

WITTENOOM CLOSURE BILL 2021

Second Reading

Resumed from 4 August.

MR V.A. CATANIA (North West Central) [10.49 am]: I rise to speak on behalf of the opposition in support, yet again, of this bill that has come through the house several times and has been a long time coming. The bill for the Wittenoom closure is needed and the opposition supports it. Wittenoom happens to be in my electorate. I have fortunately, or unfortunately, had to doorknock in years gone by, which is quite concerning, especially as I have learnt more about Wittenoom and the dangers involved in visiting. More importantly, how do we move people on—to purchase their property—to leave what is a beautiful area? I do not know whether members have been there; it is a stunning area, but, unfortunately, contamination renders it uninhabitable for people to live there. The second reading speech read in by the Minister for Lands states —

The purpose of this bill is to allow for the acquisition of the last remaining privately held properties within the former Wittenoom town site. Acquisition of the 14 remaining freehold properties will occur by using the compulsory acquisition provisions of the Land Administration Act 1997.

...

It has been more than 100 years since blue asbestos was first identified in the Hamersley Ranges —

It is a very picturesque and beautiful part of Western Australia —

and more than 80 years since it was first mined and milled in the area's gorges and surrounds ...

The town of Wittenoom, back in its heyday, was home to 20 000 workers and residents. It was quite a large town, not uncommon in a lot of towns throughout regional WA where mining activity first occurred. There were tens of thousands of people and many pubs, restaurants and so forth in those thriving communities. We all know the product of mining asbestos, which ceased in Wittenoom in 1966. In 1978, the government made an unprecedented decision to phase down the town. Of course, the reason for phasing down the town and closing the Wittenoom town site in 2007 was to withdraw the provision of services, install warning signs and more importantly purchase a number of privately held Wittenoom properties from owners who sold their property voluntarily. The process of trying to purchase properties on a voluntary basis and get people out of Wittenoom has been ongoing since 2007 through successive governments. Unfortunately, there has been and are still a couple of people who are holding steadfast in Wittenoom, and that is the reason for this bill.

This bill provides for the compulsory acquisition of the remaining 14 privately owned properties in the former town site. This legislation provides a pathway for the demolition of the remaining structures. The asbestos management area in Wittenoom covers more than 46 500 hectares, including Wittenoom Gorge and the Joffre floodplain. This area is classified as a contaminated site under the Contaminated Sites Act 2003. The state has been able to acquire most of the private properties since delisting through voluntary acquisition, but there is one permanent resident who has lived in Wittenoom for over four years. Many members of this house, especially if they have been a Minister for Local Government or visited places like Tom Price, Paraburdoo and Shire of Ashburton, would know who this person is. There are also two non-permanent residents who go there from time to time, and one permanent resident owns 10 properties. The fact that the town has not been fully vacated and has people who live or frequent there makes it a bit of a tourist destination. That is a huge health risk for those people who visit, and the residents and those who still own property but do not reside there are still subject to the dangers of asbestosis or mesothelioma.

The rates of people contracting the disease is continually increasing beyond the original people who mined asbestos at Wittenoom and the people who lived there as children, who went to school and played there. We have seen a lot of photos of children and their parents in the sacks that were used for putting the asbestos in. Of course, there are people who threw asbestos in the back of the truck and drove it down. I know a lot of people who participated in that transport sector and people who lived there as children. We are now starting to see a lot of those people contract the disease, which is not curable; it is terminal. It is truly hideous when it affects a person. The brother of the former Minister for Lands, Hon Terry Redman, contracted mesothelioma and obviously met a very sad ending. The former Minister for Lands was very concerned about this issue and put a lot of time and effort to get the Wittenoom Closure Bill together, as well as trying to acquire those houses and the land of property owners who remain in Wittenoom. This bill has been through this house before. It did not pass through the other place, because the term of government beat the ability to get it through the other place.

I want to highlight a couple of issues. The opposition supports the bill; I will not go through the detail of this bill because we have done it before in this house and we support it. When it comes to the bill itself and the issues that remain, even if one is to purchase property, move people out, close down the town and stop people visiting Wittenoom—because it is a danger to one's health, like I said earlier—the issue gaining more momentum than ever before is the number of people who contract the disease who have at some point been to Wittenoom. In doing

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so, they make a claim to Hardies, to the state government and to the local government, which is now the Shire of Ashburton. The Shire of Ashburton is a defendant in all these claims and in doing so is obviously costing the ratepayers of the Shire of Ashburton a huge amount of money.

I will quote Kerry White, the president of the Shire of Ashburton. This has been a long-running dispute over many years, even when we were in government, in trying to get the state government to excise Wittenoom from the Shire of Ashburton so that the state would take the full responsibility for the financial burden arising from any court action, along with the company, as the two defendants, rather than the Shire of Ashburton. The boundaries of the Shire of Ashburton have moved over time. This should not be a financial burden to the current ratepayers of the Shire of Ashburton because, at the end of the day, the state received royalties from the mining of asbestos and, ultimately, the state government and the company are responsible for Wittenoom and the danger that it presents. I will read a quote from the shire president that was reported in the paper in 2019, if my memory serves me correct. She stated —

The Shire was advised of the State Government's intent to introduce legislation into Parliament to compulsorily acquire the final homes in Wittenoom via media notification this morning.

Whilst the Shire supports Government action on Wittenoom, it is appropriate to withhold comment until the Shire, community, traditional land owners and indeed, the owners of the homes are aware of what the Wittenoom Bill contains.

She made that point for a reason. She stated —

The Shire is hoping that the Bill goes beyond simply acquiring homes but to address rehabilitation of the area including roads that were the route of the asbestos products, along with the excision of the former townsite from the Shire boundary and a compensation mechanism for those that have suffered from asbestos related diseases.

The Shire has been at the forefront of such actions and looks forward to being formally consulted on the contents of the Bill.

For the benefit of members, I advise that, unfortunately, that did not happen; the bill was put forward without any consultation with the Shire of Ashburton. As I said, the shire has been a defendant in all cases brought by people who have contracted mesothelioma and asbestosis. The shire is liable for claims of over \$1 million a year, and it forecasts that its liability will increase to a figure closer to \$5 million a year in due course, given the number of people presenting with the disease who have visited the town site of Wittenoom or the general area. This disease can affect people even if they have only driven through the area, spent an hour or a day there, or camped there. They may not have worked for the company or provided any service in the town; they could have been a child at the time. Those are some of the people who are lodging claims against the state, the shire and the company. I do not want to take away the ability of those people to ask for compensation for potentially contracting the disease in Wittenoom, but claimants come from far and wide. I have been told that they may have renovated a house that had asbestos in it, for example, in Albany in the 1970s or 1980s, but they had also visited Wittenoom at some point in time. Those people are now starting to make claims. It will be hard to truly identify whether they have caught the disease from doing a house renovation in Albany or somewhere else or from visiting the site or the township earlier in their life. It will be very hard to ascertain where people contracted the disease. We all know that a large number of people have unfortunately contracted this disease, and if they had visited Wittenoom, there is a good probability that they contracted the disease from that site.

From a local government point of view, the Shire of Ashburton has for years been campaigning to get the government to compulsorily acquire or excise the contaminated area from the shire, so that it is not a burden on the shire and its ratepayers. Local government boundaries have changed over time and I am pretty sure that residents of towns in the Shire of Ashburton, like Tom Price, Paraburdoo, Pannawonica and Onslow, should not be made accountable for decisions that were made some years before, when it was not known what the mining of asbestos would do to people's health. One thing I will bring up in this house again and again is whether the government will excise Wittenoom out of the Shire of Ashburton so that ratepayers are not burdened with a legacy that has been forced on them as defendants in compensation cases—and perhaps the Minister for Lands will respond during the third reading of the bill. That would go some way to working out how the Shire of Ashburton can move forward without this financial burden.

It is not just a burden for the Shire of Ashburton. The traditional owners have been extremely vocal on the rehabilitation of the Wittenoom area. I have a quote from Maitland Parker, Banjima elder and chair of the Banjima Native Title Aboriginal Corporation board, which reads —

After decades in the courts, Banjima people got native title but we didn't get our country. We were handed back the largest contaminated site in the southern hemisphere, with no support, help or plan to fix it.

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Government has been talking about cleaning up the mine for decades and they haven't done anything. We don't care what it costs; this has to be addressed. Asbestos fibres are spreading, already into our water ways and the problem is getting worse.

It's time that the government takes action, that's what this petition is about. This is Australia's biggest industrial disaster and it can't be ignored any longer. We want our country cleaned up and made safe for all people.

Maitland Parker and the Banjima organisation have been extremely vocal. It is not just this government, but successive governments that have clearly not taken action to clean up the area. As Maitland Parker said, this is the largest contaminated industrial site in the Southern Hemisphere. It does not matter which government does this, because it will take a very long time to clean up Wittenoom. This government should start this process and successive governments should follow it to ensure that the Wittenoom area is cleaned up so that it can be not only handed back properly to its traditional owners but also safe for all people so that they do not contract this disease.

We have a mining rehabilitation fund, and I think there is about \$50 million in that fund. That fund could be used to start the clean-up process, perhaps with a further contribution from the state government, the federal government and the mining companies that still move through the area, using that infrastructure, to transport their iron ore. Everyone can make a contribution to clean up what is, as I said at the outset, an amazing area that no-one can go to see and enjoy because of asbestos contamination. The government can consider using the mining rehabilitation fund, which has \$50 million or so in it. That is what the fund is for. It is to be used to clean up sites that have been mined and are contaminated to ensure that we can bring them back to what they once were. I do not think Wittenoom can be brought back to what it was and made safe, but governments now and in the future can limit the spread of contamination far and wide. That contamination has hampered the Karratha–Tom Price road, which was used to haul asbestos onto ships at Cossack. Often those bags would fall off the vehicle and be left on that part of the road. Those bags have contaminated it. That has delayed surveying for the Karratha–Tom Price road and the ability to finish this large project. That has obviously added extra cost because Main Roads and the government have to clean it up, which is what should happen to make that road safe.

Two main issues have not been dealt with in this bill. The first is that the area should be excised from the Shire of Ashburton. The second is that it is incumbent upon the government of the day and future governments to start the clean-up process of an area that provides much joy but is extremely dangerous to anyone who visits it.

Mr D.A. Templeman: Regarding the excise from the shire, what is your proposal as to where? It would essentially be stateless in terms of local government authority if you did that.

Mr V.A. CATANIA: That is a negotiation that needs to occur with the Shire of Ashburton. I think the area covers 46 000 hectares, so it is a large area. The point is not only how we excise that from the Shire of Ashburton—perhaps it is the area or perhaps it is the town site; I am not too sure—but also not making the Shire of Ashburton a defendant. That is important because there should not be a burden on the ratepayer of today or the future because of decisions made 80-plus years ago to mine this product, which turned out to be deadly. It should not be a burden on the Shire of Ashburton; unfortunately, it should be a burden on the state government and, clearly, the company that was mining at the time. I think that point is important, and if we could get a response from the government and start the process of those discussions with the Shire of Ashburton, I am sure it would be welcome news to Kerry White and those councillors, as well as the current CEO and future CEOs who will have to be the defendants in a lot of these cases.

The size of the area is 46 000 hectares, Leader of the House.

Mr D.A. Templeman: What is the range that sits there?

Mr V.A. CATANIA: It is the Hamersley Range.

Mr D.A. Templeman: It is a beautiful part of the world, but there is limited access from the southern part, because of Wittenoom, isn't there?

Mr V.A. CATANIA: The Leader of the House raises a good point. Certain areas cannot be accessed. In a lot of his interviews Maitland Parker talks about asbestos fibres going through creeks when it rains and going into Millstream Water Reserve, which is a source of water for people in Karratha. There are issues with fibres going out of Wittenoom into sources that may affect someone outside. That is a concern of the traditional owners. There are multiple people and organisations who are concerned that Wittenoom has not been cleaned up, and there is no process or plan to do so. That is the point made by the Banjima elder, Maitland Parker, and the Banjima people themselves. They are asking for a plan to clean it up. There is a fund currently, the mining rehabilitation fund, that gives the opportunity to leverage state and federal governments and companies that still utilise the road infrastructure going past Wittenoom. There is perhaps an opportunity to not only pass this bill, but also have a plan to clean up Wittenoom

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or make it as safe as possible so that asbestos fibres do not go into Millstream or onto roads. When there is heavy haulage or whatever using those roads, it brings up dust, which brings up those fibres, and people can breathe them in.

Although the opposition supports this bill, the bill does not go far enough in dealing with the issues, as I said, of the Shire of Ashburton being a defendant, and the call by Aboriginal elders to the government. As I said, this is not a bashing of this government; successive governments have avoided this problem. This is an opportunity for this government to start the process of having a plan to move forward and start the clean-up with the mining rehabilitation fund. At some time, when there is a change of government, it will be able to pass the baton so a future government can continue cleaning up the Wittenoom area.

When it rains in the area, it rains well, and run-off flushes into Millstream and Karijini National Park. There are tourist hotspots in the Pilbara being affected by not having a plan to clean up Wittenoom. It is good to have the minister back in the chamber. I know he has been on important parliamentary business. We have spoken about this. Perhaps in his reply to the third reading debate, the minister could address the idea of starting discussions with the state, the Shire of Ashburton and the traditional owners of Banjima on cleaning up this mess. We need to start a plan that will ensure that we can reduce the number of people who will be affected by this deadly, deadly disease of mesothelioma, of course, turning into asbestosis.

I ask the minister to look at those two important points that have been highlighted by my constituents and also the traditional owners and many others over time. I put on record that I have written to, I think, every Premier from probably Geoff Gallop to Alan Carpenter to the Barnett government, and I think in 2019 I wrote to the now Premier Mark McGowan to raise these concerns. Like I said, we need a plan going forward. This is not about playing politics. This is about doing the right thing by the community and ensuring people's lives are protected.

To go back to the bill, I think the bill is way past its time. This bill should have been passed many, many years ago. It started back in the day with Hon Jon Ford, who was the minister at the time and a local upper house member who knew Wittenoom extremely well, followed by the minister after that, who I think was Hon Brendon Grylls, and then Hon Terry Redman, who was probably one of the strongest advocates for having a bill to compulsorily acquire the remaining properties of those people. I can understand why they want to live there and go there, but, unfortunately, that also entices people to go to Wittenoom to have a look. The minister might be able to correct me; I do not think there is a shop there anymore, but there was a shop where people could buy gems and so forth. That was the last time—I think it was during the 2008 campaign—that I went there to meet with some of those locals.

I remember that we did not have any water in the car, which was unusual. We should never have been in that position. We were very thirsty and keen to get some water. As we knocked on Lorraine's door, I noticed that what was holding the door open was a big chunk of asbestos. We could see it there and we were holding our breaths all the time, but we were so thirsty and we needed some water. It was dangerous to go, but I was there to represent my constituents. I remember some of the stories that Ernie Bridge used to talk about, because he used to go there. I do not know whether he was the local member. His electorate might not have come down that far, but he would go there for his portfolio. I remember some of the stories that Noel Bridge told me about when he was a child, and they would drop into Wittenoom on the way down to Perth for Parliament.

It has impacted a lot of people's lives and, unfortunately, to the detriment of people's lives. That is the sad part about it. That is why it is important that we do not bury our head in the sand. This government has the opportunity to start that process. If I can implore the government to do so, I will do whatever it takes on my end to ensure that a future government of the Nationals WA and Liberals will continue to clean up Wittenoom. More importantly, what the government can do now is excise Wittenoom out of the Shire of Ashburton. That is where the bill does not go far enough. I understand the bill and, like I said, the opposition supports it.

As it has gone through this house before and been debated, the opposition does not feel that it is necessary to go into the consideration in detail stage. It is important to get this bill passed and get it through the other place, so that we can start that process of cleaning up Wittenoom.

MR D.A.E. SCAIFE (Cockburn) [11.24 am]: I am pleased to rise to speak today on the Wittenoom Closure Bill 2021. I congratulate the minister for bringing the bill forward. I acknowledge that, as the member for North West Central has noted, he is the current minister in a long line of ministers of both political parties who have been dealing with the legacy of Wittenoom. Having had discussions with Hon Jon Ford, I can say that he considers his decision to de-gazette Wittenoom in 2017 amongst the more significant decisions that he made during his time as a minister in the Carpenter government. But, unfortunately, this minister will not be the last minister to deal with the legacy of Wittenoom. The legacy of Wittenoom is long-lasting. The legacy of asbestos and asbestos-related diseases has, and I think will continue to, cast a long shadow over the people of Western Australia.

I want to touch on a number of issues in my contribution today, but, chiefly, I would like to use my contribution to acknowledge some of the champions involved in ensuring that the legacy of Wittenoom is met and that that legacy

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is dealt with and that the people who have been hurt and harmed by asbestos-related diseases are acknowledged. I also want to speak to some of the challenges that remain ahead.

At the time that the Wittenoom mine was operating, it was one of the largest blue asbestos mines in the entire world. As members would know, blue asbestos is widely considered to be the most hazardous form of asbestos. Thousands of families have been affected from the mining of blue asbestos around Wittenoom, which was, of course, once the largest town in the Pilbara. It had a population at the time of I think close to or around 1 000 permanent residents, which for the time in the 1960s made it the largest town in the Pilbara. It is shocking to look back now and think that asbestos was essentially the lifeblood of Wittenoom.

Many residents of Wittenoom—workers at the mine and workers involved in the processing of asbestos—have stories of the effects of asbestos on their lives. Members of this chamber would have heard stories of how children in Wittenoom would play in the asbestos tailings. They would literally jump in and out of the asbestos tailings as if it were a sandpit. Asbestos was just on the ground. It was in the gardens and properties around Wittenoom. It covered the clothes of workers returning from mines. It was also transferred from the clothes to the air that was breathed by family members in the household when workers returned and clothes were laundered and the like. As a result, many, many people who have been affected by asbestos-related diseases in the last 50, 60 and 70 years. Those diseases include serious conditions like asbestosis through to mesothelioma, which, as we are familiar with, is invariably a terminal illness. In that respect, I pay tribute to a former member of this Parliament, Hon Bob Thomas, who was the member of the Legislative Council for the South West Region from 1989 to 2001.

I grew up in the south west and Bob was a feature of my childhood at Labor Party branch meetings and functions. He really was a giant of the Labor Party in the south west during the 1990s. He left a great legacy. Bob was a great campaigner. When he retired in 2001, at that election the Labor Party picked up the seats of Albany, Bunbury and Collie, so Bob had a lasting impact on securing great Labor representation for the south west.

I ran into Bob again a little under 10 years ago during my life as a junior lawyer working for Slater and Gordon, under the then supervision of the member for Mount Lawley. Sadly, it was because Bob had become a client of Slater and Gordon's asbestos practice. I ran into Bob in the office and he told me why he was there and also shared with me some of the family history. He spent several years of his childhood in Wittenoom, where his father worked. He told me stories of playing in a sandpit that was full of asbestos tailings when he was a kid. He had a photo, which he was presenting as part of building his case, of him and, I believe, his brother or a school friend who were attending a school costume party dressed up as little chimneysweeps or something like that. Bob's mother had made them clothing out of something like calico sacks, but to complete the outfit so that they looked like little chimneysweeps, she had rubbed asbestos all over the costumes and their faces. At that time, the residents of Wittenoom and the workers involved had no idea of the very significant hazard posed by asbestos. But, of course, some people did know the very serious risk posed by asbestos, and they were the companies that were responsible for mining, processing and manufacturing asbestos and asbestos products. I will leave it to other members of this chamber to cover the very significant not merely negligence, but malicious and deliberate conduct of those companies in exposing working people to the risks of asbestos. However, I want it noted that at the same time as individuals, workers and families were being exposed to asbestos without any knowledge that what they were doing was dangerous, there were people in positions of authority who could have done something about that and refused to do so for many, many years.

I crossed paths with Bob a few years later after I met with him. Sadly, I did not meet him again in person, but I crossed paths with him when he got in touch with my late father, Roy, who had been by Bob's side as a Labor stalwart in the south west. At that time, my father was dying of terminal brain cancer and, of course, Bob was dying of mesothelioma. It was terribly sad to see the two of them corresponding—two great Labor stalwarts of the south west who were both dying of cancer. I want to make the point that there was a very significant difference between my father's situation and Bob's situation. My father, sad as I am about his death, died at the age of 87. He lived a long and very good life. Bob died at the age of 62. It underlines the reach of the scourge of asbestos in Western Australia that a member of the Legislative Council, a Labor Party giant of the south west, lived to only 62 as a result of asbestos-related disease. As I say, I thank Bob nonetheless for his great contribution to the union movement and to the Labor Party in those 62 years and say: vale, Bob Thomas.

As I said at the outset, there has been a legacy of dealing with asbestos-related diseases in this state for many, many years and the challenge of dealing with that legacy has invariably fallen to unions, as the representatives of workers, their lawyers, the Labor Party and organisations like the Asbestos Diseases Society of Australia. The work done by unions and organisations like the Asbestos Diseases Society has been fought every step of the way by people on the right of the political establishment, by lawyers who deliberately delayed and prevented cases from proceeding on the basis that the plaintiff would invariably die of mesothelioma before they could pursue their claim to a conclusion, and also by some members of Parliament. I am sure that many members of this chamber will remember what Hon Tony Abbott, MP, the then Minister for Health and Ageing in the Howard government, said about Bernie Banton during the 2007 election campaign. He said —

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I know Bernie is very sick but just because a person is sick doesn't mean that he is necessarily pure of heart in all things.

Mr D.J. Kelly: Disgraceful—that's what it was.

Mr D.A.E. SCAIFE: It was a disgraceful comment by the then Minister for Health, and it is quite extraordinary that a man who would engage in behaviour so low would go on to be a Prime Minister of this country.

I will leave the story of unions and the Labor Party fighting that good and hard fight to other members of this chamber. I am sure that the member for Mount Lawley and the member for Mirrabooka are better placed than I am to reflect on those matters. What I would like to do instead is talk about how the challenge of dust diseases remains for people in Western Australia. I want to move away from asbestosis and asbestos-related diseases to silicosis.

October is National Safe Work Month and the theme this year is "Make a difference—speak up about health and safety". Today I want to use my contribution to speak up about health and safety and specifically the problems associated with dust diseases. Obviously, the challenge of asbestos remains. We have seen over the last decade—the member for Mount Lawley will correct me if I am wrong—what is called the third wave of asbestos diseases, which involves people who have done do-it-yourself jobs and renovations on their homes without adequate protection from asbestos contracting asbestos-related diseases. There is also another risk that has been present for a while, and it remains: the risk of silicosis caused by the cutting of stone benchtops, particularly the cutting of engineered stone benchtops, which can produce silicosis because the cutting of those benchtops produces what is known as respirable crystalline silica.

I want to acknowledge the great work that the McGowan Labor government has done in shining a light on the problem of silicosis. The WA government took the lead nationally and earlier this year released a report from WorkSafe titled *WorkSafe Western Australia silica compliance project*. I want to congratulate WorkSafe for being proactive in this space. Under this project run by WorkSafe, it conducted 150 proactive workplace inspections of businesses that were engaging in cutting stone benchtops. As a result of those inspections, it issued over 1 000 enforcement notices and conducted air monitoring of 38 workplaces, and this led to 365 workers attending health surveillance. This report marks the first time in Australia that there has been a systematic analysis of health surveillance in comparing the use of chest X-rays with the use of low-dose CT scans to look at the effects of working in these environments. As a result of that health surveillance, nearly half of the 90 workers who were sent to have those low-dose CT scans were, shockingly, newly discovered to have health concerns that were not identified by chest X-rays and that may be related to inhaling silica dust. Furthermore, and again shockingly, seven new cases of silicosis were discovered that had been missed by the chest X-ray review. It is clear from that that more work needs to be done. I want to go through some of the findings of the report to outline the scope of the challenge ahead of us.

The report states that WorkSafe WA found from the inspections that it had carried out at various workplaces that all of the workplaces relied on natural ventilation and open roller doors. Only a minority of workplaces had local exhaust ventilation systems, but those were generally not designed for purpose and not located in close proximity to the source of dust, thus providing completely inadequate ventilation. It found that no ventilation equipment was attached to the hand tools that were being used by the stone fabricators. It found that respiratory protective equipment was not used consistently in those workplaces, and was not fit tested or fit checked. It found that some workers were not wearing the appropriate respiratory protective equipment. For example, in at least one workplace, a person who was cutting a stone benchtop was wearing just a surgical mask. It found that people would don the respiratory protective equipment based on the task they were doing. If they were cutting stone, they would wear respiratory protective equipment, but if they were just working next to a person who was cutting stone and were not engaged in that task, they would not wear protective equipment, even though they were sharing the same air and being exposed to the same crystalline silica dust.

[Member's time extended.]

Mr D.A.E. SCAIFE: It found that people such as administrative workers were wandering in and out of the workshops without wearing protective equipment.

Some members may be aware that one of the control measures when working with a stone benchtop is to wet the benchtop and apply water during the cutting process. There are questions about whether that is an adequate preventive measure on its own; the evidence suggest that it is not. WorkSafe found also that because the water that was being used was often recycled and therefore contained silica particulates, when that water was applied to the rotating blades that were used to cut the stone, it produced aerosols, and that probably led to a greater release of silica dust into the surrounding area.

What is also concerning, because it makes me think of Wittenoom, is that WorkSafe found that many workers were taking their contaminated clothing home with them rather than going home clean, thereby exposing members of their household to silica dust. This makes me think of all the stories we know of Wittenoom workers going home

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from the mine at the end of the day with clothes that were covered in asbestos and exposing their families. Invariably in those days, women who were not working in those industries but were carrying out the hard and heavy work of domestic duties were exposed to silica dust, or, in the case of Wittenoom, to asbestos. These days we are seeing a repeat in many blue-collar industries of the same types of consequences for the families of those workers.

The scope of the challenge is significant. The levels of compliance with basic health and safety standards in the cutting of stone benchtops is woefully low based on these figures. As I said at the outset, seven additional cases of silicosis were discovered that had been missed under a chest X-ray. This is a silent epidemic in our community. I congratulate the Western Australian government for exposing that and being ahead of it as a national leader.

Two things have come out of that report that are worth reflecting on. The first is that it is clear from WorkSafe's findings about the woeful level of compliance with health and safety standards that a pretty cavalier attitude is being taken by industry and employers around the cutting of stone benchtops and exposure to silica dust. The risks of cutting engineered stone are now well known, just as the risks of mining and using asbestos were well known. Employers are not doing enough to prevent their workers from being exposed to those risks. We need to ensure that that culture in industry changes. I note in that respect that in January this year, the state government amended the WA Occupational Safety and Health Regulations 1996 to require a low-dose chest CT scan instead of a chest X-ray for silica health surveillance. Therefore, there have been some changes to our work health and safety instruments to ensure better health surveillance. However, we also need to ensure that there is greater adherence by employers to measures that will prevent exposure to silica dust in the first place. That leads me to say that in the event that over the coming years industry and employers do not significantly raise their game on this issue, we will have to ask ourselves: at what point should this industry lose its social licence to be able to operate? We cannot simply allow this practice to carry on without industry stepping up to the plate.

As a final matter, I want to reflect briefly on the challenge of remediation at Wittenoom. That matter was raised by the member for North West Central. I will just say this; no doubt the Minister for Lands will have something more fulsome to say. The challenge of remediation at Wittenoom is simply enormous. It is difficult to comprehend the scope of that challenge. I want to acknowledge the concerns of the Banjima people and of the Shire of Ashburton. I know that this minister has engaged constructively with the traditional owners and the Shire of Ashburton about their concerns, as did the previous Minister for Lands, Hon Ben Wyatt. We also have the Wittenoom steering committee, which is continuing to meet and operate. This government has made a commitment to continue the dialogue with those parties to ensure that Wittenoom is managed in the most appropriate way. Unfortunately, there are no easy solutions to that matter. I know that this minister is committed to that ongoing dialogue and I recognise the minister's commitment to ensuring that we deal with the legacy of Wittenoom. On that note, I commend this bill to the house.

MS M.J. HAMMAT (Mirrabooka) [11.47 am]: I also rise to speak in support of the Wittenoom Closure Bill 2021. As other members have said, this is an important bill in a long line of legislation to deal with a terrible legacy. By way of opening, I also want to acknowledge and thank the Minister for Lands for bringing this bill to the house. The minister is one of a number of ministers who are dealing with the legacy of Wittenoom.

As others have said, this is an important bill because it is the next step in how we will advance the winding down of the town of Wittenoom, both by ensuring that the land of the remaining landowners is brought from them and the people who live there are relocated, and also by discouraging tourists from visiting this site. Despite the fact that the terrible legacy of Wittenoom is well known, many people still wish to go there to visit.

Other members have covered the story of Wittenoom. It is well known in general terms that Wittenoom was one of the biggest and most vibrant towns in the Pilbara when it was first established following the discovery and subsequent mining of blue asbestos. Mining started in the 1940s. Approximately 7 000 men and women worked at the Colonial Sugar Refining Co, mining asbestos in Wittenoom. About another 13 000 non-workers resided in the town, mostly women probably—wives and children. We know that it had a large population. We now know that just a single fibre of asbestos can be deadly. It can lodge in the lungs, causing a range of illnesses but, most critically, mesothelioma, which is incurable. It is a painful and aggressive cancer that attacks the lining of the lungs. Although it can have a very long latency period, once it is diagnosed, it can kill people, often very quickly. As others have outlined, not just the people who worked in the Wittenoom mines were affected by the deadly dust. It also affected wives—it was mostly wives—who took their husband's dirty work clothes and often shook them out to remove the dust. Children were also affected. The member for Cockburn conjured up the image of young children playing in asbestos dust. Clearly, small children were covered in what we now know is a deadly fibre.

More than 2 000 people who worked or resided in Wittenoom have died as a result of their exposure to blue asbestos. That makes it the site of the biggest industrial disaster in Australia; in fact, it is one of the biggest industrial disasters in the world. Because those deaths did not occur in just one shocking, singular event, it is not often thought about in those terms. Members may recall the Rana Plaza collapse in Bangladesh. When that building collapsed, it killed

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about 1 100 garment workers. That was a shocking event. It is recalled right around the world on the anniversary because it was such an obvious industrial incident. Even though asbestos from the Wittenoom mines has killed more workers than that, it is not recalled or thought about in those terms, even though it unfolded in slow motion over many generations. Perhaps that is because it did not develop immediately; it took time to develop. As others outlined before me, we are yet to see the final impacts of Wittenoom and asbestos mining; we are told that the death toll will rise in future years because of its widespread use in domestic housing and fencing. As a wave of renovations and demolitions occur in the houses that were built at that time, people are very susceptible to those fibres becoming dislodged or loose and affecting their health. Most health professionals predict that the death toll will increase even more dramatically over coming years as home renovators contract the deadly disease.

The bill before us today does important work to bring an end to the deadly legacy of Wittenoom. Since 1978, the state government has been phasing down the town site, making sure that services are withdrawn, placing significant warning signs around the town site and purchasing privately owned properties. This bill seeks to compulsorily acquire the remaining properties that are privately owned. It will also allow the state government to have a much more active role in the demolition of any structures and buildings that remain so that tourism can be discouraged.

There are many stories to tell about Wittenoom and the people who worked there. I am sure there are many stories to tell of people who visited Wittenoom, either as tourists or, as we heard from the member for North West Central, for work purposes, as he did. One thing I wanted to reflect on in my contribution is the story that I know of Wittenoom, which is about the pursuit of justice for everyday people. In many cases, it is the pursuit of justice against the odds. It has been a pursuit of justice for everyday people against all the might and resources of the large companies that mined there. I know that others will speak in similar terms on this bill. It is also a story about the struggle of those who have been affected by Wittenoom to be recognised and heard for the suffering that they endured only because they accepted a job at Wittenoom or went there to live with a partner. When I was preparing my comments for this speech today, I could not get out of my mind Martin Luther King's words about how the arc of the moral universe is long but it bends towards justice. This bill really sums up how the pursuit of justice takes a long-term view. We are still not there for those people who have been affected by Wittenoom.

History tells us that in 1959, government officials, particularly Jim McNulty, who at the time was a WA health department mines medical officer, was concerned about the impact of blue asbestos dust on the health of workers at Wittenoom. Jim McNulty is credited with doing a great deal of early work to highlight the risks of asbestos. He went on to become a commissioner of health in Western Australia. I wanted to include in my speech today some comments that were taken from a WorkSafe interview with Jim McNulty in 2011, who reflected on his time at Wittenoom, what he saw and what his thoughts were. It is a very important recollection. These are Jim's first impressions of Wittenoom —

The whole town was laid with asbestos tailings as road surfacing, when you stepped off the plane there was a flurry of dust which contained asbestos fibres. We drove up in the car to the pub to stay the night and as the car stopped the dust became airborne and you could feel the dust in your teeth almost, so every vehicle movement, as it was later in the town, stirred up dust which contained asbestos fibres.

At Wittenoom you didn't have to work in the mine to develop dust disease because of the extensive use of the tailings around the town site, so that mine managers and the managerial staff were often affected, as particularly sadly so were the children.

He went on to talk about the dust extraction system, which —

... removed some of the dust and discharged it above roof level but it flowed back to the mill and staff offices. The dust was also discharged at the same level as the main entrance to the underground mine. So the air entering the mine already contained dust.

Even when the expensive extractor was working properly, it merely took the dust out of the mill and dumped it on the lawns. Making it more dangerous outside than inside the mill.

He went on to talk about the bags that were used, stating —

The bags were hessian bags, so if you can imagine lifting a hessian bag which is full of fine dust and putting it over your shoulder, I mean the dust is outside the bags, its there, you can find the same thing down at the wharf at Fremantle when they are loading up the ships, dropped from the top of the hold down to the level and you see the dust rising everywhere.

That paints a very stark picture of what Jim found when he went to Wittenoom—dust everywhere. Three years after he first visited Wittenoom, Australia's first case of asbestos-related malignant mesothelioma was recorded. By the time the mine closed in 1966, over 100 cases of lung cancer had been recorded in the previous five years. But because of the long latency period for asbestos-related diseases, it was only during the 1970s that medical

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professionals became increasingly alarmed by the speed at which asbestos-related diseases were developing in former Wittenoom miners. It took until 1988 for the first victories in court for those who were suffering from mesothelioma. Even though the mine closed in 1966, there was no widespread recognition that the mining that had occurred there was unsafe. Its closure was attributed at the time to the mine being unprofitable rather than an extremely unsafe worksite, which it clearly was.

We know that the fight for compensation and justice for individual workers was not always straightforward and that there were many frustrations along the way—frustrations for those who were seeking compensation to bring matters to a conclusion, frustration about being able to win compensation before sufferers passed away, and frustration about being able to win adequate compensation. The member for Cockburn has already reflected on some of the strategies that companies and their lawyers took to avoid or minimise their obligations.

I want to talk a little more today about those who have fought for justice for the victims. It took a great deal of time—more than 20 years—from when the mine closed until the first compensation claims were awarded, and today we are still actively managing cases that are being identified. Many people have contributed to the fight for justice for those who were affected. For me, it is impossible to ignore the work of Bernie Banton—I am glad the member for Cockburn included in his contribution a quote about how he was unfairly characterised—the Australian Council of Trade Unions secretary at the time, Greg Combet, and the union movement in publicly fighting for justice and compensation for those who suffered from asbestos-related diseases. They provided a really stark symbol. Bernie Banton, in particular, became the public face of the campaign for justice. He was employed by James Hardie Bradford Insulation during the 1960s and 1970s. He helped to produce asbestos sheeting—or fibro as we call it now—pipes, communication pits and other things. The men whom he worked with were known as “the snowmen” because they were covered in the white dust of asbestos as they went about their work. Bernie, along with Greg Combet, who, as I said, was the secretary of the union council, fought for large-scale compensation for all those who had, or would, contract asbestos-related conditions as a result of their time at that workplace.

During this time, James Hardie moved its headquarters offshore to make legal negotiations difficult. Eventually, it set up a compensation fund of just under \$300 million, which was a woefully inadequate amount even in those times. The fight moved on to ensure that the company provided adequate funds to meet the compensation claims of workers who had yet to develop the deadly disease as a result of their employment. Significantly, in the end, they secured an arrangement worth billions of dollars, one that is unique in the world and demonstrates the significant community support that Bernie and the others who worked with him were able to generate for those who were suffering from asbestos-related diseases. Huge community pressure meant that James Hardie had to act to ensure appropriate compensation. For me it is impossible to forget the sight of Bernie Banton with tubes in his nose to ensure that he could breathe as he campaigned for justice against the very disease that was restricting his ability to campaign for justice. It is impossible to forget the great clout he brought to the issue and how clearly he summed up the enormous inequity he was fighting against to achieve the justice that he and his workmates deserved against a company that was so wealthy that it moved its headquarters elsewhere in the world to avoid meeting its obligations to Bernie, an increasingly frail character who was standing up for what was right. It is also impossible to forget how his health deteriorated as he fought that campaign. He eventually died in 2007 at the age of only 61 years. It is impossible to forget his courage and determination as he stood up against a multinational company that was seeking to minimise or avoid its obligations. Bernie was a very sick man, but he was a fighter, and it is very clear that he was fighting for not only himself, but also those who had worked with him. As I have already said, he did a great service and job in raising public awareness about the issue of asbestos and what it meant for those who contracted asbestos-related diseases. He certainly brought the issue home very clearly to the general public.

Much closer to home, I acknowledge the work of the Asbestos Diseases Society of Australia, WA’s very own organisation that has been fighting tirelessly for justice for victims in this state. The Asbestos Diseases Society has been very capably led by the excellent Robert and Rose Marie Vojakovic, the champions of that fine organisation, along with Simone Vojakovic and Melita Markey. They have contributed a great deal to raising awareness in Western Australia and supporting those who have been affected by asbestos-related diseases by providing them with advice, assistance and referrals to medical professionals. They have also been instrumental in supporting medical research, which remains a critical part of the puzzle in ensuring that we have better tools to diagnose and treat those who go on to develop asbestos-related diseases.

The Asbestos Diseases Society holds a raffle every year to raise funds, and I urge members to buy a ticket when they come around. It is an essential source of funds.

Ms S.F. McGurk: Or a book of tickets.

Ms M.J. HAMMAT: That is an excellent suggestion. Correct; buying a book would be even better.

The society also runs a very powerful event each year—a memorial service for victims of asbestos-related diseases, which is usually in the later part of the year. It is an ecumenical memorial service that brings together not only

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those who have suffered from asbestos-related diseases and their family members, but also union representatives, public servants, politicians, lawyers and all those in the community who are still fighting for justice for those who have been affected. I attended this service a number of times in my former role. It is a very moving and powerful experience and a reminder of the lives that have been destroyed as a result of asbestos in this state. It is also a very powerful reminder of our collective responsibility to ensure that workplaces are safe from not only injuries, but also substances that cause disease. Again, the member for Cockburn outlined how this is something about which we need to remain ever vigilant.

[Member's time extended.]

Ms M.J. HAMMAT: The Asbestos Diseases Society also works closely with families affected by the Wittenoom mine and asbestos generally. It has worked closely with the families affected by Wittenoom on the idea of a permanent memorial site that people can visit to grieve and remember the loved ones they have lost. A memorial site would also provide an opportunity for the general public, particularly members of the new generation, to increase their awareness and understanding of what occurred at Wittenoom and how it still remains an important issue. It is worth remembering that many other sites of tragedy and industrial injury have a place where people can go to remember and mourn and to bring people together, but that place has been denied to the victims of Wittenoom and their families because, of course, the site remains toxic and the government is taking active steps to ensure that people do not visit it. Some consideration has been given to finding a suitable site to erect a memorial, perhaps in Perth. There is a plaque on the wall of remembrance at Solidarity Park, which is across the road from Parliament House, that specifically acknowledges the lives that were lost because of mining at Wittenoom. It is unusual in that the wall of remembrance at Solidarity Park mostly lists the names of individuals who have lost their lives at work, but the Wittenoom plaque recognises a large number of people and the circumstances that occurred at Wittenoom. It is a way of providing a place for people to go. Clearly, more needs to be done if we are to provide proper recognition of the seriousness of what occurred at Wittenoom.

I want to acknowledge the many people who work in the field of medical research, many of whom are here in WA. The fortunate legacy of the dark shadow of Wittenoom and the use of asbestos being cast particularly over our state is the number of world-class researchers operating here in Western Australia. It is hoped that their research will provide significant assistance to those who have been exposed to asbestos. The work to assist in the diagnosis of serious illnesses and to assist in slowing down the development of serious illnesses is particularly important in ensuring that those who have been exposed to asbestos live longer and have a better quality of life. I also commend the excellent work of the Cancer Council WA. It does incredible work highlighting occupational cancers generally, but I know it remains very engaged in the work around asbestos.

I also want to commend the work of the unions in fighting for justice for working people. I have already talked about the campaign against James Hardie, which was led in conjunction with Greg Combet, the secretary of the ACTU at the time, and all the unions around Australia, which have been at the forefront of supporting that campaign and seeking compensation for people who have been affected. Unions remain ever vigilant about the use of products, particularly building products, that, to this day, contain asbestos. They well understand the deadly legacy that exposure to asbestos can leave even after only incidental exposure. By way of illustration, last week *WAtoday* reported that two building sites at Curtin University were being checked for asbestos after a gypsum board manufacturer in Sydney found traces of asbestos fibre in material it had imported from China. This remains a real issue for unions and working people to this day because of the importation of asbestos and because asbestos continues to be in buildings in which a number of people still work.

I want to turn to a few final points in the time that is remaining to me. We now well understand the dangers of asbestos and the issues that it has caused for working people and their families and will cause for renovators. We have made sure that asbestos mines are closed and that asbestos products, hopefully, are not widely used anymore. We have tough regulations for how the product is removed and disposed of, and we are taking active steps today to close down the town of Wittenoom. But it is not the case all around the world that asbestos is recognised as the very deadly material that it is. Indeed, many countries around the world continue to use asbestos as a cheap and readily accessible building product. In my former role, I would be shocked at times to see photographs of workers in other countries both mining and using asbestos products without any safety equipment at all and, like in the old photos that we have seen, workers' clothes covered in asbestos dust, just like the clothes of the Wittenoom workers before them. There remains a strong international campaign to highlight the deadly risks of asbestos and to bring its use to an end. I want to commend the work of Union Aid Abroad—APHEDA, which is working with organisations right around the world to highlight the deadly effects of asbestos and is campaigning so that governments take steps to ban its use. The use of asbestos is still commonplace overseas and, as I said, it is mined and used without protective equipment. We have a long way to go if we are going to bring an end to asbestos diseases around the world.

Dr A.D. Buti: Where is it still being mined?

Ms M.J. HAMMAT: I think in Russia.

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Mr S.A. Millman: And Canada.

Ms M.J. HAMMAT: And in Canada. This is like a spot quiz!

Dr A.D. Buti: I didn't know; I was curious.

Ms M.J. HAMMAT: We have a long way to go before we bring its use to an end. Vietnam will ban its use by 2023. It is encouraging to see growing awareness about it, but it remains a live issue.

As I said, while asbestos is being used around the world, there remains the risk that it will be imported to Australia in products that, ultimately, will put our population at risk. I am reminded of the asbestos roof ceiling tiles that were installed at Perth Children's Hospital, partly because of the appalling contract arrangements that the former government had undertaken. That was picked up by union members on site identifying that there was asbestos in those tiles when they observed them closely. It is quite sobering to contemplate that we could have installed them permanently in our children's hospital.

This is an important bill. It progresses the closure of the town of Wittenoom. It reminds us about the tragic tale of the lives lost in Wittenoom and the fight for justice and the enduring risk that asbestos still presents. I also want to underline the comments of earlier speakers about the traditional owners and to reflect that they may well have also been affected by asbestos in the town site at that time and since, and that perhaps we do not have adequate ways of capturing the impact of the disease on the Aboriginal people who lived in Wittenoom. I also acknowledge the earlier comments about the traditional owners' wish that the land be rehabilitated. We are incredibly fortunate that for so long so many people and organisations have fought for justice for the people who have been affected by asbestos from Wittenoom. It has been a long road. As I said, the mine closed in 1966—before I was born—yet here we are today taking steps that will bring that town to an end. We know that we are not at the end of the road yet. There will be more to come. The work continues. I feel privileged to have had the opportunity to play a role, however small it may be, in bringing this terrible chapter to an end. With that, I commend the bill to the house and thank the minister for bringing it forward.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [12.14 pm]: I start by genuinely thanking the Minister for Lands for bringing this legislation before the Parliament. He knows full well just how important the Wittenoom Closure Bill 2021 is to me and the people whom I previously worked with and for. Others have already spoken about the fact that the minister is the inheritor of a piece of legislation that the McGowan government has attempted to bring to life previously. I spoke in support of that legislation in 2019, so I do not propose to go over the things that I said when I spoke at that time. But, sitting here, I could not but reflect on how incredibly fortunate the Legislative Assembly of the Parliament of Western Australia is. When that debate took place in 2019, we did not have the benefit of the contributions of the member for Cockburn and the member for Mirrabooka just now. Part of my frustration is that both these members are modest about their contribution to securing justice for victims.

The member for Cockburn beautifully articulated the suffering of victims of asbestos-related diseases. He will be pleased to know—I am sure he is watching on the television in his office—that the courts have determined that the gross negligence of asbestos defendant companies has been such as to justify the payment of exemplary damages. I refer him to the 2017 case of Amaca—the new name for James Hardie—*v* Latz in the full court of the Supreme Court of South Australia. Mr Latz's lawyers made an application in the proceedings for an award of exemplary damages, or punitive damages, which, essentially, as the minister would know, are damages specifically designed to punish the negligent tortfeasor for significant harm that Amaca caused. It was advanced in that case —

Counsel for the plaintiff contended that the Court “make an emphatic statement on behalf of the public at large condemning James Hardie for what it did and to send a message to others that something like this should never happen again”, and considered the case a watershed moment.

The Court in determining the award considered that James Hardie was well aware that by 1976 when the plaintiff used its product, there was a risk of dying as a result of using its product which could be minimised by taking some precautions which James Hardie failed to give him and its failure to do so was motivated by thirst for profit.

The Court noted that if James Hardie were to be held accountable to today's standards, then the award for exemplary damages would be significantly higher. But taking into account the community attitudes and standards when the plaintiff would have been injured a more modest award was in order and awarded \$30 000.

The plaintiff's lawyers appealed that matter to the full court of the Supreme Court of South Australia and determined that the award of exemplary damages should be increased to \$250 000. That decision was then taken on further appeal to the High Court of Australia, in which the High Court did not disturb the decision of the full court of the Supreme Court of South Australia to award exemplary damages. The member for Cockburn's view that the corporations that are responsible for causing this suffering should be punished has been expressed and endorsed by no less than

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the full court of the Supreme Court of South Australia and by the High Court of Australia. What I can say is that the gain to this chamber is the loss to the legal profession by the member for Cockburn's participation in this debate.

I now want to talk about the member for Mirrabooka's contribution. The member for Mirrabooka spoke about the annual ecumenical service held by the Asbestos Diseases Society of Australia, hosted by Robert and Rose Marie Vojakovic, where I have seen the member for Mirrabooka countless times representing the union movement. When I think about the uses to which asbestos products have been put, it is no surprise that the Electrical Trades Union; the Construction, Forestry, Maritime, Mining and Energy Union; the Transport Workers' Union; the Australian Rail, Tram and Bus Industry Union; the Australian Workers' Union—I could keep going but I am sure I will forget some of them—and numerous other unions have also been represented at those services. It is important that the former secretary of UnionsWA brought those unions together under that peak body. I think about other contributions that the union movement has made. The member for Mirrabooka alluded to Greg Combet. I do not want to talk so much about the victims—I always find it difficult to articulate the stories of victims in this chamber; I always find it easier to do it in court—but to acknowledge all those people who have rallied around the victims to provide them with support, encouragement, resources and the necessary mechanisms to try to pursue justice. As the member for Mirrabooka said, they stretch across a range of disciplines, with advocates like Bernie Banton, and Robert and Rose Marie Vojakovic at the Asbestos Diseases Society in the member for Balcatta's electorate. I think about the journalists, like Laurie Kazan-Allen, Matt Peacock and Michael Cannon, who did the research and the hard yards of getting down and uncovering the stories that exposed just how much the employers, companies and corporations knew about the damage they were doing to their workers, employees and customers. I think about some of the lawyers, some of my former colleagues, like Luisa Dropulich, John Gordon and Michael Magazanik, and all the work they did to try to prosecute cases to seek justice for victims. As the member for Mirrabooka said, I think about all the medical researchers and doctors who have tried to help alleviate and ease the suffering that these people are going through, and those keen young researchers who are still looking for a cure for mesothelioma. In this regard, I have to acknowledge Professor Bill Musk, Professor Bruce Robinson and Professor Anna Nowak, who is now the deputy vice-chancellor for research at the University of Western Australia. I commend the work that they do.

When we think about the town of Wittenoom, although it did not have an instantaneous industrial disaster like Chernobyl, Three Mile Island or Bhopal, its legacy has stretched over time and the number of lives it will cost is significant. There are plenty of lawyers and advocates who live in the electorate of Mount Lawley, and I want to acknowledge a few of those people who have been part of the fight for justice for victims of asbestos-related diseases—solicitors such as Tricia Wong and Laine McDonald from our neighbourhood, and Marco Tedeschi and Tim Hammond, barristers who continue the fight.

One person, who sadly passed away, combined a number of attributes. He was a staunch unionist at the Australian Manufacturing Workers' Union and he was an educator. He would tell people stories. He was a community builder and would bring people together and in his kind and gentle way he would make sure that everyone was aware of just how much was at stake and how important it was that people continued the fight. Members in this chamber will know exactly who I am talking of. I am talking of Neil Byrne who was a stalwart of the labour movement and a fantastic and compassionate supporter of people who suffered from asbestos-related diseases. Neil unfortunately passed away in July or August 2019, right about the time I was making my last contribution to the debate on the equivalent legislation. I did not have a chance to reflect on Neil's contribution to both the broader labour movement and, in particular, asbestos victims. When I think about the material difference and the symbolic achievement that this bill will be, I cannot help but pause and think that we should acknowledge the work of people like Neil. He was awarded—I do not know how the honours system works particularly well—an Order of Australia in the Australia Day honours list. I will read from his nomination. It states —

Neil's outstanding achievement and dedication to championing workplace safety and education, and his safeguarding of Western Australia's labour history ought be commended at the highest level. His tireless efforts to ensure these educational values are enshrined in policy, and reflect the interests of ordinary people, are widely recognised and acknowledged within this alumnus.

By way of history, I talked about the Electrical Trades Union, and asbestos lagging was used in all the power stations, including the East Perth power station. We often had clients from the old State Energy Commission, from Western Power. The nomination continues —

Neil worked at the East Perth Power Station and SEC Belmont from 1957–1985, joining the Amalgamated Engineering Union (now AMWU) as a fitter and turner. Neil has been a stalwart for educating workers since joining the AMWU as a delegate during the mid 60's, and was appointed the State Education/Health and Safety Officer of the Union in 1984—holding this position until his retirement in 1997. During Neil's tenure as the State Education/Health and Safety officer he was awarded AMWU's highest honour in 1996, the Gold Award for Merit of Services to the Union, and subsequently became a life member in 1999. —

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This is the point that I wanted to pick up because he was such a great educator —

Neil was always determined to educate workers in the workplace, particularly around occupational health and safety. In further recognition of Neil's commitment, the AMWU named their office library in honour of Neil in 2013.

In addition, Neil has been a tireless and unwavering advocate for the preservation of labour history and was involved in establishing the Perth branch of the Australian Society for the Study of Labour History in 1987/1988. A particular focus was on ensuring major Western Australian iconic industrial worksites—the East Perth power station and the Midland Railway—become a legacy for successive generations.

That work still resonates when we see the place that those two landmarks will have for future generations of Western Australians. I am stuck on a paradox, Acting Speaker, because on the one hand, when we see the victims of asbestos-related diseases coming from the Midland railway workshops, the power stations of East Perth and South Fremantle, and Wittenoom, we can see the work that Neil did during his life to preserve those industrial landmarks like East Perth and Midland. At the same time, we are taking this vital step of expunging Wittenoom, of cleaning the slate. I think were he to be participating in this debate or advising us or discussing the matter with us, Neil would be fulsome in his support for what this Parliament is trying to achieve. I want to put on the record my gratitude to the lifelong endeavours of Neil Byrne who was a stalwart of the labour movement and was always there with victims of asbestos-related diseases, making sure that they had the representation, support and encouragement they needed as they tackled the situations that have been so well articulated by both the members for Mirrabooka and Cockburn. That was the main part of what I wanted to say.

I listened with interest to the contribution from the member for North West Central. I accept, recognise and appreciate the fact that on behalf of the opposition, he said that it will support this bill. The history of the efforts by successive governments to bring about this result stretches back more than 40 years, to 1978 when the first steps were taken. The latest iteration of this legislation is on the best advice from the State Solicitor's Office about how we can finally achieve what is necessary. Some people benefited immensely from the suffering experienced by others. I think some effort might be made on behalf of people like the member for North West Central to look at those who have profited so well and see what sort of contribution they would be prepared to make to a collective effort to try to remediate what has happened in his electorate. I think it was a point well made, but one of the great benefits of the legal proceedings that were brought on behalf of these victims was that it was not the government that was not required to pay compensation; it was the negligent corporations. If someone has stood to benefit from these mining tenements or from the money generated by these mining tenements, they have a moral obligation to participate in remediating the damage done to the environment and community more generally. I wonder whether that is something the member for North West Central might take note of and reflect upon. Otherwise, I thought his point was well made.

Regarding any chance of politicisation of this issue, we are well past that point. When we last debated this legislation in 2019, the former members for Nedlands and Warren–Blackwood both articulated the support respectively of the Liberal Party and the Nationals WA for this legislation. It is good to hear that the opposition has maintained that position. I do not think that the question of remediation that the member for North West Central has put up should delay this legislation. It is obviously an important piece of legislation for the McGowan Labor government and for the minister and that is why it has been brought forward and brought back to this chamber so expeditiously after the resumption of Parliament following the state election.

The final thing I would say is that this legislation reflects something that I think most people in this chamber seek to achieve, whether it is practically, tangibly or even symbolically. The people who are here, who made contributions, recognise that what transpired at Wittenoom was a great injustice in the history of Western Australia.

We are looking toward fixing that, and to changing things so that is recognised and resolved. I look forward to listening to contributions from other members, particularly government members. I know that the quest for justice that the member for Mirrabooka alluded to is still strong for this government, and I am incredibly pleased and proud to support the minister on the legislation that is before the house.

DR J. KRISHNAN (Riverton) [12.30 pm]: I rise in support of the Wittenoom Closure Bill 2021. First of all, I will take a little time to discuss asbestosis. Normally, when there is dust or other particles in the environment, our body has a defence mechanism to deal with that. If the size of the particle is over five microns, the human body rejects it by sneezing or coughing and throwing it out. If the size of the particle is below one micron, the human body is capable of digesting it without it causing any problems. We do not have a problem with particles sizes below one micron or above five microns because the body rejects them. The problem is with particles that are between one micron and five microns, because the body does not have the capability to deal with this size particle.

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When asbestos particles are between one and five microns, they settle in the lungs and cause something that we call fibrosis. That means the elasticity of the lung is diminished. Normally, every time someone takes a breath, their lungs are supposed to expand and contract with ease. With fibrosis, when there is friction or restriction the elasticity of the lungs decrease. Over a long period of time, this causes problems for the patients who are affected by asbestosis. They have shortness of breath. They are not capable of exercising or doing things that they would do normally. They are restricted in their activities. They live with this for a long time, suffering. The biggest challenge is with particles between one micron and five microns, which are not visible to our eyes, and they are being silently affected and they end up contracting asbestosis. Over the years, this disease was very much under-reported, but after the establishment of the Australian Mesothelioma Registry the reporting has been more robust. Since it has been monitored closely, we have seen how the incidence of the disease has been increasing. It is a serious health issue that over many years is silently killing people. Now we know the problem, we have the duty to protect every citizen from being affected by this damage, which is caused by a unique particle size for which we do not have a natural defence to handle.

I am trying to explain this disease using a little bit of medical knowledge so that people can understand how the disease works. Sometimes medical terminology is completely misinterpreted by people such as the opposition spokesperson for health. For example, she has said that ambulance ramping is dangerous and has portrayed the picture of people in the back of ambulances being connected to an oxygen cylinder and gasping for breath. The truth is that when a patient enters the ambulance, at that point the paramedics, who are trained professionals, have the capability of assessing category 1, category 2, category 3 and category 4 patients. Category 1 is an emergency. No category 1 patient is ever stopped; they go straight into the hospital for treatment, and that treatment is provided while they are being transported in the ambulance. Category 2 patients, at the most, wait a few minutes while they are juggling beds and finding a bed for the patient. Category 3 and 4, basically means they may not have need of an ambulance, but they have used the ambulance to go to the hospital. They can speak for themselves; they can sit, most of the time, and they are able to look after themselves to some extent. These are the patients who, after triage, are moved to the waiting room in the emergency department while they are being assessed by the ED team. Again, the majority of patients in category 3 and 4 are regularly assessed in case they need to be escalated for category 1 or 2 treatment. Repeatedly portraying ambulance ramping as a problem is causing safety issues, and it is not right because it is insulting the professionals who are caring for patients. This is where the problem that misunderstanding medical terminology can take us to.

I come back to the Wittenoom Closure Bill. Wittenoom was prosperous, and it was one of the best towns in the area from the 1940s to the 1960s; but unfortunately, it had to be shut down. Why? The intention was to save lives.

I am a general practitioner and I had a patient with lung cancer who was diagnosed at the age of 52. He was very brave. When I broke the bad news to him, I was surprised at the way he accepted it. I will never forget this patient in my life. It was 10 years back, on 24 December; the cancer had advanced to where it had metastasised in his brain, and part of his body was already paralysed, so he was walking with a Zimmer frame. I was surprised to see him on my appointment list—we did not have telehealth in those days. I came to the waiting room and said, “What brings you here? I have offered to come to your house to see you.” He said, “No, Jags, I wanted to come and see you in person.” Then we slowly walked to the room because he was on a Zimmer frame. When he came into my room, he pulled out a wine bottle, gave it to me and said, “Jags, I am not sure I will be around for Christmas. Merry Christmas.” This person, who was putting on a brave face, on that day told me how much he feared death. One can only imagine someone who has been diagnosed with asbestosis that is well established, living with that disease in their body and suffering day in and day out, going to sleep with the thought they had caught a disease that is causing problems for them and waking up in the morning knowing they still have the disease and they will live with it for the rest of their life. The government has done everything possible since 1978, but still we have three people who own 14 lots in Wittenoom, and one person is actually living there. The government is doing everything possible because we are dealing with an important health issue. This bill is about compulsory acquisition of the 14 remaining freehold properties in Wittenoom. It does not propose to take native title rights and interests or more mining, petroleum and geothermal energy rights, so the taking of these rights and interests are not authorised by the bill. I thank the minister for careful consideration of all these details. The only intent of this bill is safety and health.

This bill has also taken into consideration when in usual circumstances a compulsory acquisition process is commenced by the issuing of a service of notice of intent to take. In this case, that is not required, and no objections will be permitted because of the overriding public policy reasons to protect people from being affected by deadly disease. There is compensation that would be accessed and paid accordingly, and there are various rates going. There is also consideration of how much will be paid and when, although the compensation will not be paid until the landowner has handed over possession to the minister, but there are exceptions. One of the exceptions is that a \$50 000 solatium and moving expense payment will be made while the moving arrangement is being done.

I once again thank the minister for bringing this bill to the house, which is very important in saving lives, and for taking leadership by doing things that matter for the people of Western Australia. I thank him for taking this bill into

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such detailed consideration. I hope there will now be no hurdles in passing this bill. I thank you for the opportunity to make a contribution on this bill, Madam Acting Speaker. I commend the bill to the house.

MRS N. AUBREY (Scarborough) [12.41 pm]: I rise in support of the Wittenoom Closure Bill 2021. This bill is simple in that it allows the acquisition of the last remaining privately held properties within the former Wittenoom town site, providing adequate compensation to each landowner through the acquisition provisions of the Land Administration Act 1997. It is a simple bill that will bring to a close an infamous town in Western Australia's history.

It is hard to grow up, work, or live in Western Australia without encountering asbestos in one form or another, whether it is lying dormant in your home without your knowledge, it is an ongoing risk that you must face in the workplace or you are one of many Western Australians who have lost a loved one to asbestosis or mesothelioma. What is asbestos? The term "asbestos" comes from the Greek word "amiantos", meaning inextinguishable or indestructible. In its pure form it refers to mineral silicates of the serpentine and amphibole groups. Asbestos is described as having the combined properties of silk and rock. It can be spun into strands and woven into cloth, it has a tensile strength similar to steel, it is almost indestructible and it will not burn or corrode. There many types of asbestos with the primary types being blue asbestos, crocidolite; white asbestos, chrysotile; and brown or grey asbestos, amosite. Because of its properties, members can imagine how in the 1950 and 1960s asbestos was one of the most useful and versatile minerals known to man. Asbestos has been used in the construction, car manufacturing, textile, aerospace, marine, rail and transport industries.

As a tradesman having worked in the residential and commercial construction sectors of Western Australia, I am all too familiar with the widespread use of asbestos in our homes and offices across this state. Many homes built before the 1970s very likely were built with one or more of asbestos insulation, asbestos floor tiling, an asbestos insulating barrier in the switchboard, asbestos ceiling sheets and asbestos roofing. Every Australian tradesman knows the dangers that asbestos presents. As a sparky you know all too well when you put your head up through the maintenance hole, formerly known as the manhole, that there are several hazards that you can encounter that will immediately make you close that lid and get back down that ladder. Train or tram-track wiring is a form of electrical wiring found only in homes built before the 1960s. The protective insulation degrades over time in the Western Australian heat. The wires are exposed and touching them can result in electric shock or electrocution. That is one hazard. Other hazards that will have you scurrying down that ladder are an angry possum, a roof pitch of less than 45 degrees or a roof heat of more than 45 degrees! But one of the biggest and most worrying hazards is when you identify asbestos insulation in the roof space. By merely opening the maintenance hole and disturbing the dust, you can be placing yourself at risk. Electrical switchboards in most homes across the state have an insulated barrier or board that the fuse and circuit-breakers are mounted on. Before doing any work on these you need to remove the board and check the back. If you find in white paint the words "Australian asbestos", you cannot proceed. You must advise the home owner that a full switchboard upgrade is required, and the asbestos must be removed with protections in place to prevent the spread of fibres and not put the sparky or home owner at risk.

When I was 23, I was an electrical and contract works supervisor in the north west town of Wickham. I oversaw a team of different types of trades. We were a town maintenance team that maintained Rio Tinto's properties in Wickham. There were plumbers, painters, sparkies, chippies, fridgies, tilers and general hands. One of the jobs that regularly had to be undertaken was the removal of asbestos from properties within the town. Primarily the products were asbestos tiles that had to be chipped off the concrete with a machine. The property was always completely isolated, much like you would see in a movie during the outbreak of a disease or similar. White plastic tarps would surround the building, with an airlock formed. Anyone entering had to be fully covered in a sperm suit and have category 4 breathing masks. When they left the property and were in the airlock, they showered before removing the sperm suit to ensure that they had removed all possible fibres from them before stepping out of the airlock. These measures sound extreme, but it takes only a few fibres to enter the lungs and to crystallise. They cause inflammation and other long-term changes that can eventually lead to mesothelioma, cancer or asbestosis.

It develops slowly, usually about 20 to 50 years from exposure, but on the onset of symptoms it can present and progress very quickly. I saw this in my family. My great-uncle, my nanna's brother Thomas Bell, a father and a husband, died of asbestosis in 2011 at the age of 70. He was diagnosed with non-Hodgkin's lymphoma, which he fought off through removal of his spleen. Then after a brief reprieve, he had to fight off lymphoma again. The treatment this time was chemotherapy. Unbeknownst to the doctors and Tommy, the underlying danger of the asbestos was lying dormant in his lungs. During the chemotherapy treatment, the asbestosis was activated and Tommy rapidly declined, struggling to breath even with the assistance of oxygen. He died a short time later. His first job was as an apprentice cutting asbestos pipes at Cresco's in the late 1950s and pouring bags of asbestos fibres into a mixer to create a lagging that went on the pipes. This was where he was exposed.

He is one of thousands of Western Australians who have died because of what some consider to be one of the largest industrial disasters in the world. Labelled by some as Australia's Chernobyl, it has been estimated that by 2030, 60 000 people will have died as a result of the Wittenoom tragedy and the resulting spread of asbestos across the

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country and the world. During its peak operation, the town was home to more than 20 000 people, including more than 4 000 children, about 2 500 under the age of 15. That is not to mention the visitors who came for the scenery. Much like Karijini National Park, Wittenoom is home to some beautiful gorges and scenery. These gorges are seen as an attraction for some tourists who still willingly put their lives at risk to see them. By closing the town, we can send a clear signal that Wittenoom is no longer safe for humans.

Tommy was assisted in his hardest times by the Asbestos Diseases Society of Australia, led by Melita Markey, the CEO. The Asbestos Diseases Society of Australia has helped thousands of Western Australians who are victims of the Wittenoom tragedy. The Asbestos Diseases Society of Australia is a caring, non-profit, charitable organisation founded in 1979 that provides counselling and support services, economic assistance, political lobbying and advocacy and fundraising for medical research, and it raises community awareness of the dangers of asbestos. For many who are struggling for breath in their dying days and selling off assets to pay medical and support costs, the Asbestos Diseases Society of Australia is in their corner, supporting them and fighting for them to get compensation. I take this opportunity to thank ADSA for all its support for the thousands of Western Australians who have been victims of the Wittenoom tragedy and for their support of Tommy in his dying days.

In response to CSR's notice of closure of Wittenoom mining and milling operations in 1966, Hon Charles Court, Minister for the North-West at the time, made the following statement to the press on 1 December 1966, according to my notes —

This is not the end of Wittenoom. It is the beginning of a new phase in its history.

I am proud to support this bill as a member of this government. I thank the minister and the government for their ongoing work on this bill and Wittenoom. I thank the members for Mirrabooka and Mount Lawley and the other members of this house who support this bill, and the information that they brought to the table in this debate. The bill will bring about the final closure of the Wittenoom town, but as was the case in 1966, this is not the final chapter of the Wittenoom tragedy, but a new page in its history. As American philosopher George Santayana said, "Those who forget history are condemned to repeat it." We must not forget the history of the Wittenoom tragedy, we must continue to honour and support the victims and we must make sure that this kind tragedy never occurs in Western Australia again. I commend this bill to the house.

Debate interrupted, pursuant to standing orders.

[Continued on page 4701.]