



ASBESTOS VICTIMS ASSOCIATION (SA) INC

Established 2000

There for our Members whenever or however they need us

NEWSLETTER October—November 2021

A SIGNIFICANT WIN AGAINST JAMES HARDIE

Office Location

Level 9,
60 Waymouth Street
Adelaide SA 5000

Postal Address

PO Box 4066
Elizabeth South
SA 5112

Tel: (08) 8212 6008
Mobile 0455 120 588

Email:
admin@avasa.asn.au

Website:
[http://
www.avasa.asn.au](http://www.avasa.asn.au)

Facebook Page:
[https://
www.facebook.com/
asbestosvictimsas-
socsa/](https://www.facebook.com/asbestosvictimsas-socsa/)

Executive Committee:

President/ Treasurer

Peter Baxter

Vice President

Maxine Williams

Office Manager

Lesley Shears

Committee members

Gloria Hinks

Doreen Ryan

Fleurieu

representative

Catherine Wegener

Whyalla Support

Group

John Arthur

Port Augusta

Support Group

Geoff Maul



Mr Werfel said that he was relieved that court proceedings had concluded. "This has been a long journey and I want to thank my family for staying the course with me. Justice has finally been achieved and I fought this fight for my family and for future asbestos sufferers, so their legal situation will be improved."

renovations. Mr Werfel was exposed to asbestos while working for a fencing contractor after leaving school and during home renovations, including when he sanded and painted the eaves of his first home, not realising that they were constructed from asbestos cement sheets.

James Hardie's legal liability has now been confirmed to be beyond the products they sold to end users and to extend to all those who may come into contact with those products in future, including those who are still being exposed during home renovations.

"The Full Court confirmed that James Hardie had a duty of care to the public to warn them of the ongoing risks posed by their asbestos products, and remains legally liable for the lives these products continue to destroy," Annie Hoffman said. "This decision sets a precedent for any person who contracts mesothelioma due to drilling, sanding, cutting or handling James Hardie asbestos cement in their homes."

Asbestos manufacturers may now have to run public awareness campaigns to educate the public on the dangers of asbestos during home renovations, after the High Court rejected an application for special leave to appeal in *Werfel v. Amaca Pty Limited* (formerly *James Hardie & Coy Pty Limited*).

Turner Freeman Lawyers Partner Annie Hoffman has run successful litigation against James Hardie for Adelaide man Mathew Werfel right up to the High Court, and said today that she was relieved that her client's courtroom odyssey for justice was finally over.

The original decision in December 2020 by the full court of the Supreme Court of South Australia rejected an appeal by James Hardie against a precedent-setting asbestos compensation claim, unanimously finding that ***the company owed the public a duty of care to warn them of the risks posed by in-situ asbestos cement products.***

Turner Freeman Lawyers ran the case for 44-year-old Adelaide father-of-three Mathew Werfel and the decision potentially opened up compensation claims for people who contract mesothelioma due to home

October is National Safe Work Month

This National Safe Work Month, "think safe, work safe, be safe". Take two minutes to complete a Healthy Lungs at Work Quiz to learn the preventative measures you can take to protect yourself and your lungs around silica and asbestos-containing materials.

To find out more, visit <https://lungfoundation.com.au/SafeWork>



BEINKE BEQUEST FUND

The Beinke Bequest Fund has been set up to honour the name of one of AVA's benefactors, Peter Beinke, who died from mesothelioma in 2014.

Mr Beinke wanted to ease the burden for people affected by asbestos disease and left a bequest to AVA to be used towards expenses incurred when it is necessary to travel some distance for tests or treatment.

The fund is available to help with travel & accommodation expenses for patients with an asbestos related disease (ARD) who are required to travel to Adelaide for treatment. The funding can also cover expenses of family members who accompany patients. These expenses may be covered in whole or in part, and will be reimbursed on production of receipts.

Please contact us to find out whether you are eligible and we can send out a claim form. We will also send out a form to be signed by your medical provider to confirm your condition.

LUNG FOUNDATION AUSTRALIA

Lung Foundation Australia is warning people with a persistent cough not to brush off what it says could be the warning signs of lung cancer.

The advocacy group and charity has launched a campaign urging anyone with a cough that lasts for at least three weeks to visit their GP for a check-up. "This is critical if other symptoms such as fatigue, shortness of breath or chest discomfort are also present, even if they are mild," a spokesperson for the group said.

Lung Foundation Australia CEO Mark Brooke said early investigation by a health professional was key to improving survival rates. "This is particularly important if you have any risk factors such as history of smoking, occupation exposure to asbestos, dust or chemicals, or if you are aged over 40," he said. "We don't want any Australian self-diagnosing or dismissing potential symptoms of lung cancer".

Mr Brooke said the early warning signs were easy to miss when it came to lung cancer or lung disease which could affect anyone, irrespective of lifestyle choices.

"For the vast majority of us, a new cough will not be a cause for concern," Lung Foundation Australia chair Professor Christine Jenkins said. "For some, however, a lingering cough could be a sign of something more serious, such as a lung disease or lung cancer".

**What if your
cough isn't
just a cough?**

PRODUCT RECALL ALERT – ASBESTOS RISK

Asbestos is a known carcinogen and inhaling asbestos fibres can cause a number of life-threatening diseases including pleural disease, asbestosis, mesothelioma and lung cancer.

L O'Reilly Pty Ltd trading as OMP has issued a product recall for their ECX AMP series of 1:10 **radio-controlled electric 2WD vehicles**. The ECX1024 slipper pads in these ECX AMP series of vehicles contain chrysotile asbestos.

Asbestos fibres may be released from the slipper pad in the vehicle through friction and users may be exposed to asbestos fibres if the vehicle is disassembled for repair or maintenance.

Owners of these vehicles must not attempt to remove or replace the slipper pads, or disassemble and maintain their vehicles. Affected vehicles should be returned to their place of purchase.

For full details regarding this recall, visit the ACCC's recall page: <https://bit.ly/3xqbVLp>



NATIONAL ASBESTOS AWARENESS WEEK – THINK TWICE ABOUT ASBESTOS

National Asbestos Awareness Week runs from 22–26 November 2021. This year, we’re asking you to **think twice about asbestos**.

Asbestos causes cancer and is still in 1 in 3 Aussie homes. Prevent the risk of exposure to asbestos and find out how to be safe.

Before you start any work around the house, check whether your home was built before 1990. If so, it can contain asbestos.

Asbestos can be in many locations including external and internal walls, bathrooms, toilets and laundries, kitchens, roofs, fences, and garages.

Don’t risk your health or someone else’s by disturbing asbestos. To prevent breathing in dangerous asbestos fibres, always get a licensed asbestos professional to check for asbestos before starting work on homes built before 1990.

Think twice about asbestos. Asbestos is dangerous if damaged, disturbed or deteriorating. Once asbestos fibres are disturbed they become airborne and can then be inhaled or ingested. This can happen when sanding, drilling, cutting or sawing asbestos-containing materials.

For any queries visit the AVA website www.avasa.asn.au or telephone 0455 120 588 .



ASBESTOS SAFETY AND ERADICATION AGENCY (ASEA)

The ASEA website has some great tools for tradies and DIY enthusiasts.

ASEA has updated its asbestos awareness brochure for the automotive industry. This update includes information for historic vehicle enthusiasts, who may be exposed to asbestos while working on older vehicles.

The brochure includes information about where asbestos is commonly found, the laws and regulations surrounding asbestos management and removal, as well as guidance and safety tips to help you protect yourself and others from exposure to harmful asbestos fibres.

Find the brochure here:

<https://tinyurl.com/m7zehfy6>

ELECTRICIANS & PLUMBERS—MINI SITES

The ASEA website also has new dedicated mini sites for electricians and plumbers—information about where you might find asbestos while working, the laws that relate to managing and removing asbestos, and how to protect yourself and others from exposure to the harmful fibres.

The new mini sites display the information found in the Asbestos awareness for electricians and the Asbestos awareness for plumbers brochures in a responsive and easy to read format that can be accessed from your computer, tablet or mobile phone. To see the new site, visit:

🔗 Electricians: <https://asbestossafety-electricians.com.au>

🔗 Plumbers: <https://asbestossafety-plumbers.com.au/>

DIARY DATES

Asbestos Victims Memorial Day

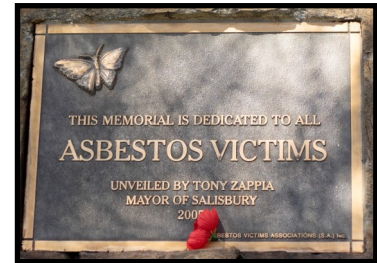
Date: Friday 26 November 2021 at 10.30 am

Venue: Pitman Park SALISBURY

Whyalla Asbestos Victims Support Group

Memorial Service Friday, November 26

Mount Laura Homestead, starting at 11am



AVA will be represented at the following events:

Kapunda Show 30 October 2021

Gawler Show 20 & 21 November 2021

PLEASE NOTE: All events subject to COVID restrictions applying at the time.

INVITATION

Do you like helping other people? Do you want to make a difference?

At AVA you can volunteer as little or as much time as you wish. We welcome people of different ages and cultures, people who are retired or unemployed, and students.

The benefits for volunteers include the sense of 'giving back' to the community, gaining experience that can assist in professional development or employment opportunities, or simply the pleasure of doing something that is clearly appreciated by another person.

We can't do it without you!

Your social mornings - remember you are not alone.

Members are invited to share a cuppa with us on the second Wednesday of each month from 10 am onwards. Anyone with asbestos issues also welcome.

2021 dates: 13 October, 10 November, 8 December

AVA THANKS THE FOLLOWING MAJOR SPONSORS & SUPPORTERS

**TURNER FREEMAN ADCO PRINT TOTAL ASBESTOS SERVICES
RETURN TO WORK SA**

**City of Salisbury Council
Shop Distributive & Allied Employees' Association (SDA)
Communications, Electrical & Plumbing Union (CEPU)
Construction, Forestry, Mining, & Energy Union (CFMEU)
Maritime Union of Australia United Voice SA Branch
Australian Workers Union Public Service Association of SA**

PATRONS

**The Hon. Steven Marshall, Premier of SA
Frances Bedford, Member for Florey
Nick Xenophon, Lawyer and Advocate**

**Rex Patrick, Senator for SA
Tony Zappia, Federal Member for Makin
Peter Bauer, State Secretary AMWU**