

WITTENOOM CLOSURE BILL 2019

Second Reading

Resumed from 27 June.

MR S.A. MILLMAN (Mount Lawley) [3.39 pm]: I rise to make a contribution on this bill. I am going to start my contribution by quoting from a book called *That Disreputable Firm: The Inside Story of Slater and Gordon*, written by Michael Cannon and published in 1989. I start at chapter 9 —

In ancient times, asbestos fibre was woven into soft, flexible cloth, and used as a shroud for dead bodies. In modern times, it became a shroud for living people, enveloping them in a grip which squeezed out their breath and finally, after causing extreme agony, choked them to death.

The dangers of asbestos have been known to medical researchers since the nineteenth century. A report by the British Chief Inspector of Factories as long ago as 1898 warned that ‘The evils of asbestos dust have attracted my attention. A microscopic examination of this mineral dust ... clearly revealed the sharp, glass-like, jagged nature of the particles’.

The first case of asbestosis was medically reported in 1907; and in 1922 ... the Commonwealth Health Department listed asbestos as dangerous. The first detailed description of the disease was published in 1927. Investigators discovered that asbestos fibres are actually shaped like tiny needles, individually invisible to the naked eye. If breathed in, they spear themselves into the mucous membrane anywhere in the respiratory passages. Often they continue to work their way through soft tissue until bone is reached.

What we had at Wittenoom was one of the largest blue asbestos mines in the world. I quote now from the blurb to the book *Blue Murder* by Ben Hills. I see the member for Nedlands nodding his head; he knows this book. It is a widely reputed book on the topic of asbestos in Western Australia. It was written by the investigative journalist Ben Hills, and published in 1989, so members should bear in mind that it was published 30 years ago. It states —

A long time ago, in the wild north-west of Australia, a prospector stumbled on a seam of one of the world’s rarest minerals—blue asbestos. He pegged a claim, dug a mine, and began a rush that would lead to the building of a boom town out in the desert, a place called Wittenoom.

Fifty years later, —

Bear in mind that this was published in 1989 —

that town is dying and so are the men, women and children who lived and worked there. Two thousand people—more than the toll from the terrible chemical explosion at Bhopal—will eventually die or be disabled because of their exposure to the deadly dust of Wittenoom. It is the world’s greatest industrial disaster.

I return now to Michael Cannon’s book. It states —

It would have been kinder for the Colonial Sugar Refining Co to take its Wittenoom asbestos miners out into the hot Western Australian sunshine and shoot them. But such mercy killings might have caused a little public disquiet. The executions which did take place were a more leisurely affair, conducted out of public view over several decades.

Deposits of the greatly-prized ‘blue asbestos’, technically known as crocidolite, were discovered during World War I near Wittenoom, in a series of dusty red ravines 1600 kilometres north-west of Perth.

...

The Wittenoom reefs were exploited commercially from 1938 by a number of small leaseholders, including 29-year-old sheep station manager and part-time prospector Lang Hancock. The first ore was hacked out of the hillside by hand, packed into sacks, and taken 300 kilometres south-west by horse and cart to Point Samson near Roebourne, for shipping to market.

...

Thirty years later, the hardbitten Hancock was still taking a scornful attitude to residents who were then falling by the hundred to asbestos-related diseases. ‘Some people have to suffer so the majority can benefit from asbestos,’ ...

[Quorum formed.]

Mr S.A. MILLMAN: The book continues —

Australian Blue Asbestos Pty Ltd, as the CSR enterprise was renamed, began to mine and crush the asbestos ore on a large scale after World War II. At first its workers lived in tents in Wittenoom Gorge. With considerable assistance from the State government of the day, —

I will come back to this point —

a township was begun in 1947 about eight kilometres from the mine, with facilities including water supply, school, store and police station.

Hundreds of European migrants, especially those who landed at Fremantle, entered into two-year contracts in total ignorance of the conditions under which they would have to live and work. Many were so deeply indebted to the company for fares and other expenses that they could not afford to leave Wittenoom. ‘I thought we were in hell,’ said one migrant. ‘It was just a desert, no mountains, no snow. If I’d had the money I would have gone straight back home.’

Some 6700 people —

I will come back to that figure in a moment —

worked at the two Wittenoom mines at one time or another. Of these, it was estimated by medical experts that between 1000 and 3000 would ultimately die of asbestos poisoning. Also in danger were the 20 000 members of their families, and the unknown number of officials and tourists who passed through. Australia’s worst-ever industrial disaster was in the making.

The problem in the town of Wittenoom was that not only were the mine and mill workers exposed to asbestos dust and fibres, but also the tailings were taken and spread around the whole town, so schoolteachers, students, families and the wives who washed their husband’s clothes after they had returned from work—all these people—were exposed to asbestos dust and fibres. Because of the history that Ben Hills and Michael Cannon have recounted about what the corporations and the government knew at the time about the dangers of asbestos dust and fibre to people’s occupational health and safety, court cases inevitably came about. There were many court cases in the 1980s, but the first court victory for Wittenoom victims was in 1988, when Klaus Rabenault won his case against Micalco, a subsidiary of CSR that ran the mines. The judge ruled that CSR acted with “continuing, conscious and contumelious” disregard for its workers’ safety, and that Rabenault should be awarded \$426 000 by way of compensation and \$250 000 in punitive damages—that is, damages paid in order to punish the company for the way in which it acted.

Mr T.J. Healy: Member, will you take an interjection?

Mr S.A. MILLMAN: From you, of course.

Mr T.J. Healy: Court cases and settlements like that, is that how Julie Bishop got famous—for standing up for those companies and attacking people?

Mr S.A. MILLMAN: Far be it from me, member, to comment on the former federal member for Curtin. I think the people best placed to pass judgement on whether she was a worthwhile person are her colleagues in the federal parliamentary Western Australian Liberal Party, and they had the opportunity to do just that when they were presented with her as a candidate for the leadership of the Liberal Party after Malcolm Turnbull resigned. I do not know how many votes she got, member. Can the member tell me how many votes she got from her colleagues in the WA Liberal Party?

Mr T.J. Healy: It wouldn’t have been many.

Mr S.A. MILLMAN: It would not have been many. Zero votes, was it? There we go. Perhaps that is the judgement that can be passed, but far be it from me to pass judgement on that.

Mr T.J. Healy interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Back to the bill, member.

Mr S.A. MILLMAN: As people know, I spent a bit of time in my professional career acting on behalf of victims of asbestos-related diseases, and I will come back to this. Two members in this chamber have already made incredible contributions, and I want to acknowledge them. I acknowledge the member for Warren–Blackwood, who has experienced this firsthand and whose brother was, I understand, a litigant in these proceedings. I also acknowledge the member for Nedlands, whose father, Dick Marmion, was actually an expert witness in these proceedings. Without the courage, effort, intellect and ability of these people to bring forward their cases—these are both members of the two conservative parties—the justice for victims that has been so important over the course of Western Australian legal history would not have been possible. I just want to record my admiration for their contributions and for the work of their family members.

Those court cases led to a much greater appreciation of just how dangerous asbestos dust and fibres are, as they entered the public psyche and the public consciousness.

I will never make a contribution without referring to the legislation at hand. I will quote from an online article. As I said earlier, the town was established with significant support from the state government. The article states —

In 1978, —

That is more than 40 years ago —

the State Government adopted a policy of phasing down activity in the town of Wittenoom. This policy was seen as the most appropriate course of action to take in response to the widespread contamination of crocidolite in and around the town. The policy encouraged residents to relocate out of Wittenoom voluntarily, through the purchase of their homes, business and property and included a contribution to their relocation costs.

That was a process that started in 1998.

Mr W.R. Marmion: Was that 1978?

Mr S.A. MILLMAN: Yes, 1978—more than 40 years ago. It continues —

Up until the end of 1991, —

Remember, the first significant tranche of WA asbestos-related diseases cases went through the Supreme Court in a group action in the late 1980s —

over \$1.4 million was spent under the phasing down policy, with the result that the population of Wittenoom fell from over 90 in May 1984 to about 45 in March 1992 ... The government advised residents that although they would not be forced to leave, new residents would not be encouraged to the town.

Further—this was touched on by the Treasurer in his second reading speech—I understand that about a handful of residents remain in the town. There are perhaps three permanent residents who are defying the Western Australian government's removal of services and stated intention to demolish the town. On 30 June 2006, the government turned off the power grid to Wittenoom. A report by consultants GHD and Parsons Brinckerhoff in November 2006 evaluated the continuing risks associated with asbestos contamination in the town and surrounding areas and classed the risk to visitors as medium and to residents as extreme. I think it is erroneous, but people often describe levels of danger in asbestos exposure. In the earlier literature, chrysotile, or white asbestos, was not deemed to be as fatal or as deadly as crocidolite, or blue asbestos. The fibre that was mined at Wittenoom is crocidolite, the most lethal type of asbestos fibre. United States health authorities have confirmed time and again that there is no safe level of asbestos exposure. The smallest exposure has the potential to lead to the onset of these fatal medical conditions, which leads to the next problem. As well as all the legacy issues that the state government has inherited, it was reported in 2018 that travellers are still visiting this ghost town every year as a form of extreme tourism. For somebody who has seen the hurt, pain and suffering caused by, and the dreadful consequences of, these deadly diseases, it does not even bear contemplating that people would take such an incredible risk. As other members have said, it is a wonderful part of the world and it has beautiful scenery, but it is absolutely deadly. It defies explanation that people are undertaking this sort of extreme tourism and it highlights exactly why this bill is so necessary. It is a significant step that the state government is taking.

I will now refer to the minister's second reading speech. He said —

... the government of Western Australia began phasing the town down in 1978. Since this time, the state government has degazetted the ... town site, removing it from maps and signs. The state has also been buying back the land in Wittenoom in order to bring the whole area under state management.

This is very important —

Despite extensive negotiations and generous offers of compensation, 17 properties, held by five property owners, remain. Three of these people reside in Wittenoom. Despite numerous attempts at voluntary acquisition by the state, the remaining property owners have refused all offers.

I pause to emphasise the next point raised by the Treasurer —

Their presence actively encourages tourists into the town. These tourists are then unwittingly exposed to potentially fatal blue asbestos.

While the residents remain in Wittenoom and visitors continue to visit the town site, the state cannot safely remove all remaining infrastructure or commence management of the risks posed by asbestos contamination.

This is an important point. We have created this toxic waste in the middle of some of the most beautiful country in the Pilbara in Western Australia. The trouble is that it is now incumbent on not just this government, but probably many future governments given the size of the task at hand, to remediate that toxic waste. While soever it remains there, people will be at risk, and those risks are known. It is incumbent upon the state government to take whatever steps it can to remediate that risk. The second reading speech continues —

The State Solicitor's Office has advised that the best solution to this impasse is to create situation-specific legislation for Wittenoom, enabling compulsory acquisition of the land. This bill provides for the compulsory acquisition of the 17 remaining freehold lots in Wittenoom.

Unquestionably, to my mind, this bill is suitably adapted to the task at hand and the responsibility that the state government bears. A decision to exercise the compulsory acquisition powers that the government has is never taken lightly, but when consideration is given to the following factors, it is the appropriate response. I will list them in reverse chronological order. First, this is a source of extreme tourism and it will remain so for as long as it is open. Second, residents who remain there remain at significant risk to themselves, according to all the medical literature. Third, the crocidolite that was produced from this mine has been demonstrated in over 20 years of litigation to be one of the deadliest forms of fibre known to the medical and legal communities. Fourth, the government has taken all reasonable steps up to this point to encourage people to voluntarily quit the town. Fifth, this process has been going on for 40 years. There are no elements left that the government has at its disposal to try to achieve the outcome that is perfectly appropriate and necessary to deal with the situation in Wittenoom.

While we are talking about asbestos and Wittenoom, there are a couple of other things. We know from the contributions of the member for Warren–Blackwood, the member for Nedlands and all the members of the government party who spoke on this legislation about the devastating impact that asbestos dust and fibre has had on the lives of so many people. We know from the research that has been done by journalists such as Ben Hills and Michael Cannon that some 6 700 employees and anywhere up to 20 000 family members were exposed to the deadly dust and fibre at Wittenoom. But there is something that we do not know. Bear in mind, members, that the Wittenoom mine operated from 1938 until 1967—and I pause on 1967.

[Member's time extended.]

Mr S.A. MILLMAN: That was the year that Aboriginal people were recognised in the commonwealth Constitution. We do not know how many Aboriginal people have been exposed as a result of the operation of the Wittenoom mine. I refer members to an article by Kirsti Melville on the ABC news website on 7 February 2019. It quotes a friend of the member for Pilbara and somebody I have met before. It states —

“We used to put our swags up there, lie on the truck, and look far and wide,” says Yindjibarndi elder Allery Sandy.

“It was exciting for us. We used to think we were riding on the clouds.

“But little did we know that down the track we might get sick.”

Fresh from the mine at Wittenoom Gorge, bags of deadly blue asbestos were transported by trucks like this one, 200 kilometres north to the port.

That is at Point Samson. They would go from Wittenoom straight past Roebourne and Cossack to Point Samson, where they were loaded and shipped down to Fremantle, where they were unloaded. At every stage of that process, people were getting sick. The people who were not counted were the local Aboriginal people, including the Ngarluma Yindjibarndi people. I will quote from a peer-reviewed journal article by a woman called Sarah Holcombe titled “Indigenous organisations and mining in the Pilbara, Western Australia: lessons from a historical perspective”. At page 112, under “Aboriginal History 2005 Vol 29”, it states —

The history of blue asbestos mining and the establishment of the nearby town of Wittenoom in the Hamersley Ranges offers an interesting comparison to the establishment of the iron ore industry discussed above. Lang Hancock began mining asbestos fibres in 1936 in Wittenoom Gorge on Mulga Downs station and by 1947 a town was built nearby to service the mine. The mine functioned until 1966 with Aboriginal labour alongside migrant labour. Aboriginal station workers ‘from Mulga Downs would come and go to the mine’, many of whom were of the Banyjima language group working on their own country. They likewise lived in the Wittenoom township and continued to do so after the mine closed in 1966. While there was work for Aboriginal men and women in the mine, this is likely to be because most non-Aboriginals refused to do it. The conditions in the mine and the mill were described as ‘appalling’. As is now widely known, Wittenoom became ‘the greatest industrial disaster in Australia’ with cases of mesothelioma, asbestosis and lung cancer still being diagnosed. No records of Aboriginal employment at Wittenoom were ever kept, and special screening and monitoring programs were not available to Pilbara Aboriginal people until 1994.

In addition to all the devastating impact that we know of, we have recorded and have seen evidence of through all of the court cases, we now have another entire category of people who have been exposed to this deadly dust and fibre for whom there will never be any account, who have now all passed away and have lost the ability to share their stories and tales of their experiences. I know from my time at Slater and Gordon, before I retired to embark on this endeavour, that we were starting to see Aboriginal clients come through with claims for compensation for asbestos-related diseases. These are incredibly difficult cases to argue because the evidence of the employment relationship needs to be established so the duty of care owed to these Aboriginal workers by corporations such as

CSR can then be established. Nonetheless, we have to commend the diligence and hard work of all of the lawyers at firms such as Slater and Gordon who put their all to arguing and fighting these cases on behalf of these victims.

Very rare will be the opportunity to speak about asbestos further in this Parliament, so this may be one of the last opportunities I get to do this. There are a number of people who work selflessly and tirelessly, with a great eye for justice and a great sense of compassion for their clients. These are good friends of mine and I need to commend them publicly. They are: Luisa Dropulich, formerly Louisa Formato, who was instrumental in the first cases in the 1980s; Tricia Wong, who is the practice group leader at Slater and Gordon; Laine McDonald, a former member of the Legislative Council and a great friend of mine; Michael Magazanik; Tim Hammond, who everyone knows; and my good friend John Gordon. There are also the legal assistants and other staff: Jo Ferguson, Marisa Urbano, Shelby Garafano from Collie and Pete Hollingworth. These are tireless workers who have been contributing time, effort and energy to fighting on behalf of victims of asbestos-related diseases. I need to also place on the record my great respect and admiration for the work of the Asbestos Diseases Society of Australia in the member for Balcatta's electorate. He has mentioned the Asbestos Diseases Society on many occasions in this place and he has worked tirelessly for its benefit.

I mention Robert and Rose Marie Vojakovic. The story of Robert Vojakovic is phenomenal. I quoted earlier from the Michael Cannon book the story about workers who were trapped at Wittenoom, effectively indentured servants of the company who could not escape because of the money they owed to the company. Robert Vojakovic won a game of cards with his co-workers, and the money he made in the bets in that game of cards paid for his flight out of Wittenoom. It finished his time as an employee in Wittenoom and has probably kept him alive up until this day. He and his wife, Rose Marie, have worked ceaselessly on behalf of the Asbestos Diseases Society and also victims of asbestos-related diseases. I praise their daughters, Simone Vojakovic and Melita Markey, who have both made a fantastic effort consoling and encouraging and providing empathy and compassion to people who have received the diagnosis of this terminal illness.

My final point before finishing my contribution is to acknowledge the work of all the medical practitioners. At Sir Charles Gairdner Hospital, in the electorate of the member for Nedlands, we have one of the most outstanding asbestos disease treatment facilities in the world. We have some of the leading medical experts in the world. We have Professor Bill Musk and Professor Bruce Robinson, people who are well known to this chamber. We have some outstanding scientists—researchers at the cutting edge of trying to determine and develop responses to these illnesses, to try to find a cure for these cancers. I acknowledge Professor Anna Nowak and all of the work that she does.

It is fair to say that the story of asbestos in Western Australia is incredible. It is a story that has touched the lives of so many people, and I hope that this will be if not the last, then one of the last chapters in the story. For all the reasons I have outlined it provides more than a sound basis for the government to take the action proposed by this legislation. We always need to be mindful of the challenges we face as a community. One of the things I have often spoken about is justice for victims of asbestos-related diseases. The final point I make is this: we need to continue that campaign for justice for victims of asbestos-related diseases. There are a number of issues raised in this Parliament that I will continue to raise. They are things such as fair compensation, gratuitous services and provisional damages. They are issues I will continue to advocate on behalf of my constituents; my colleagues; medical practitioners, for whom I have the utmost respect; and victims of asbestos-related diseases throughout the community. Making this move will have significant consequences, because it will send a strong symbol and message to the community that time is up on the town of Wittenoom. Although the town will come to an end, we must remember and carry forward the stories of all of those people who have been affected by what transpired there over 30 and 40 years, because that history will enable us to avoid making mistakes in the future. It will be for the minister to summarise members' contributions, but I sat here and listened to all of them because of my deep interest in the subject matter. There were excellent contributions across the chamber. People gave thoughtful, intelligent, worthwhile contributions, each of them reflecting a different aspect of that Western Australian story of the devastation of Wittenoom and the deadly nature of asbestos. Hopefully now, through this decisive action, we can see the government sending a strong signal, a strong symbol, to the community that we recognise what has transpired—that we send our comfort, support and encouragement to people who have suffered from this deadly disease.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [4.07 pm]: I rise to contribute some short remarks to the Wittenoom Closure Bill 2019. Like many other members in this place, I have visited Wittenoom. In fact, I remember as a child living in Port Hedland that we had a family holiday that took us through Wittenoom and some of the surrounding areas. I smuggled a piece of blue asbestos out of Wittenoom, much to my father's horror as he found me back in the driveway of the house in Port Hedland marking up hopscotch squares with blue asbestos because it was quite chalky. Dad immediately intervened, took away the offending asbestos, triple-wrapped it and took it into work where he was working for the lands and surveys department at the time so it could be disposed of safely. Of course, he did what he could to mitigate any adverse risk from the asbestos that was now marking out very accurately drawn hopscotch squares on the driveway.

Mr R.H. Cook: The deadliest game of hopscotch I've ever heard of!

Mrs L.M. HARVEY: Yes, it is an interesting memory to have, knowing how dangerous those asbestos fibres can be. It potentially takes only one fibre to form a tumorous growth that progresses to mesothelioma, and with that comes a very, very poor prognosis. Even to this day there has been very little progress made on treatment for mesothelioma. It was interesting learning about mesothelioma the hard way in our family when my brother-in-law's father contracted the disease. Having worked as an installer of air-conditioning equipment over his entire lifetime, he knew he had the symptoms of mesothelioma. He knew what they were because he had seen many of his friends die of the disease. He delayed going to the doctor because he knew there was a certain inevitability about what he was going to be told, and his worst fears were indeed confirmed when he was diagnosed with that disease. It was extremely sad for our extended family. Peter was a really beautiful man, and a beautiful grandfather and father. Considering where the family is now, he has missed seeing his youngest son married, and his newest grandchild being born. It is very tragic when people contract that disease. Peter's asbestos exposure was back in the United Kingdom; he did not have any exposure in Western Australia. He emigrated from the UK many years previously. He was carrying the fibre in his body, probably from when he was an apprentice, and it took his life in his late 50s. That is the sad reality for people like me, who have had exposure to those fibres. They may not know for many years that they have a ticking time bomb in their lungs or in the lining of their digestive tract, waiting to erupt and reach the point at which cell growth becomes unchecked, and from there on it is a very poor prognosis.

When we were in government, we were looking at the steps we would have to take to close Wittenoom. It is really intriguing to see human behaviour in action in a town like Wittenoom. Long-term residents who have seen so many of their friends and family and former town residents die from either asbestosis or mesothelioma still want to stay where they are and will not be voluntarily separated or removed from their properties under any scheme. There have been different stages of trying to get people to take up the offers to voluntarily surrender their properties in exchange for compensation, and, sadly, we find ourselves at the point at which legislation is required. The opposition is very supportive of this legislation, and in fact we were contemplating this very step towards the end of our period in government, because we knew that the characters who were there were not going to move of their own volition. Those properties will have to be compulsorily acquired, and I think a fair compensation scheme has been arrived at for those individuals. There are different groups. One of the sticking points when we were considering this was whether there were speculators versus people who were genuine residents who really did not want to leave their town. Notwithstanding the tragedies that have come out of that town, and the mining activities that have caused all these deaths and disease, they still felt like they wanted to stay in the place that they call home.

The most concerning thing was the "death tourism" that had started up, with these ridiculous T-shirts being printed saying "I survived Wittenoom". I find it quite appalling that those people in the town, knowing the toxic substance they were living amongst, were actively encouraging young people, backpackers and tourists from other countries to come to that town to buy a T-shirt, a souvenir or something like that, so that the people in the town could get some sort of income out of remaining where they are.

Mr S.A. Millman: The irony is that you probably can survive Wittenoom. The irony is that they will not know for another 40 years whether they have survived Wittenoom.

Mrs L.M. HARVEY: The member for Mount Lawley is 100 per cent correct. That was the point we got to in government when we decided that something really had to be done to shut the town down. A massive clean-up job needs to happen there, but I am really hopeful that, if things are managed the right way in that town, we can see an end to this nonsensical death tourism—of people somehow making the act of exposing themselves to asbestos fibres heroic. It is not heroic. The battles of the people who fought those diseases are heroic, but deliberately exposing oneself to a toxic substance under the banner of heroism is a complete and utter nonsense. It is the government's responsibility to step in, for the good of the whole community, when people are behaving in that fashion. Mesothelioma, asbestosis and other diseases that can come from asbestos exposure cost the public health system millions of dollars every year in treatment and management, but the cost of loss of life at such a young age, the inability to complete one's work cycle, and the loss of loved ones who miss out on so much when they lose someone prematurely to one of these diseases, is almost impossible to quantify. People carry the heartache and trauma for a long time after witnessing the progression of the disease and the death of those individuals.

I am very pleased that the government has brought this legislation forward. As I stated previously, we had 100 per cent agreement in our party room that this was the right thing to do, that this was the appropriate pathway to take, and that the compensation package for the individuals who are being moved on is fair and just. Some concerns were raised, and one of the areas that we will be focused on as an opposition is the job that the government will do to clean up that town. There is a lot of asbestos and asbestos tailings throughout that town. A massive clean-up job needs to be done, because anybody travelling within cooe of the old asbestos mine site will still be exposed to asbestos fibres, because the tailings have not been dealt with appropriately at this point in time. A lot of work still needs to be done to make that area safe after the asbestos mining that has occurred since the early 1950s in Wittenoom. We will be keeping an eye on that as an opposition. That is our job. We believe that it is incumbent on the government

to make sure that that clean-up is appropriate and as safe as it can possibly be, and that the town is made as safe as possible. We believe that warning signs will be put up at potential exposure sites. That is a good idea.

We will never be able to effectively wipe these places off the map, as some people are talking about, but we can certainly make it difficult for people to deliberately put themselves in harm's way by trying to expose themselves to asbestos, and quell the natural curiosity humans beings have, when they want to understand what people are talking about without understanding how dangerous it is, to see what raw asbestos looks like. I for one would be very happy never to see another fibre again. I live in hope that I have not ingested a fibre, and that my body will not turn on itself trying to neutralise that fibre. Hopefully, God willing, I will not be heading down the same pathway as our dear friend and relative Peter Duncan.

With those words, I thank the Minister for Lands for bringing this legislation forward. We support it, and we look forward to seeing it pass through both houses, and the people being removed from Wittenoom forever, the houses being bulldozed, and the town site being made safe for future generations.

MR B.S. WYATT (Victoria Park — Minister for Lands) [4.19 pm] — in reply: I, firstly, thank all members for their contribution to this debate. I am the latest minister, I guess, in a long line who, as Minister for Lands, have had to deal with Wittenoom and its fallout. I suspect ministers and Treasurers will deal with Wittenoom and its fallout for many years to come. Unsurprisingly, I guess due to the history of Wittenoom, members gave a lot of very personal accounts of their experience with either the town or people who had been exposed to blue asbestos and its consequences. I enjoyed the contribution of the member for Nedlands. As we learnt during his contribution, he began school at Wittenoom. In the 1940s and 1960s, Wittenoom was an incredibly thriving town—one of the Pilbara's biggest—as outlined by the member for Mount Lawley. It is interesting how people ended up in Wittenoom and found it very difficult to leave. One of the stories I hear a lot, and heard from the member for Nedlands, is that for those whose childhoods were spent in Wittenoom, it was usually a very positive recollection before we knew what blue asbestos would do to so many thousands of people in Western Australia, Australia and around the world.

One of the questions posed by the member for Nedlands, the Leader of the Opposition and the member for South Perth was about rehabilitation. The reality is—I note the comments of the Leader of the Opposition—to be honest, as our parties move to and from different sides of the chamber, this issue will have to be dealt with over many, many years. Yes, as a government, we can do what we are doing now—that is, acquire, destroy and erect signage. However, Leader of the Opposition and member for Nedlands, there is no way I can say the tailings will ever be safe at any point in the future. A range of proposals have been presented to government over 20 years about what to do with the significant tailings that have been left, because they are spreading with the movement of wind, and particularly water. I will make some more comments around that and the traditional owners. To be honest, I doubt whether we can make the area safe or that a government can say in the future that it can comfortably allow people to go there. That is something governments will have to handle over a long period. We will deal with it now.

I am pleased to say that since we started debating the legislation, one person has settled, so there are now four property owners. Two residents are left at Wittenoom, one of whom owns the vast majority of those properties. As members know, they simply do not want to deal with government or have conversations around this, hence this legislation is before us today. The point I made in my second reading speech, as I think most people have acknowledged, is that compulsorily acquiring land is not something governments like to do. It is very much a last resort but a position we have found ourselves in because I think it is the right thing to do. I have been stunned—a number of members, including the member for Mount Lawley, made this point—that history and time often dull our awareness. Now there are social media sites such as Facebook. Young Australians, particularly young backpackers from other parts of the world, travel to Wittenoom as though it is some form of tourist activity, celebrating the fact they have visited a location, the product of which has been responsible for the deaths and suffering of many Australians. That was the last straw to convince me that this legislation was needed. The longer Wittenoom remains, the greater the risk posed by that area, so we need to acquire those properties and remove all trace of the town that was once there.

I think all members have identified that the compensation being offered is fair. Nobody is disputing the compensation; I think everyone acknowledges that it is fair. The member for Warren–Blackwood highlighted in quite an emotional speech his personal connections such as the loss of, I think, his brother to asbestos-related disease. It highlights the fact that, as the member for Mount Lawley outlined, for a long time we will see waves of people who have been exposed to asbestos products and the impact that will have on their health.

I acknowledge the traditional owners of that area. I remember my father always commenting that one of the most beautiful parts of Western Australia, a place that he liked to drive through, was the area surrounding Wittenoom. For him it was the most beautiful part of Western Australia. Asbestos never got my old man, to be honest; smoking got him. However, over his lifetime he knew many Aboriginal people who lost their lives to asbestos. Interestingly, a University of Western Australia study in 2016 found that members of Western Australia's Aboriginal population died from mesothelioma at more than double the rate of people in the United Kingdom. The UK is the point of comparison because that is the country with the world's highest average. Aboriginal people have been dying from

mesothelioma at double the rate of that population. I have had a number of meetings with the traditional owners, the Bunjima people, and, through their organisation, the Banjima Native Title Aboriginal Corporation. I have asked them to identify locations that they see as perhaps the most significant because, as I stand here, I know and the Bunjima people know, and I think most people who have any contact with the Pilbara know, that traditional owners visit those gorges. They will visit today and tomorrow and will continue to visit them. They are very significant locations to the traditional owners. They are worried about the impact this legislation may have upon them. I have asked them to identify the most significant locations because we cannot repair that damage overnight, but perhaps we can start working on significant locations first to try to make some areas safe for at least the traditional owners. It is really the Bunjima people who have this incredible country. Those who visit Karijini, as I do annually, know that this country is quite spectacular. Unless we have the capacity to clear up those areas that have been permanently contaminated, it is very, very difficult for Bunjima people to travel to those locations without exposing themselves to potentially fatal consequences.

I thank the member for Mount Lawley. He is a man who has had a lot of experience on the legal side representing people who have been exposed to asbestos and sought compensation and redress through the court system. I learnt a lot from his contribution. The point the member for Mount Lawley made was, and the reality is, that we will see these people come through the court and medical systems for a long time to come yet.

I thank all members for their contribution. As I said, cleaning up or making safe Wittenoom will be an ongoing issue for governments well beyond my time here, as it has been already. However, I am very, very keen to ensure that the properties of those people there now are purchased, they are moved and all remnants in the town are safely removed to stop people travelling to and visiting Wittenoom. We can then continue our conversation with the traditional owners about what we may be able to do—I say this with great caution—to try to make some areas safe. I suspect, ultimately, it will be almost impossible for any government to declare those areas safe for humans to visit and these issues will be dealt with over the years on an emerging basis.

Again, I thank my colleagues from both sides of the house for their contribution to this Wittenoom Closure Bill.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

MR B.S. WYATT (Victoria Park — Minister for Lands) [4.29 pm]: I move —

That the bill be now read a third time.

MR I.C. BLAYNEY (Geraldton) [4.29 pm]: I raised a couple of issues in my second reading contribution that the Treasurer did not address in his second reading reply and I would like to raise them again. The first is the impact of Wittenoom on the Shire of Ashburton, which has had to pay 10 per cent of compensation claims. Last year that amounted to \$600 000 and it expects that amount to increase. It is a big concern to the shire because, as I explained in my second reading contribution, Wittenoom was part of the old shire of Tablelands, which was quite a small shire, that was amalgamated with Ashburton to create the modern Shire of Ashburton. The financial impact on the shire is quite a significant concern because this issue will go on for decades. It is quite a serious issue.

The second question that relates to the Shire of Ashburton, which I ask the minister to address, is the cost of any rehabilitation. Bearing in mind that the Shire of Ashburton has received very little income from this area, is it expected to share in the cost of any clean-up of the 36 000 hectares or whatever that will be excluded? How will those costs be allocated? Will the state government pick up the cost of that work or will the Shire of Ashburton be expected to pay for some of those costs?

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [4.31 pm]: I will make a brief contribution to the third reading debate. I am very fond of Wittenoom, having lived there for some time and as I mentioned in my second reading contribution, my sister was born in Wittenoom and I attended year 1 primary school in Wittenoom. I remember it very well. Interestingly, I enjoyed the contribution of the member for Mount Lawley, who provided a time line of events. It is interesting that the mine closed in 1967. I left Wittenoom in 1960 but I have been back many times since 1967. There is a question about the number of people who have visited or stayed in the town since the mine closed. In 1970, I spent two weeks in Wittenoom with Hale School. I know that the school took students there for more than 10 years. A thousand students from Hale School would have spent two weeks in Wittenoom, one week in the gorge, but not the Wittenoom gorge.

Mr B.S. Wyatt: Was this a school camp?

Mr W.R. MARMION: Yes, it was part of the curriculum. It was a compulsory part of fourth year at Hale School. A thousand Hale School students went to Wittenoom over at least 10 years. It would be interesting to get their

health records to see how they are going and what they did. I was there and I know what the routine was. We spent one week in the gorge. We went over the gorge into the back of Wittenoom gorge. We went to town pool, which is one of the most iconic pools in the gorge and would absolutely have Aboriginal significance—there is no question.

Mr R.H. Cook: Is it contaminated?

Mr W.R. MARMION: It is very close to the mine and I imagine that some asbestos may have washed into it. It is about five kilometres into the gorge. I am guessing—visualising it—that the second mine in the gorge, which is the main one seen in photos, is probably about seven or eight kilometres in so it might be within a kilometre of the mine. Every single Hale School boy swam in that most iconic town pool. I do not know how the government can stop people who know about that pool from going to it because it is such a lovely place to swim. The Treasurer touched on that issue in his second reading reply.

It is ironic about John Gordon from Slater and Gordon. The reason that my father was an expert witness in support of Slater and Gordon's case was because my sister knew John Gordon at university. John Gordon was surprised that my sister was born in Wittenoom and that is how my father got involved in the case. That is Perth, is it not?

Everyone supports the quantum of the bill. In 1989, Premier Dowding had a committee look at Wittenoom. The committee was wound down when a new Premier took over. Dr Gordon Robinson was on that committee and was relocated to work with the Auditor General, which is where I worked. He explained what the committee was doing in 1989. He was strongly in favour of closing the town. That was in 1987. I went back in 1985 with all the commissioners of Main Roads and their wives and stayed at the hotel. We drove into —

Mr B.S. Wyatt: What year?

Mr W.R. MARMION: It was in 1985. It was a bit like what the Premier has done with COAG. All the state road commissioners went to the Pilbara, and part of the trip was to visit the new Great Northern Highway construction site and go down the gorge. We stayed overnight in Wittenoom. We travelled by bus into the gorge. I showed the commissioners and their wives where I lived because at the time the house was still there. In 1993 I went to Wittenoom with the then Minister for Health, Peter Foss. The hotel had been upgraded and by 1993 it had a swimming pool! It certainly did not have a swimming pool in 1971 when I went there as a student.

Mr B.S. Wyatt: So downgrading of the town from about 1970 didn't quite work the whole way.

Mr W.R. MARMION: No! When I was there with Minister Foss in 1993, the Fortescue pub had a swimming pool. A lot of people have visited the town.

In closing, I want to touch on what I referred to in my second reading contribution—my experience and how the government can do something about the asbestos in the town. But it is not just in the town, it is in the gorge and all along the road, which is of concern to the Shire of Ashburton. I forgot to mention the shire's press release, but the Treasurer will refer to it. There is an issue with the Wittenoom–Roebourne Road. People would have seen photos of asbestos bagged up on trucks to be trucked into Roebourne. There is asbestos along the side of the road. How can we control asbestos? Asbestos fibres stay on the ground if they are moist so the way to control the spread of asbestos is to keep it moist and not let it kick up and dry out, which is when it becomes dangerous. There is so much asbestos at the mine, I cannot see from a practical point of view how the site can be rehabilitated. I do not see how all the asbestos can be removed. Such an operation would be extremely dangerous because it would be done down the side of the hill. Where would we put the asbestos? We would have to dig a massive big hole and everything would have to be watered so that it does not dry out. The safety issues would be immense.

Mr R.H. Cook: Was asbestos used in the road base?

Mr W.R. MARMION: It was there.

Mr R.H. Cook: Presumably you'd have to dig up all the roads to rehabilitate them.

Mr W.R. MARMION: It is fair to say that asbestos was not a substance used by Main Roads. However, it was used as part of the bitumen in the town of Wittenoom. It was a carbon fibre bitumen, a terrific seal, but as it dries out and wears off, the fibres go into the air. Magnetite rock has a percentage of asbestos in it anyway. When mining magnetite, it is essential that it is moist. It is water based anyway. Even if there were billions of dollars available to somehow rehabilitate the work done by Australian Blue Asbestos and CSR Ltd and it was back to where it was, there is the possibility that natural asbestos is still there. I would not want to be in charge of coming up with an action plan to solve the problem. It is very hard from a practical point of view. As rocks weather, asbestos is exposed. It is not only in the hard rock—magnetite—the asbestos is also there. If a person happens to be unlucky, they could get some anyway.

They are the main things. The Liberal Party supports the bill. I have no idea how tourists can be stopped from going there. The more it is advertised not to go there we will probably find that more people go. Even if entry to the gorge were closed off or there were big signs warning people, or massive walls were put up to stop people,

they would just go around the back. People can go around the back of Joffre Falls to Joffre Creek. If it were made hard, it would probably become more of an adventure! It is a tricky one to solve.

I understand that the Shire of Ashburton is putting pressure on everybody to rehabilitate it. We have to feel sorry for councils that do not have a large budget when they get involved in something like this. This bill is a first step. We all support it. It is a case of what the next steps are. It will be a long road for various governments over many decades.

MR B.S. WYATT (Victoria Park — Minister for Lands) [4.41 pm] — in reply: I apologise to the member for Geraldton because he did raise those issues and I did not deal with them. I will say a couple of things about the Shire of Ashburton. There is currently a steering committee comprising all the relevant state government agencies and the Shire of Ashburton. Recently, the Bunjima people have been coming to that. I want more Bunjima people on that steering committee. That committee is dealing with issues such as doing some work on the road. We need to have a conversation about cleaning up the asbestos that is on the side of that road, which has not yet been dealt with. The shire wrote to me, as I suspect it wrote to the members for Nedlands and Geraldton, around the pressures both members quite legitimately raised about the cost to the shire of managing the ongoing litigation in terms of legal fees and liability et cetera. Standing here now, I do not have an answer, but clearly the shire has a legitimate argument and we do need to have a conversation about that. We will do that.

The member for Nedlands asked a question about the cost of rehab. We can see where it is going! These costs will be borne over time. They do not need to be dealt with in next year's budget. I expect issues about the road will probably have most significance at the moment because people are using the road. Will we stop people from going there? I hope so. We have to do what we can, and people will react accordingly. As I said, it does not matter what I say to the Bunjima people—they know it is a potentially unsafe area, but it is an area of great significance so they will continue to visit the area.

All I can do for the member for Geraldton and the shire at the moment is commit to having those ongoing conversations. Suffice to say it is not an issue we have to deal with now, but we will continue to deal with the shire from year to year about the litigation, the clean-up costs and the rehab. I know that does not answer the member's question. No doubt when the shire reads *Hansard* it will be completely unsatisfied with the answer I just gave. Suffice to say we probably have to have some meetings outside of this place before I can give a proper answer.

I thank all members. From the moment Hancock found and started digging up that asbestos, he started a journey that this state and the nation will be on for many years beyond 2019. We will do what we can both through the health system and through these sorts of pieces of legislation to try to ensure that the legacy of blue asbestos is as short as we can possibly make it.

Question put and passed.

Bill read a third time and transmitted to the Council.