

**ASBESTOS DISEASES SOCIETY OF AUSTRALIA — MEMORIAL SERVICE**

*Statement*

**HON MATTHEW SWINBOURN (East Metropolitan)** [9.46 pm]: On Friday I attended the twenty-third Asbestos Diseases Society of Australia ecumenical memorial service. I was joined at the service by you, Madam President, and Hon Michael Mischin. The service is held every year to memorialise the thousands of victims of preventable asbestos-related diseases. This year the service was addressed by Rob O'Connor, QC, who was one of the barristers involved in an important case in the 1980s. This year marks the thirtieth anniversary of the test case of Barrow and Heys on liability for an asbestos-related disease—mesothelioma. Mr O'Connor talked about some important aspects of that case. It involved two former Wittenoom workers—Peter Heys and Tim Barrow—who had contracted mesothelioma, which was malignant by the time the case came to court. They sought to sue their former employer, Australian Blue Asbestos Pty Ltd, which then became known as Micalco, and its parent company, CSR, in the WA Supreme Court. Mr Heys and Mr Barrow were ultimately successful in establishing that their former employer was negligent, and that CSR, as the parent company with capacity to pay, was liable for the actions of its subsidiary, Micalco. The success of these cases meant that the necessary underlying principle of liability in relation to asbestos-related cases that arose from Wittenoom was established for another 350 pending cases. That meant that those plaintiffs did not need to pursue their legal action through trial; they could seek settlement from CSR. Asbestos-related diseases come on very quickly, and death can follow shortly after. In the 1980s a claim died with the claimant, and so many families missed out on compensation after the breadwinner of the family passed away quickly. That was remedied, of course, in the early 2000s. Sadly, Mr Heys died four months before the end of the trial, and although Tim Barrow lived to see the result, he lived for only another two months. Unfortunately, although they were brave in coming forward, they did not get to enjoy the fruits of their labours.

As Hon Charles Smith pointed out last week, November is Asbestos Awareness Month. Notwithstanding that asbestos has been banned as a building product in Western Australia since the 1980s, we continue to live with its legacy. It unfortunately remains in many buildings and is occasionally still imported in building products. The talk is that the next wave of disease sufferers will be home renovators who buy houses that contain asbestos, with the purpose of doing them up. Unfortunately, there are too many of these houses and many people are unaware of the risks associated with renovating and being exposed to asbestos. The important message that comes out every November is that if they are unsure, they should get a professional in to deal with it. It is better to be safe than sorry.

The service was very moving. It was the first service I had attended and it was of note that most of the attendees were women—not a lot were men. During the service, they projected on a screen the men and women who had died—overwhelmingly they were men. Historically it was men who died, but now, as time moves on and these new waves of cases are coming through, men and women are equally affected because home renovators are often males and females of the household. It needs to be reiterated that asbestos is not a thing of the past. It is a continuing problem in our community and organisations like the Asbestos Diseases Society of Australia continue to do very good work supporting those who unfortunately contract asbestos-related diseases.

As has already been brought to our attention by Madam President, tomorrow the Parliament will put on an afternoon tea, as usual, but this time we will have blue lamingtons. With our blue lamingtons comes the opportunity to make a contribution to the Asbestos Diseases Society. I encourage everybody to go to the bank and get out some actual money because we will not have the electronic means that we are all used to. Get some cash —

**Hon Alannah MacTiernan:** How much?

**Hon MATTHEW SWINBOURN:** In your case, minister, any amount as long as it has a couple of zeros after it.

Hopefully, we will all do that and the proceeds that are raised in both this place and the other place will go to supporting the charitable purposes of the Asbestos Diseases Society of Australia. I encourage members to eat lots of lamingtons, bring in lots of money and reflect on Asbestos Awareness Month.