



Newsletter

SEPTEMBER 2013

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

Welcome to this edition of our newsletter.

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Back in the April/May newsletter we informed you of the asbestos issue in the small country town of Terowie. Many residents were concerned about the lack of response to have the area cleaned up.

Geoff Maul our AVA support representative in Port Augusta, became involved with the residents and reports now that the residents are satisfied with the final outcome with the area being cleaned up and signage displayed.

Now Geoff has come across a heavily contaminated site in Port Augusta, and it is taking some time to get remediation started. Council has been notified as have EPA, and the companies responsible for the property, but at the time of writing this there has been no clean up, fencing or warning signage.

Geoff has taken a very graphic video showing the extent of the asbestos contamination and gave a copy to the local MP, who then forwarded a copy to a couple of State Govt. Ministers. We also have a copy of this video, and we are following this thru with a number of Govt. Depts.

AVA would encourage everyone who comes across areas that are contaminated with asbestos regardless where it may be, including illegally dumped asbestos to notify their council, and notify AVA so we can monitor any action or lack of action and deal with it.

EXECUTIVE COMMITTEE

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Pam Sandys

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Events Officers

Peter Baxter



Geoff Maul



Part of Contaminated site

MEMBERSHIP

Your annual \$10.00 membership has not increased and is due July 2013, we know that it can slip the mind these days and we hope you will continue with your support.

Your membership helps with postage costs and newsletters. Your \$\$'s help immensely.

Something to Ponder?

To be sure of hitting the target, shoot first and call whatever you hit **The Target**



KATZ_KORNER

The Crystal Brook Show 10th August 2013

Peter Terry and I attended the Crystal Brook Show for the day. We were over whelmed by the number of younger people enquiring about renovations and where might asbestos be used in their house.

Many were surprised to find that there was every possibility it was in their home and were happy that we had all our information sheets and SafeWork information booklets.

And there is always one in every crowd that calls us scaremongers but hey if they take the time out to come up and say that, well it means we are being noticed.

Shows we are attending for the rest of the year

Gawler Show 2 days

Riverland Field Days 18th and 19th September

Paskeville Field Days 24th,25th and 26th September

Port Elliott Show October 12&13th

Mt. Gambier Show 25th and 26th October.



WHYALLA SUB BRANCH

John Arthur reports

Hi All,

The group is going along quite well. Numbers were down at the last meeting due to illness of some of the members.

The AVA stand at the Whyalla show went quite well. We entered some of our home made products and received two firsts, three seconds and one outstanding.

I would like to see more of our older members attend our get together on the third Thursday of each month. They are quite welcome to bring their family along.

The office will be closed this Friday afternoon 30-8-2013 so members can attend the funeral service of one of our members who sadly passed away on Saturday night.

John

Call in and try our home made jams and pickles. New product Strawberry jam, going quick

Meetings are held every third Thursday of each month.

Meeting Dates:

Third Thursday of each month

Venue:

87 Essington Lewis Ave, Whyalla. Phone: 8645 0555

PORT AUGUSTA SUB BRANCH

Geoff Maul reports

Hi,

This past month or so has been quite interesting and busy with issues with contaminated site then being notified of another separate site with asbestos laying on the surface

We have had a number of enquiries regarding asbestos and the handling of it. If you know anyone who may need some advice please get them to contact us

We invite anyone, who would like attend, to come along to our monthly meetings held on the **First Friday of each month.**

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

FROM AVA'S LEGAL ADVISOR ANNIE HOFFMAN



Van Soest v BHP Billiton Limited

On 17 June 2013 Judge Parsons of the District Court of South Australia handed down judgment finding BHP liable in negligence to Mr van Soest in relation to his condition of mesothelioma.

Mr van Soest worked as a painter and docker at the BHP Whyalla Shipyard for a period of 12 weeks in 1962.

During this employment Mr van Soest was required to work around ladders installing asbestos insulation around pipes and boilers in the engine room of the PJ Adams, a ship being fitted at the fitting out wharf.

Mr van Soest was also required to help the ladders on occasions with their work and to clean up after the ladders, sweeping up asbestos dust.

Years later, in 2011, Mr van Soest was diagnosed with mesothelioma. He brought proceedings in the District Court of South Australia against BHP.

BHP aggressively defended the claim, putting all matters in issue. In her Judgment Judge Parsons found that in 1962 BHP knew that the process of installing asbestos insulation on its ships carried with it a risk of contracting asbestosis.

She also found that BHP should have taken measures to limit exposure to asbestos dust including providing their workforce with respirators and vacuum cleaners to clean up the dust.

Judge Parsons also found that Mr van Soest's exposure to asbestos had made a material contribution to the development of his condition of mesothelioma.

In a separate judgment delivered on 28 June 2013 Judge Parsons awarded Mr van Soest a total of \$358,151.30.

This sum included an award of \$20,000 for exemplary damages.

Exemplary damages are awarded under the Dust Diseases Act 2005 (SA) where it can be shown that the defendant knew at the time of the plaintiff's exposure to asbestos that the plaintiff was at risk of exposure to asbestos, and also knew that exposure to asbestos dust could result in a dust disease.

The award is the second award of exemplary damages to be made against BHP under the Dust Diseases Act.

BHP have appealed the Judgment to the Full Court of the Supreme Court of South Australia.

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 2013 Social Mornings

September 11th, October 9th, November 13th, December 11th.



COMMENT!!

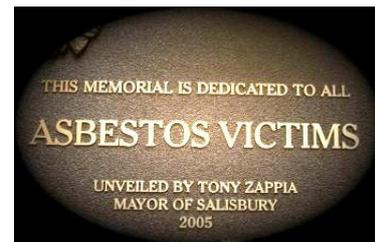
In an asbestos claim in recent times Hamilton v BHP Billiton, the District Court of SA in June last year found in favour of Hamilton after finding BHP negligent in duty of care.

BHP Billiton appealed against the decision of the District Court, and in the past few weeks the Full Court of the Supreme Court of SA dismissed the appeal by BHP Billiton. In their judgement Chief Justice Kourakis, Justice Blue, and Justice Stanley found BHP Billiton was negligent in failing to identify steps to reduce its workers' inhalation of asbestos dust.

It seems to us that if BHP the (Big Australian) don't like decisions going against them in one court they are quick to lodge an appeal to another court

Shows and Field Days

Ava will be attending a number of shows and field days in the coming months dates and venues are shown elsewhere in this edition, if you are in the areas or attending one of these events come and see us and introduce yourselves maybe you can assist us as well.

Please Put This IMPORTANT Date in Your Diary NOW**Asbestos Victims Memorial Day****DATE: Friday November 29th 2013****VENUE: Pitman Park SALISBURY****TIME: 10:30 am to 11:30 am****Speakers TBA****A V A THANKS THE FOLLOWING MAJOR SPONSORS & SUPPORTERS****TURNER FREEMAN****WORKCOVER CORPORATION****ADCO PRINT****SAFEWORK SA****Shop Distributive & Allied Employees' Association****Construction, Forestry, Mining, & Energy Union Con/& Gen Div****City of Salisbury 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****The Police Club Inc. S.A.****Newsletter sponsored and printed by Adco Print****PATRONS**

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