

6. On 6th May 2011, the Plaintiff provided a Statement of Particulars which contained the following relevant allegations as to exposure:
 - a. (Telstra) Firstly the main workshop roof was composed of SuperSix corrugated sheeting;
 - b. (Telstra) There were six furnaces insulated with lagging;
 - c. (Telstra) Maintenance work on the workshop and its facilities were performed
 - d. (Telstra) Welders performed work using asbestos curtains and wore asbestos aprons and asbestos gloves;
 - e. (Telstra) The Plaintiff wore asbestos gloves on occasions;
 - f. (Telstra) Supervising carpenters installing asbestos fibro ceiling panels;
 - g. (Telstra) Exposure occurred between 19467 and 1990 on a daily basis, with the exposure to asbestos dust and fibre being high.
 - h. (Telstra) Exposure accounts for 90% of lifetime exposure;
 - i. (Home Renovations) 1971, extended the laundry, removing 2 sheets of old fibro and install 3 sheets purchased from Campbell's Hardware supplies The work took a couple of weekends, with some dust intermittently. Level of exposure was low;
 - j. (Home Renovations) Lay a patio outside the house using compressed Asbestos sheeting, then constructed an asbestos fibro fence. The work took a few weekends to complete. Level of exposure was low;
 - k. (Home Renovations). 1993 – 1994 removed old asbestos Tilux sheets from the walls of the kitchen. Took one or two days. Level of exposure was low;
 - l. Dr. Moses (report dated 3 February 2011) records that the Plaintiff lived in a fibro home but no renovations occurred apart from Aluminium cladding;
 - m. Professor Breslin records a history consistent with the Statement of Particulars.
7. Telstra provided a Reply dated 9th June 2011, and the relevant facts asserted by Telstra are:
 - (a) That it admits employment but does not admit exposure to asbestos dust and fibre;
 - (b) Telstra should be placed in Category 2, and Amaca should be placed in Category 1;
 - (c) The apportionment should be 60% to Telstra and 40% to Amaca.
8. Amaca provided a Reply filed on 5th July 2011, which it sought to amend, and which asserts the following:
 - (a) Telstra should be placed in Category 1 and Category 2. Amaca should be paced in Category 1.
 - (b) There should be a variation in the standard Presumptions in relation to Category 2 by increasing the contribution by 20%;
 - (c) By reason of the lack of evidence the contribution should be Telstra 99% and Amaca 1%, and in the alternative Amaca 20% and Telstra 80%.
9. The Plaintiff provided an Affidavit (Exhibit PX 1), which essentially deals with the allegations as contained in the Statement of Particulars with some amplification. The Plaintiff gave evidence on 7th July 2011, and relevantly his evidence records the following:

- (a) The Plaintiff on an irregular basis examined the SuperSix roof and noticed its deterioration and on occasions pieces dropped down. However the Plaintiff could not identify the roof as being a SuperSix; but thought that Hardies was somehow involved.
 - (b) Telstra workforce and not contractors carried out the maintenance work.
 - (c) The Plaintiff did not the names of suppliers of asbestos products to Telstra.
 - (d) The Plaintiff recalls using Hardies products on home renovations.
 - (e) The exposure at Telstra was "maybe even more than 100 times" the exposure at his home.
10. Initially, the Contributions Assessor must determine the existence of any separate periods of exposure pursuant to clause 5(8) and make a determination of what proportion of the whole each separate period bears having regard to the number of such periods, the length of each period, the duration of and the intensity of exposure to asbestos present in each such period. It is thus not appropriate to determine the relative contributions simply on the basis of the elapsed years between the various periods of exposure.
11. Based upon the material available to me, I note the following:
- (a) While employed by Telstra, the Plaintiff was regularly exposed to asbestos dust and fibre. However, the neither Plaintiff, nor Telstra demonstrate that the products of Amaca were used. Even with the SuperSix, the exposure appears to have been minute, and more importantly that Plaintiff does not identify the product used as a product of Amaca.
 - (b) If necessary Telstra should be placed in Category 1 and Category 2, in respect of the installation of the asbestos ceiling panels, and the maintenance work.
 - (c) The period of home renovations were of extremely short duration, but appears to have involved some exposure to asbestos dust and fibre emanating from Amaca's products. However, some of the product when removed (1971 removal) was not identified as Amaca's product.
12. I determine that during the period of the Plaintiff's employment with Telstra, the Plaintiff's exposure to any product manufactured by Amaca was negligible, and on the information before me, approached nil.
13. The Plaintiff asserts variously that his domestic exposure accounted for 10% of his overall exposure, and alternatively accounted for something in the order of 1% of his overall exposure.
14. On the evidence before me, I determine that the Plaintiff's domestic exposure and his negligible "Telstra" exposure accounted for 5% of his overall exposure.
15. Therefore, I determine the total liability of the Defendant and Cross-Defendant as follows:

Telstra	95%
Amaca	5%
Total	100%

16. Pursuant to clause 61 of the Regulations, I appoint the Telstra as the Single Claims Manager as it is the primary Defendant defined under clause 61(9).

A large, stylized handwritten signature in black ink, appearing to read 'J.E. Sharpe', is written over the typed name and extends to the right across the page.
J.E. Sharpe

July 11, 2011