



ASBESTOS NEWS

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DID YOU KNOW ?

The international Labor organisation says in a recent report that

- work causes more death & suffering than wars or drug & alcohol abuse combined.
- More than 2 million people die from work-related accidents or disease every year—equivalent to one death every fifteen seconds

LENDERS REFUSES PROPER HELP ON ASBESTOS

Finance Minister John Lenders and local Labor MP Ian Maxfield attended the July GARDS Support meeting last Tuesday along with around eighty local people including many sufferers of asbestos, and their families.

At the meeting families spoke out about their experiences of inadequate medical and hospital services in the region and the enormous stress this is placing on seriously ill people and their families.

Concerns were also raised about demolition practices at the Traralgon Hospital, old Yallourn power stations and other government-owned sites containing asbestos and other toxic substances. These sites are owned and managed by Minister Lenders department (Treasury and Finance).

The Minister was questioned about the secrecy surrounding the proposed mortality count project and of objections were raised about the exclusion of contractor employees, and families. Strong concern was expressed about the

existing VMIA/SECV hmg screening program.

Minister Lenders responded by re-committing the government to the mortality count project and announcing that the government will withhold further commitments for at least another twelve months until after the project results are known. GARDS has since contacted Mr. Maxfield to confirm whether the government intends ignoring the problems for longer than twelve months. GARDS secretary Cheryl Wragg said "the state government is refusing to help in the ways we need. Their only commitment is to superficial gestures. Their current stance is unethical and objectionable. We hope people remember this at the next election.

"Concern about the continued neglect of asbestos disease-related problems in the region is shared across the GARDS network of families.

GARDS Assistant Secretary Vicki Hamilton called for the Latrobe Valley Community Hospital (Moe) and the adjacent (and vacant) aged care facility to be reinstated as a palliative care hospice and respite care facilities.

She said "this could be up and running in less time than it will take to complete the mortality count. We need proper facilities and help now. This State Labor government is condemning LV families, faced with asbestos disease, to at least another twelve months of suffering and indignity. This is being caused by inadequate regional health, hospital and medical facilities. They are refusing to help, they won't even agree to sit down and properly talk about the problems and appropriate responses."

During the run up to the State election, GARDS will contact each candidate for the seats of Morwell and Narracan to survey their responses to asbestos problems in the region. Ms. Hamilton said "We will let the community know what the candidates are saying and intending. The candidates will be judged accordingly by the community at the ballot.



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P2.

Come on Mr. Bracks – a little justice and compassion for the Latrobe Valley

Welcome to all new members who have recently joined the GARDS network of families. We also extend thanks to our supporters and donors.

In our community, at an individual, family and neighborhood levels, and amongst organisations and businesses, more and more people are putting their 'shoulder to the wheel'. As reported in *Asbestos News* and made real at our meetings, at our facilities and in the day to day activities of our network, GARDS is all about individuals, families, organisations, institutions and businesses in our community co-operating and collaborating to acknowledge the problems, provide support, and show active compassion.

At the July Support meeting of GARDS, Minister Lenders visited us where he spoke of compassion and the government's handling of damages payouts for victims. He also spoke of the government needing more information about the Latrobe Valley asbestos situation (from a limited mortality count project) in order to develop a response.

We were and are heartened that Minister Lenders came to meet with us - the government and the Latrobe Valley community must meet and work together to improve our situation - but we were also left wondering whether anyone in the government has learnt anything about the reality in the Valley and bothered to tell the Minister? For example, Mr. Lenders cited the government's instruction to speed up the settlement process as demonstration of its compassion. Yet for many, perhaps the majority of affected families in the Valley, this is off the mark. As the government's own documents report, the majority of people in the largest group of possible claimants, those who develop asbestos related lung cancer, *never make it to settlement because they never make a claim.*

Lung cancer, unlike mesothelioma, has a number of causes. Where tobacco is involved or an occupational history not taken, asbestos effects can be missed or discounted during medical diagnosis.

For these people the 'system' looks something like this.

1. Many die, they and their family unaware if asbestos was the culprit or part culprit.
2. If the person dies, only some families will seek an autopsy.
3. Some of these will seek legal advice about taking legal action.
4. It must be proven that a mis- or missed diagnosis occurred on the part of the doctor/s, hospital, or health service provider. Some families get past this point.
5. The now small minority who continue with action involving a misdiagnosis and -
6. are successful, may then lodge for a missed claim against the SECV.
7. The claim is processed by this government's 'faster' system
8. and will most likely be successful.
9. If the claimant dies during steps 2-8 the claim can continue and eventually, if successful, a damages payment will be made to the victim's family. However, the component of the payment that 'recognises' the pain and suffering of the victim is not paid. Entitlement to this, the largest component of the total payment for many, dies with the victim.

At what point/s does this system deliver compassion and justice to victims and their families?

Over the last eight or more months GARDS has been unfairly and incorrectly accused, by the State government and others, of being preoccupied with matters of money and damages payouts. For the record, our concerns are about justice and the best possible care for our community. Many families in the GARDS network believe that justice would be better served by sending those people to gaol whose workplace negligence maims and kills. Many also see justice were the State government to provide the Latrobe Valley with the medical, hospital and health services we want and need. Ensuring the economic care of victims and their families is yet another component of justice. So is demanding and expecting the prevention of future deaths from asbestos and other industrial toxins in the name and memory of those who have already lost their lives. To heal this situation, active compassion must be guided by justice.

Putting money ahead of people, the long-held position of the SECV and most state governments over the years, created the problem and set the pattern for neglecting the people. This is our long experience with a few important exceptions. In 1979 the SECV, under a liberal government led by Lindsay Thompson, acknowledged the situation and started taking action in co-operation with the people. The governments of Cain and Kirner continued and extended this commitment. But in 1992, the days of neglect and worse returned with the election of the Kennett government. In 2002, we ask the Bracks government 'how will you be recorded in the memory of our community: as actively compassionate and just? or putting money ahead of people and continuing the neglect?'

FROM THE VALLEY VOICE TO A WHISPER

Our retiring member of parliaments voice was loud and clear on the asbestos issue in May, 1993 when he wrote in a local newspaper column that:

"The second item of news was the publicity given to the asbestos related problems for so many people who worked in our older power stations in the Latrobe Valley. Families could also be affected by this killer material.

While I am surprised by the fairly negative reaction to this publicity by our community leaders, I have great sympathy for those families who have lost or who will lose a loved one due to asbestos.

We cannot pretend that it didn't happen and hope the problem will go away. What can and should happen is that we ensure there is a clear understanding of how and why the problem occurred and ensure it never happens again. I just happen to believe that people are more important than profits."

Now when he really has the opportunity to make a difference his voice has become a whisper.

**QUOTE: PARLIAMENT AND YOU - BY KEITH HAMILTON MLA FOR MORWELL
LATROBE VALLEY EXPRESS, MAY 1993**



OFF

OUR SPECIAL THANK YOU LIST

**TO KATH PRUST & FAMILY
FOR THEIR VERY GENEROUS
DONATION ON BEHALF OF
THEIR LATE HUSBAND & FATHER**

**TO FAY NEEDHAM & FAMILY
FOR REQUESTING THAT MONEY
DONATIONS BE MADE
TO GARDS INC. IN ARNOLDS
MEMORY**

**TO MAURICE, BLACKBURN & CASHMAN
FOR THEIR GENEROUS DONATION
TOWARDS OUR NEW BRANCH OFFICE
AIR GARDS - MELBOURNE
ALSO GAYE TREVAN WHO WAS
INSTRUMENTAL IN GETTING THIS
VERY GENEROUS DONATION**

**TO TREVOR WATSON, ROD Le LIEVRE
& VICKI HAMILTON FOR THE WONDERFULLY
DESIGNED LETTER HEAD AND ENVELOPES
WITH OUR NEW LOGO ON IT. GREAT JOB
GUY'S & GIRL.**

**TO CHERYL WRAGG FOR THE DONATION
OF THE FRIDGE TO OUR OFFICE. WE CAN
NOW HAVE A CUPPA ANYTIME.
TO VICKI HAMILTON FOR THE CORDLESS
JUG TO MAKE THOSE CUPPA'S WITH.**

LEGAL LINE BY GAYE TREVAN

In November 2001 Barbara O'Shea, aged 50 and mother of three, first noticed that she was getting short of breath. Initially she was diagnosed with mesothelioma.

Barbara had not worked with asbestos. Her husband Lawrie, as a plumber regularly cut and handled asbestos cement flues used in the installation of gas appliances between 1975 and 1984. Barbara's contact with asbestos came through washing Lawrie's overalls and work clothing. Lawrie knew that asbestos was considered hazardous, but he had no idea that it could kill, nor that his work clothing was putting his family at risk.

Barbara issued a Writ against the State of Victoria, who took over the liabilities of the former Gas & Fuel Corporation who had employed Lawrie between 1975 and 1978. Amaca Pty Ltd (formerly known as James Hardie Pty Ltd) were also named as a Defendant to the proceeding as they had manufactured the asbestos flues he worked with, including while working as a self employed plumber. The basis of the claim was that the State of Victoria and Amaca Pty Ltd knew, or should have known that Lawrie's contact with the asbestos flues was not only risking his health, but also had the potential to contaminate his clothing, and thus put his family at risk of asbestos disease in the future.

As Barbara's health was deteriorating her evidence was recorded on video to be shown to a judge and jury at a later date. The Supreme Court ordered that her case be fixed for trial with priority, and it was listed for hearing on 29 July 2002.

On 26 July 2002 negotiations were taking place to try and resolve the case. However, as the State of Victoria and Amaca Pty Ltd would not agree to removal of a confidentiality clause, then Lawrie, to his credit, would not agree to settle despite his wife's fragile health.

Sadly, Barbara died on 27 July 2002.

Lawrie courageously stood by his principals and went to court on 29 July 2002. He could not agree to any settlement that would not allow him to talk about the circumstances of Barbara's asbestos exposure and her mesothelioma. Immediately prior to the commencement of the trial, and after further negotiations, the State of Victoria and Amaca Pty Ltd agreed to confine the confidentiality clause to the amount of settlement only. This enabled Lawrie to make public how incredibly dangerous asbestos is, and the sometimes tragic consequences of even minimal exposure.

Barbara's case was one of the first in Victoria to demonstrate the effectiveness of changes to legislation which enable people to be compensated for pain and suffering after death provided the claim has been commenced

during their lifetime. GARDS and others deserve to be applauded for their efforts and advocacy to ensure the implementation of this change.

The courage demonstrated by Barbara and Lawrie O'Shea is overwhelming. Lawrie hopes that by ensuring the case went public that others will appreciate the insidious nature of asbestos and that those who continue to come into contact with it take every possible precaution, and that future lives can be saved.

GARDS wishes to express their sincere sympathy to Lawrie and his family in their time of sorrow.

GARDS would also like to acknowledge that not all families receive public acknowledgement of their situation. To every family touched by asbestos our thoughts are with you.



Gaye Trevan is a GARDS member and volunteer. She is a Legal Executive with Maurice Blackburn and Cashman solicitors. If you need information or advice call Gaye on 96052729 or Free call 1800810812 or contact GARDS inc. ph. 51281218

PERPETUAL MEMORIAL—SPONSORED BY L.V. FUNERAL SERVICES

GARDS perpetual memorial honors loved ones afflicted by asbestos disease.

It is open to all families, and there is no fee involved.

If you would like your loved one to be remembered in the memorial, please call on Fay Ph. 51272038 or Doro-

thy on Ph. 51274174

The GARDS perpetual memorial—a special community service sponsored by Latrobe Valley Funeral Services.

GARDS has been very fortunate to have Mr John Leckey support this organization from its small beginnings. We value his support and thank him very much

very much for all he and his staff have done for us.

THANK YOU SO MUCH



MANSLAUGHTER BILL DEFEATED

The article you are about to read first appeared in the I.D.S.A. Inc. News June, 2002. This article and the fate of the industrial manslaughter bill is highly relevant to our cause. We run this article for the interest of our readers.

The 'Crimes (Workplace Deaths and Serious Injuries) Bill', was recently rejected by the Legislative Council in the Victorian Parliament. This Legislation was previously passed in the Legislative Assembly, after amendments made by the Attorney General Hon. Rob Hulls and Independent member for Gippsland West. Hon. Susan Davies were accepted on 14th May 2002.

The challenge for the opposition was to come up with real and constructive amendments to the bill to assist the Government in reducing workplace deaths, but they've chosen to reject it outright, preferring to wait until the next election before announcing their own policy. We wait to see what eventuates.

This decision will disappoint many of the members of IDSA along with GARDS members. While the proposed legislation provided for penalties up to \$5 million for a company and up to \$180,000 and 5 years jail for individuals and management in cases of gross negligence, many of us feel that the threats of prosecution alone, would have assisted in achieving a heightened level in

awareness of safety in the workplace. No one wants to see anybody in jail, but the opposition, by blocking the passage of this legislation, are telling us that they are satisfied with the numbers of workplace deaths, which have consistently exceeded a level of over 30 each year, for more than a decade (this number does not include the much higher number of deaths from industrial disease 'editors note').

Something needs to be done, no one should be sitting on their hands, we realize everyone should be responsible for themselves, but what about those who are ignorant of the workplace or the safety hazards. The only people who have knowledge of and the complete power and authority to do something in their workplace are the management. Make them take responsibility by making them fearful of the consequences.



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**NEWBOROUGH
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general sign work.
contact Rod on 51262644



NEW GARDS LOGO

As you may have noticed the front of the newsletter has had a change of face again. It now has the new GARDS logo.

Thanks to Trevor Watson from Skills on Line for creating this wonderful new logo. He has been working very hard on this project and our new web site. If you would like to see the web site just

go to www.gards.org

If you have been to our offices in the last 2 weeks you would also have noticed our rather large signage which is located at the front entrance to Latrobe Business Centre.

You will start to notice this sign appearing all over.



Explosion Assessment Relative Clearance Support Inc.

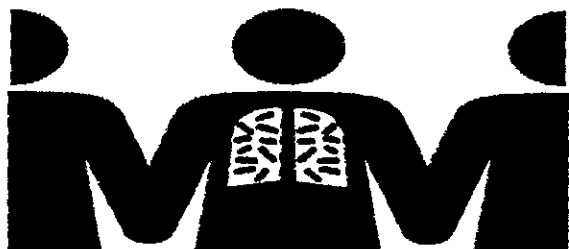
GIPPSLAND ASBESTOS RELATED DISEASES SUPPORT INC.

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www.gards.org



GARDS

Gippsland Asbestos Related Diseases Support Inc.

GARDS Inc. SUPPORT

Provides support & information to asbestos sufferers, their families & carers. This includes home visits by GARDS volunteers, a telephone advice service, & 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 regional support services, and other areas of interest & assistance. The meetings also provide a gathering place for experiences. GARDS Support is open to anyone whose lives have been affected by asbestos & their families.

GARDS Inc. ADVOCACY

Is the organizational, activities & advocating arm of GARDS Inc. GARDS Advocacy meetings are 7.30pm-9.30pm on the third Tuesday evening of the month providing a focal point for information sharing, problem identification & campaign development. People interested in becoming active in GARDS Inc. ADVOCACY & have voting rights are required to take out GARDS membership & annual subscription. GARDS Inc. ADVOCACY is focused on improving health support services & compensation arrangements to asbestos sufferers, & their families, ensuring asbestos-related issues are kept in the public eye, & ridding our environment of asbestos.

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

EXECUTIVE

PRESIDENT:

Lyle Seear Ph. 51671376

VICE PRESIDENT:

Trevor Callow Ph. 51342208

SECRETARY:

Cheryl Wragg Ph. 51273790

**ASSISTANT SECRETARY/
TREASURER:**

Vicki Hamilton Ph. 51278219

EXECUTIVE MEMBERS:

Dorothy Roberts Ph. 51274174

Fay Needham Ph. 51272038

GARDS MEMBERSHIP FEE:

\$4.95

GARDS ANNUAL FEE:

\$11.00 (EMPLOYED)

\$2.75 (PENSION/CONC.)

THE GARDS OFFICE IS OPEN

MONDAY: 9.30AM-2.30PM

TUESDAY: 1.00PM-3.00PM

WEDNESDAY: By Appointment

THURSDAY: 12 NOON-3.00PM

Call in for a chat and cuppa

GARDS SUPPORT MEETINGS:

Last Tuesday of the month, 1.30pm-3.30pm

GARDS ADVOCACY MEETINGS:

3rd Tuesday evening of the month, 7.30pm-9.30pm

UP AND COMING EVENTS

GARDS SUPPORT:

August: Latrobe Valley Funeral Services - Mr. John Leckey

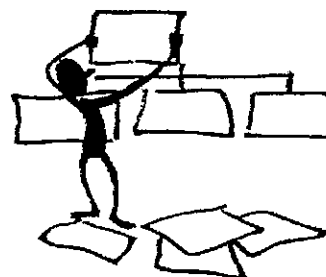
September: Dr. Harvey Miller - Family Therapist & Grief Counsellor

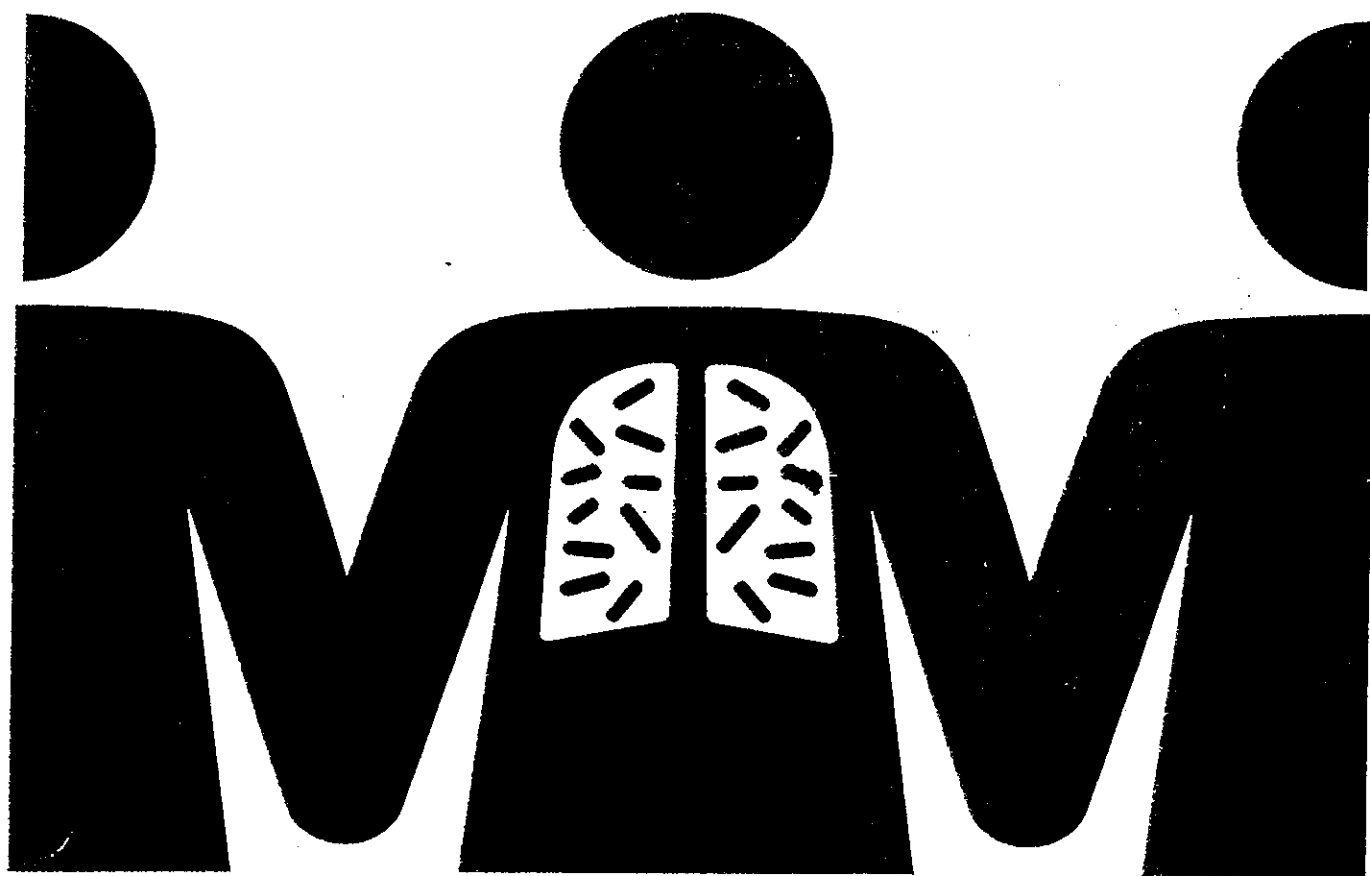
October: Karen Wetherman - Massage Therapist

GARDS ADVOCACY:

August: No speaker

September: To be announced





GARDS

Gippsland Asbestos Related Diseases Support Inc.
