner (the State Government) were not. For what reasons were they refused? I leave it up to you to think about.

**G.A.R.D.S. INC.  
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[www.gards.org](http://www.gards.org)

Gippsland Asbestos Related  
Diseases Support Inc.

36 – 38 Darlimurla Ave  
Newborough, Vic. 3825

PO Box 111,  
Moe, Vic. 3825

**Phone: 51281218**  
**Fax: 51261897**

**Email: [info@gards.org](mailto:info@gards.org)**

**Web site: [www.gards.org](http://www.gards.org)**

### GARDS INC. SUPPORT

GARDS provides support and information to asbestos sufferers, their families and carers. This includes home visits by GARDS volunteers, a telephone advice service, and drop-in service at GARDS office.

GARDS INC. Support also conducts a monthly meeting (1.30pm – 3.30pm) on the last Tuesday of the month) where guest presenters are invited to provide information about support services of all kinds and any other topics of interest that the members might find of relevance. The meetings also provide a gathering place for experiences; GARDS Support is open to anyone whose lives have been affected by asbestos, their families and the general public.

### GARDS INC. EVENING MEETING

GARDS has an organisational, activities and advocating arm. Interested financial members can come along to evening meetings which are conducted 7.30pm – 9.30pm on the third Tuesday of the month.

These meetings provide a focal point for information sharing and problem identification. The aim of this group is to focus on improving health and support services and any other issues deemed relevant to improving overall outcomes to asbestos sufferers, their families and the general public. Thus ensuring asbestos-related issues are kept in the public eye and trying to rid our environment of asbestos products.

## ABOUT G.A.R.D.S. INC.

### Committee of Management

#### President:

Lyle Seear – Ph. 51671376

#### Vice President:

Trevor Callow – Ph. 51342208

#### Secretary:

Vicki Hamilton – Ph. 51278219  
Mobile: 0407274173

#### Treasurer:

Pam Nicholson – Ph. 51275843

#### Member:

Dorothy Roberts – 51274174

**If you need support call us  
anytime**

### G.A.R.D.S. FEES

**Joining Fee - \$5.00**

#### **Annual Fees:**

Pensioners/Concession

Unemployed - \$3.00

Employed persons - \$11.00

### MEETINGS:

**Support:** Last Tuesday of  
month, 1.30pm – 3.30pm

**Evening:** 3<sup>rd</sup> Tuesday of month,  
7.30pm – 9.30pm

**Come and visit in office hours  
for a chat and cuppa**

### UP AND COMING EVENTS

#### *Our Night/Day Meetings*

**Dr Tony LaMontagne & Hannah  
Walker Presentation**  
20<sup>th</sup> July - 7.30pm

**Paramedical Skin Laser Clinic**  
27<sup>th</sup> July - 1.30pm

**Hazcon Asbestos Mobile Lab**  
31<sup>st</sup> August - 1.30pm

**Glaucoma Australia**  
28<sup>th</sup> Sept - 1.30pm

**Harp – LRH**  
26<sup>th</sup> Oct – 1.30pm

### OFFICE HOURS

**MONDAY:** 9.30am – 12 noon

**TUESDAY:** 1.00pm – 3.00pm

**WEDNESDAY:** 1.00pm – 3.30pm

**THURSDAY:** 12 noon – 3.00pm

**FRIDAY:** BY APPOINTMENT