

WITTENOOM CLOSURE BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

MR D.R. MICHAEL (Balcatta — Parliamentary Secretary) [2.48 pm]: It is a pleasure to be able to talk today on a bill that has been coming to this place for a very long time, the Wittenoom Closure Bill 2021. We have heard from a couple of members already, but I remember when this bill was passed by this chamber in the last Parliament by the then Minister for Lands, Ben Wyatt. Some of the speeches at the time referred to asbestos-related diseases and how the remaining residents in Wittenoom had held out for a very long time and it was time for the government to do something about it. I am very pleased to see that since that bill passed this house, but was not passed by the Legislative Council, several remaining residents have come to an agreement with the government, but one resident still remains and 14 lots are still in freehold —

The SPEAKER: Sorry, member for Balcatta, it is quite hard for Hansard to take your words down because there are people talking in little groups in the chamber. Please take your seat in the chamber, listen to what I know will be an excellent speech, or perhaps move outside the chamber for your conversation.

Mr D.R. MICHAEL: I am really pleased the bill has come back after it failed to pass the upper house before the state election in March this year. As I said before, one resident is left. A long time ago, I worked for the member for Willagee, who was then the shadow Minister for Lands, and I remember receiving a letter from one of the residents—I am not sure which one it was—arguing against what we are doing because they were quite happy to stay in Wittenoom and live out their life there. I remember reading that they did not have any symptoms of any asbestos-related disease and were quite happy to stay there. Ordinarily, it could be said that it is quite a reasonable proposition that someone wants to stay in their home, albeit by themselves, if there is only one resident left. One of the biggest problems that that brings, and it is something I have noticed online—I will not call it adventure tourism—is danger tourism. Some nights, when I am sitting up late and I have had enough of watching re-runs of *Hogan's Heroes* on TV, which is what I tend to do after late nights in Parliament, I put on YouTube and let its algorithms feed me videos on various things that I am interested in! I find that somehow videos about abandoned places around the world come up of people who sneak—mostly illegally—into abandoned places far away in exotic locations. I see their little video compilations.

The SPEAKER: When you say “people”, do you mean cats?

Mr D.R. MICHAEL: No. Madam Speaker, much like you, quite a few cats come up on my YouTube feed from time to time, and all the various things that they do to their owners! I watch those.

I have seen people train hopping through Europe, looking through abandoned factories in the former Soviet Union, and people breaking in, not part of an authorised tour, to Chernobyl at Pripyat to look around the camp there—things that people should not be doing. I just sit there, as I am trying to get tired before going to bed, watching these things. Once, a video came up of someone who drove to the outskirts of Wittenoom, put on some personal protective equipment and went in to meet some of the residents and have a look around, including going to the gorge, which is probably one of the most contaminated places in Australia other than the nuclear test sites. Knowing what I know about Wittenoom and asbestos-related diseases, that is probably not what we want to see happening. That is why it is important for this bill to go through and that we buy those 14 freehold lots, or compulsorily acquire them; and, unfortunately for that one resident who is left, not have them live there anymore.

Today, we heard some great speeches. The ones I caught were from the members for Riverton, Scarborough and Mount Lawley and they were about some of the impacts of asbestos-related diseases. It was good to hear our resident doctor talk about how asbestos-related diseases occur in people's lungs. The first time I really knew about asbestos-related diseases was when I was very young and working for my local member of Parliament, Bob Kucera. In the electorate of Yokine, as it was then, was the Asbestos Diseases Society, which has been mentioned a few times today. Bob used to take me to the ecumenical service, which I think the member for Mount Lawley mentioned, where I met Rob and Rose Vojakovic. I will talk about them in a second. I got to meet some people who had been recently diagnosed. For all intents and purposes, I could not tell that they had that disease. When I went back a year later, I could see the progression of the illness. For quite a few of them, it was quite quick. I would hear stories that their exposure had been very fleeting and sometimes a long, long time ago and it had been dormant and realised itself later in life.

As a City of Stirling councillor, as I was for 12 years, I kept in contact with the Asbestos Diseases Society about various issues that had come up when I was on council. My recollection is that the Dividing Fences Act does not bind the Crown, which means local governments on things like reserves, public access ways, roads and laneways. A lot of asbestos fences about properties that councils own. Councils, not being bound by the legislation, do not have to replace those fences. The adjoining landowner has to pay the full cost of those fences. I remember talking with some City of Stirling councillors about whether we could start a program to fix some of those. Given the costs

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

involved, the other councillors did not really think that was something we could afford at the time, given all the other priorities of council. The City of Stirling would be a bit of an outlier and no other councils were doing it—or not many—and I did not put it up because I knew it would be voted down.

As a former councillor in the Osborne ward of the City of Stirling, and the ADS being located in Main Street, Osborne Park, I would go to its AGMs and talk to them. I met people who had been recently diagnosed, and staff from the Asbestos Diseases Society. Sometimes I would hear positive news about some of the medical research that was going on, but then I would hear about some of the members the society had lost during the previous year.

I will get back to the Asbestos Diseases Society. During the 2017 state election and the most recent election, like most members, especially on this side of Parliament, I did a bit of doorknocking. I do not have the figures on me, but I know that I doorknocked over 6 000 houses before each election. From walking the streets, I got a good chance to have a look around and see what people were growing in their front yards. In Balcatta, lots of fruit and veg is being grown in front yards. I also observed the styles of houses, the architecture, all sorts of —

Dr A.D. Buti: In Balcatta?

Mr D.R. MICHAEL: There is some good architecture in Balcatta. I got to see some of these things.

One thing I noticed from doorknocking before both elections was the amount of asbestos that is still in our community—not only in homes. Some very well maintained homes, including my own, are made out of asbestos—fibro. I saw holes in fences and holes in old asbestos sheds that are not painted. I also saw asbestos roofing, which is probably the worst asbestos because it is the least maintained because it is too high. There was an infamous example at the City of Stirling—I think it was in Dianella—someone, with all the best intentions in the world, decided to clean their asbestos roof using a water pressure hose and sprayed asbestos dust and wet muck everywhere, which caused some issues for the neighbours. I noticed that asbestos was everywhere.

In talking to people at the Asbestos Diseases Society, we are going to have waves and waves of asbestos disease probably for a very long time. The first wave, of course, was those workers from Wittenoom; the workers who were involved in either the mining or processing of asbestos. Very quickly after them, there was another wave, which was their families or people working in Wittenoom, including people who were not directly working with asbestos, such as teachers and those providing services. I have heard of people who have contracted asbestos-related diseases just from washing their partner's clothing back in the 1960s in Wittenoom. In the 2020s, they are developing asbestosis or mesothelioma.

The member for Scarborough talked about tradies. Even now, some tradies probably take risks when it comes to asbestos, and that is knowing what we know. People who worked for decades with this stuff were not aware of any risks—they accepted the dust and just got on with their work. That is the way they had to earn a living. That was another wave. Increasingly, we will have a wave of home owners and people who like to go to Bunnings and do a bit of DIY. They will not know the risks. They are inexperienced in dealing with asbestos. As I said, looking around the suburbs as I do when I doorknock or visit constituents, I see that people might have a new fence, but the asbestos just lies in a pile in their front yard for a bit. It is not super six fencing; it is clear it is asbestos. It sits there disintegrating and, unfortunately, no-one does a great deal about it.

I will talk a little about the great work done by the Asbestos Diseases Society of Western Australia, which is on Main Street, Osborne Park, in my electorate. It was in my ward for 12 years when I was a City of Stirling councillor. Robert and Rose Marie Vojakovic are the stalwarts of the Asbestos Diseases Society. How they do what they do, and how they have done it for so long, I do not know. Robert was in Wittenoom. As far as I know he does not have an asbestos-related disease, but seeing what happened to people he knew, workmates, has driven him to run this organisation for so long. When one sits down and talks to Robert and Rose Marie about what they have been doing for the past 20 or 30 years—I will get to the services they provide in a second—they speak of the need for legislative change and legal avenues open to people who have acquired asbestos-related diseases. Together with families and trade unions, the fight they have had to put up every step of the way, all around Australia, to get justice for people who worked with or around asbestos and who have asbestos-related diseases is amazing. They have had to jump through many hoops, and continue to do so. I have visited their office many times and they tell me where Western Australia's legislation might be a little better than others in some parts, but missing in other parts. Hopefully, during my term in this place, however long that might be, we can continue to make changes that give more justice to people who have asbestos-related diseases and, importantly, their families.

The Asbestos Diseases Society has in its foyer some displays, including asbestos behind glass, so the mineral can be seen in its raw form. They also have a lot of photos and a lot of stories from people who are no longer with us. I am sure everyone has seen photos of kids in Wittenoom playing in the asbestos tailings, which I think they used to line the roads with. They used to use the tailings at the racetrack there as well. I think there was even asbestos in the playgrounds because it created a nice, soft fall. The society has a lot of photos on display of kids with asbestos

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

smear all over them. They also have stories from people who, as I said before, might have had only a fleeting exposure to asbestos in their lifetime and 20 or 30 years later they have acquired an asbestos-related disease.

Robert and Rose Marie, with their daughters Simone Vojakovic and Melita Markey, do a wonderful job with their staff at the ADS. I do not know how they do it because most of their clients are people who have recently been diagnosed with an asbestos-related disease and all of them pass away within a couple of years. From the receptionist who sits at the desk to the staff members and administrators, and Robert, Rose Marie, Melita and Simone, and all the volunteers they have to do their fundraising, to meet these people who walk through the door and to take them through this process is a heart-wrenching thing that they have to do every single day. That is why I say that the fact they have done this for so long, given the toll that would take on them, is amazing.

As well as good staff, they have some excellent volunteers who help with their fundraising and other things. I think the ADS has two big fundraisers. It has a walk every year and also the famous ADS raffle. One of my branch members in the Balcatta branch of WA Labor, Tony Newton, who is always good for a van shuttle to the Osborne Park Show, is involved in the ADS. Even though I tend not to use cash much anymore, like most people, I always keep \$20 or \$30 on hand in the office because he will come in two or three times a year with a book of ADS raffle tickets, which I dutifully buy to help things along.

I am very proud as the local member that following both the 2017 and 2021 elections, through the McGowan Labor government I was able to make a small contribution to upgrading the ADS's Main Street facility in Osborne Park. The reason that is so important is that many people who have just been diagnosed with an asbestos-related disease go there looking for answers; it is a one-stop shop. People going there have just been diagnosed and are seeking guidance on where to go for legal advice to see whether they or their family are eligible for compensation, where to get some counselling and, most importantly, how to get the best health outcomes for themselves. That is what the ADS is really good at. It has an exceptional network of doctors that it can send people to who understand asbestos-related diseases.

The most important thing is that at the back of the ADS office is a room for doctors to conduct spirometry testing for lung capacity and those kinds of things. Even people who have worked in Wittenoom or worked with asbestos and those at risk of other dust-related diseases, such as former coalminers, go there to be checked. The ADS keeps their records and can see whether there is a change in their lung capacity from year to year. Obviously, people who have been diagnosed go there regularly and see a doctor who knows the disease and knows what to do. Some of the election commitment funding went to ensuring that there was a nice area towards the back for people to make a tea or coffee or to sit away from the reception area while they waited for a consultation with a doctor and to get some really good advice. It is a one-stop shop and it helps those people, and also others who might be at risk in the future.

The staff at the ADS are a fun bunch. They are lovely people and I enjoy having a coffee with Robert or Melita at one of the local coffee shops.

[Member's time extended.]

Mr D.R. MICHAEL: The ADS is situated in an old bank on Main Street, Osborne Park, and it has an old bank vault. I think a few electorate offices might be old banks and have inherited an old vault in their rooms. The old, narrow vault at the ADS is full of archive boxes of case files, health records, X-rays and all those kinds of things for all its clients who have passed away. It is a sad place to be. It is piled high with documents. Something the federal government might want to consider in the future is getting that information digitised and in some sort of order so that it could be used to help medical research into asbestosis and mesothelioma in the future.

I commend this bill to the house because making people aware of Wittenoom and the dangers of going there is so important. It will also highlight some of the other issues around asbestos that everyone needs to be aware of at home. I am getting a few alerts on my phone. My asbestos fence is coming down today, so there are pictures of people walking around my backyard in personal protective equipment and black plastic everywhere. It looks like they are doing the right thing. This legislation is a really important thing to do. Once this bill goes through both houses, the sooner we can get the lots bought out, residents out, and rip up all that aboveground infrastructure and do as much as we can to dissuade people from going to Wittenoom, the better, so I commend the bill to the house.

MS M.M. QUIRK (Landsdale) [3.08 pm]: I start by paying tribute to the many migrant workers who were at Wittenoom. I also make the observation to start with that it is an absolute disgrace that it has taken the time it has to shut down Wittenoom. I am glad that this, hopefully, will finally be the end to it all. In paying tribute to those migrant workers, I refer to an article by the Australian Asbestos Network that sets out the history of the workers at Wittenoom. It states —

Extract from *Hansard*

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

At a time of high unemployment in Western Australia and an acute post-war housing shortage, Wittenoom was an attractive prospect for people looking for work, both Australian-born and recent migrants.

In the 1950s Wittenoom was the largest Western Australian town north of the Tropic of Capricorn and was promoted as a new model mining town with modern amenities. Located in a landscape of spectacular beauty —

I have to say that I have been to Wittenoom and it is a very beautiful spot —

Wittenoom seemed like a great opportunity, even paradise for many of its new inhabitants. Researcher Sylvia Lovenfosse explains the attraction of such a remote location for a desperate workforce.

...

Up to 200 families at any one time lived in Wittenoom and a total of 12,000 people lived there over time. In all, 7000 people worked for Australian Blue Asbestos at the mine and mill. The workforce was predominantly young, single, male and New Australians. Many were migrants from Continental Europe, in particular Italy. In the early years many Displaced Persons worked there ...

...

After the war, Australia was a popular destination for Italian workers escaping high unemployment back home. In 1951 Celestina Delpero's husband Spero signed a two-year contract to work in Western Australia at what he thought was a hydro-electric water power plant. It wasn't until he and his fellow villagers arrived at Darwin that they found out their destination was the Wittenoom asbestos mine. The men were angry at the way in which they had been misled.

...

For many newly arrived migrants, Wittenoom was an improvement on the camps they had left behind in European countries still suffering the traumas of the Second World War ...

...

Almost all Wittenoom workers were on contract—six month contracts from Perth and two year contracts from Europe. However most workers, horrified by conditions of work and residence, stayed for only a short time. Over 40 per cent remained for less than three months, and 60 per cent left in six months or less.

Despite those short intervals, we all know of the killer seed that was sown in many of the workers at Wittenoom and the long-term legacy of the disease called mesothelioma. In this regard, I have to say that one of the positive outcomes—if there can be a positive outcome—from the fact that asbestos disease has emanated in such large numbers from Wittenoom is that Western Australia has some of the leading medical experts in the area. I had a bit to do with both Professors Bill Musk and Bruce Robinson when I was on the Sir Charles Gairdner Hospital board. Both those gentlemen and their colleagues are world experts. It is an unfortunate situation, but I have to pay credit to their dedication and commitment over many years in their research and patient care.

As has already been said, it was believed initially that the extent of the disease contraction was by miners, but it became apparent only latterly, in the 1970s or 1980s, that it actually extended to construction workers in the building industry and so on. When I worked at a commercial firm, I had some contact with some of the first cases that involved builders who had contracted the disease. There was certainly some enthusiasm about settling those matters so that the extent and the impact of asbestos and mesothelioma was not generally known. In that regard, we had excellent speeches from the members for Cockburn and Mount Lawley, who acted for the victims of this insidious disease, but I have to say that some of my fellow lawyer colleagues who acted for the defendants did not distinguish themselves in the way that they conducted this litigation. They were responsible for unconscionable conduct, abuse of process and delay with the outcome being that they certainly would try to delay cases in order that the victim would die prior to settlement or resolution of the matter in the courts. A number of lawyers, especially many in Perth, should frankly be ashamed of their conduct in this regard. It was really quite disgraceful.

I want to mention the role of journalism in this. In later years, there has been some sensational coverage of the extent of the involvement of, say, James Hardie, the extent of the cover-up of this disease, the conduct of those who ran the mine, the shareholders, the board of James Hardie and so on, and just how far up the totem pole the unconscionable conduct ran. For example, Matt Peacock, who was an ABC journalist, wrote a fantastic book called *Killer Company* in which he outlined the struggles of Bernie Banton in New South Wales to really bring James Hardie to account. For anyone who wants to do a company directors' course, the conduct of James Hardie is an object lesson on what not to do as a board member in terms of malfeasance and criminality. James Hardie engaged in misleading and deceptive conduct. It stripped its assets and sent them offshore to insulate itself from the extent of its liability. Those who were involved in that process do not deserve any credit or adulation. Matt Peacock's book *Killer Company*

was made into an ABC miniseries called *Devil's Dust*. If members have not seen it, I highly recommend that they view it. It sums up the awful and shameful saga that is Wittenoom and the conduct of James Hardie. Those members who want a briefer summary of the shameful saga can listen to Midnight Oil's *Blue Sky Mine*, which of course also recounts the saga, the harm, the heartache and the disease that was perpetrated, all in the interests of profit.

MS R. SAFFIOTI (West Swan — Minister for Transport) [3.17 pm]: I rise to make a couple of comments on the Wittenoom Closure Bill 2021. I am glad to follow the member for Landsdale, who described much about the role Wittenoom played in employment choices for newly arrived migrants. I want to tell a story about my father, but I will also talk a bit more about the bill and how, in my previous, previous role as Minister for Lands, we restarted this process when we came into government in 2017.

My father was a migrant in the early 1950s. As the member for Landsdale described, it was an environment in which migrant workers were asked to undertake very difficult tasks around the state. My father cleared land, and I think much of Wanneroo was cleared by migrant workers at the time. They cleared big tracts of land from Roleystone to Wanneroo and in other parts of Western Australia for developments and pastoral purposes. My dad had a dim view of how some of those workers were treated by many of the pastoralists at the time. One of the stories he recounted that I have never shared in this place—I was going to share it at his eulogy but I ran out of time—was the Wittenoom story. My dad had a very, very good friend, Frank or Franco, otherwise known as “the Butcher”. We knew him as “the Butcher”. I did not really know his name until very, very late. My dad recalled the very time they were walking—I do not know exactly where; my dad was never good at those details—and there was a recruitment drive for workers at Wittenoom. He and Frank were walking down the street or past the office and Frank walked into the employment office, or whatever it was, but my dad had a gut feeling to keep walking past. My dad never entered that office and never ended up working in Wittenoom, but “the Butcher” did and he went to work in Wittenoom. Unfortunately, he died at a much earlier age than my father. My father lived till he was 93 years old and Frank passed away over 21 years ago, at a much younger age. It describes what life is and how when we make choices, we do not know the full consequences and the fact that many, many workers —

Mrs L.A. Munday: Sliding doors.

Ms R. SAFFIOTI: It was exactly as the Minister for Lands described; it was a sliding doors moment. People who wanted to get ahead, earn a living and establish a life for themselves in this country were then working in what is one of the most dangerous places to work in. I am not across all the legal challenges that went on. I think the member for Landsdale described them very well. Many people suffered for a very long time, and I do not think anyone has ever claimed responsibility properly for what happened in Wittenoom.

When I was Minister for Lands, after the Labor Party had been elected in 2017, this issue was brought to me. The formal closure of the Wittenoom town site was one of those things I had not thought about a lot. I remember that at the time, the issue had been debated for many years. Some longstanding residents were refusing to budge and saying that they did not want to move. I have seen video footage, which I am sure the current Minister for Lands has seen, of people continuing to live in that environment. I saw—what is the word?—“tourism” videos, but it was not really tourism. I think the member for Balcatta described them as YouTube videos that popped up showing dangerous tourism places. People actually wanted to visit these town sites. It struck me as very dangerous to allow that to happen. Despite people saying they wanted to continue to live there, the government had to make the choice to close the town. That decision was made very early on and I think the next Minister for Lands, Hon Ben Wyatt, introduced the legislation in 2019, and we are now back here debating it. This bill has been a long time coming. As I said, there was a lot of debate, primarily due to the fact that some longstanding residents were not keen to move on. However, it was made very clear to me that we had to close the mine to try to make the place safe and ensure that people were not exposed to asbestos.

I forgot to mention that my dad's friend who passed many decades ago—I was not aware of this at the time—died of respiratory issues that were primarily likely linked to his work at the asbestos mine.

I fully support the Wittenoom Closure Bill and think that it is time we moved on and made sure the place is safe. The implications of not only the mining there has significantly impacted on many people's lives. Even now, as we have been trying to bring projects to completion, such as the Karratha–Tom Price road and the Manuwarra Red Dog Highway, asbestos has had to be cleared by contractors and Main Roads to enable them to deliver those projects. There was basically bags of the stuff along the road alignment. It has cost a lot and has taken a lot of time and had to be dealt with appropriately. I cannot remember how much asbestos was left along the road reserve, but when the contractors started to clear the route, they identified the amount of asbestos that had been dumped. It was described to me as having fallen off the back of a truck and never been picked up. We had to make sure that we did not expose the workers to risk. The clean-up cost millions and took a lot of time.

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

I congratulate the Minister for Lands for bringing this bill back to Parliament and getting on with it. It is the right thing to do to protect the health of Western Australians and to make sure that people who believe Wittenoom is an interesting place to go to do not go and do not expose themselves and their families to any further risk.

MR M.J. FOLKARD (Burns Beach) [3.25 pm]: I rise to speak in support of the Wittenoom Closure Bill 2021. I have listened to some fine debate this afternoon, such as the contributions of the members for Scarborough and Landsdale. I reflect on the two lawyers, the members for Cockburn and Mount Lawley, and their efforts in defending the victims of mesothelioma, and also the hideous effect that legal action has on the victims of asbestosis. After listening to these fine debates, when it came to the compulsory acquisition of land, I reflected on the movie *The Castle* regarding fair recompense and all that sort of stuff. I am certain that many governments have tried to compulsorily acquire and remove the final houses there, but, again, the McGowan government continues achieving. No-one else has been able to achieve this, so these last blocks remain.

Many years ago, when I first got out of the Army, the only job I could find was as a survey hand, and I worked extensively in the Hamersley Ranges. One of the jobs we did was a surround survey for what was referred to as ballast pits so that we could find the rock to build the long train lines. I can remember walking out the back of deadset nowhere, where we could see asbestos on the ground. At the time, I had no idea what it was. It was our practice to make ourselves a brew when it got to about 10.30 in the morning and organise ourselves for the next part of the day's work. When I reflect on it now, I recall that we basically surrounded the fire pit with raw asbestos. We were hanging out there and we made our fire and our brew for the day. I can remember, as I said, that all the rocks were almost like leaves of wood hanging out the side of it, but we did not know what it was. On reflection, I believe that the mine site where most of the work was done still needs some significant work to stabilise the dust there. I hope that in time it will be looked at so that the traditional owners can have the land handed back to them. However, that is for others to do and for me to look upon to make sure that it gets done right.

I took on board the member for Balcatta's comments about the blue asbestos and the asbestos that was used in old Balcatta to build the sheds. As a young copper, my first country stint was in a place called Northam, which we all know well, out to the east of Perth. When I was first stationed there, most of the fences inside town were made of the old blue asbestos fibre cement sheeting. It had been in there for a long time; it was very fragile. I remember one morning, we were out patrolling on the eastern side of town, and there was a particular young fellow I was keen to get my hands on. Lo and behold, he saw the police car and ran. At the time, I was playing first-grade rugby league, so I was a bit fit, and I remember saying to my partner, "Stop the car! I'm going to chase him." I had been chasing this young fellow for a couple of weeks. There is a story behind it, but that is not for today's proceedings. I took after him. He was a nimble young fellow who was in his early 20s, very nimble and very fast. I took after him and I remember running across a playground and closing in on him. He got to a fence, and it was the old blue asbestos. The young fellow went up and over the top of the fence and kept going. I sort of tried an attempt, but the fence just collapsed. I thought, "All right, over one fence." I took off after this young fellow. He went over the second fence. I was so angered by the first fence collapsing underneath me that I ran through the second fence and continued on. Again, I was closing in on him, but he was still jumping over these fences. I was running. I got to the third fence and went straight through that one—bang. So far, I have smashed I think eight sheets of this blue asbestos. The young fellow turned right and went over a fourth fence, and I crashed through the fourth fence. This time, I tripped on something; I cannot remember what, on reflection. By the time I looked up, the buggie was gone. I thought, "Oh, you're kidding me." I walked back and looked at all these fences. One of the old sergeants up in Northam was a bit of a bowerbird. Apparently, all the old ladies whose fences I had managed to destroy had jumped onto the station and said, "There's a young policeman around here destroying our homes!" I spent the next hour trying to find this young fellow. He got away from me that time; I managed to catch him a little later on and squared the ledger up. But by the time I got back to the station, old Sergeant Rowe had rustled up half a dozen of the trustees at the station, managed to get half a dozen sheets and had replaced all the asbestos fencing that I had broken chasing after this young fellow.

On reflection, asbestos is still everywhere. When we came to government at the last election, four classrooms at Currambine Primary School were just rife with the stuff. I took the time, and the good member for Joondalup will remember the work we did to get those replaced. The first thing we did when we came to government was get rid of that wretched stuff out of the kids' primary school.

I will not speak more to add to the debate. I hope that once we have got rid of all remnants, that town site will go and go for good, because it has such a staunch and horrible history. I have seen too many victims of asbestosis to even talk about it in this house.

I wish the minister all the best, because I think this is a fine piece of legislation. We will finally be able to close Wittenoom once and for all. With that, I commend the bill to the house.

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [3.33 pm]: I rise this afternoon to speak on the Wittenoom Closure Bill 2021 and to commend the Minister for Lands for again bringing this bill into the Parliament. It is a matter that has been going on for quite some time. I have spoken about this in previous sessions. It is yet another bill that died a lonely death in the upper house on account of the recalcitrance of the Liberal–National Party, or the National–Liberals, as perhaps they are now. This is one of the bills that really was intended to deliver good-quality public policy outcomes for the people of Western Australia, but, as was so often the case, was denied passage through the upper house by a filibustering, recalcitrant opposition. At least we are now in a position to again bring before the house this legislation that provides for the closure of Wittenoom, and hopefully the finalisation of a particularly sad chapter in Western Australian industrial and, indeed, workplace relations history.

The bill as it currently stands reflects the long history of Wittenoom. Wittenoom in the 1940s was a pretty bustling town. It had a burgeoning industry in mining for asbestos and was really quite a vibrant place in the Pilbara. However, the mine was closed in 1966, and, over time, there was increasing evidence of health risks that had come about because of people’s exposure to asbestos.

In its heyday, about 20 000 people lived in Wittenoom. More than 2 000 of those people have died from asbestos-related diseases. That is 10 per cent of people who lived in that town have died from asbestos-related diseases. The implications of asbestosis and related illnesses continue to ripple down through the years, across the Western Australian community, and it is tragic. I know that many other members this afternoon have spoken about the implications of asbestos-related disease. Indeed, the stories are tragic.

In 2007, the state government de-gazetted the town, and, over time, state governments of both persuasions have tried to knuckle this issue. About three million tonnes of asbestos tailings remain in the Wittenoom Gorge; in fact, the town is now the largest asbestos-contaminated site in the Southern Hemisphere. Something has to be done about it. The state government has tried to manage the health and safety risks by closing the town site, withdrawing services, placing warning signs and voluntarily purchasing a significant number of privately held properties in Wittenoom in order to bring the whole area under state management, but several people who own 14 lots in the town have not taken up the very generous offers of financial compensation. Nonetheless, the town needs to be closed.

I know that there is tourism interest in visiting Wittenoom. As the Parliamentary Secretary to the Minister for Tourism, I genuinely struggle to understand why it is such a tourist attraction. I can only imagine that tourists who want to go there are on some kind of death wish. It is curious that people would want to visit there; nonetheless, I have friends who have stubby holders that say “I visited Wittenoom and survived”. It is black humour. The passage of this legislation will knock that on the head. I assure potential visitors to Western Australia and indeed all people who are locked within Western Australia that our state contains many other fantastic tourist destinations that we really should be visiting, and many in the Pilbara that should feature on any itinerary way before anyone thinks about visiting Wittenoom. Nonetheless, with the passage of this bill, people will no longer be able to go and visit Wittenoom, and that is entirely appropriate.

Back in 2019, the then Minister for Lands, Hon Ben Wyatt, a fabulous state Treasurer and a longstanding, highly respected member of Parliament, introduced legislation to close Wittenoom. The idea was that the properties of the three landowners who refused to move from the town would be compulsorily acquired and tourists would be prevented from visiting. The plan was that the state government would demolish the remaining houses, remove roads and erect more warning signs. Those plans were announced way back in March; the bill was introduced into Parliament, and, as I say, languished in the upper house.

The proposed Wittenoom asbestos management area is approximately 46 840 hectares of land. It includes the former town site of Wittenoom, the Joffre floodplain, and the former asbestos mine. As the Land Administration Act currently stands, land can be compulsorily acquired only for the purposes of public works. Obviously, acquisition in this instance is for a completely different purpose—that is, to keep people safe and to prevent tourists from wandering into Wittenoom, putting themselves and tourism operators who might be of a mind to take them there, at some considerable risk. These are entirely legitimate purposes, and the Wittenoom Closure Bill 2021 will provide for the application of those purposes in order to address the risk.

The previous bill lapsed with the proroguing of the fortieth Parliament and has now been re-presented in the forty-first Parliament by Minister Buti. There is now reference to 46 500 hectares; I will be interested to understand why there is a slight difference in the hectares covered. Nonetheless, this bill covers the management of the area; the last hold-out properties will be acquired, and all the remaining infrastructure there will be bulldozed. Let it be known to the tourists of Western Australia: there will now be no reason to go to Wittenoom; there will be literally nothing there to look at. It is not worth your hassle, and there are far better tourist attractions right across our wonderful state to go and see; you will have way more fun, there will be far more people, it will be much more vibrant, and you will not risk any threat to your health.

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

It is unfortunately the case that Wittenoom has to be bulldozed, because no matter what is done, the site will never be safe for human habitation. The extent of the pollution is so significant that we really need to close the site for public health reasons. That is tragic, because it would otherwise be a quite beautiful part of the world. Nonetheless, this is what happens when we undertake extraction activities without fully understanding the long-term environmental consequences of those activities. Over the years, it has been pleasing to see that we have learnt so much more about responsible mining practices and allowing mining activity to occur in ways that are environmentally responsible, and ensuring that we respect the stewardship of the land and the rights of the traditional landowners. This sort of thing would not be allowed to happen today, but unfortunately it did happen some years ago, and this is what happens when the appropriate steps are not taken.

Once this bill passes, the facilities will be destroyed and the land will unfortunately be unsuitable for human habitation. I want to briefly touch on something that the former Minister for Lands; Aboriginal Affairs, Hon Ben Wyatt, said in April 2019 when discussing the implications of the Wittenoom closure. These comments appeared in a 9 April 2019 AAP article titled “Miners urged to help Wittenoom asbestos clean-up”. The article outlines the position Minister Wyatt took. It states —

The companies that created the most contaminated site in the southern hemisphere should stump up cash to help clean it up ...

That was the position Minister Wyatt expressed when talking about the Wittenoom asbestos clean-up, and it reflects a very important principle that this government has very recently adopted with regard to my own electorate: polluter pays. It is a very important principle. Minister Wyatt, talking about the management of the Wittenoom area, said that the companies that caused the pollution should pay for the clean-up. The article states —

Mr Wyatt says it is virtually impossible the area will ever be safe for human habitation, but it might be possible to remediate certain places of high cultural significance to the Banjima people and stop the contamination spreading into waterways or on the wind.

That is really important. This is a footprint of over 46 500 hectares, and the Banjima people have millennia-long ties with that land. It is incumbent upon us to consider ways in which that land could be remediated to enable the continuation of that connection to country. As Minister Wyatt quite rightly said, the corporations that caused the pollution should pay to clean it up—that is, the polluters should pay. It is not rocket science. He is also quoted as saying —

“Regardless of what I do, laws I pass, fences I put up, the Banjima people will still go onto that country,” he said.

...

“I suspect, as is often the case when these sorts of industrial disasters happen, it’s usually the broader taxpayer that’s left with the bill as companies appear very reluctant to pick up the obligations that they should meet on a moral as opposed to a legal basis.”

That was the position that Minister Wyatt outlined. I want to talk about how that principle endures and directly relates to my electorate of Swan Hills—particularly the PFAS contamination caused by the commonwealth government at RAAF Base Pearce. It is now an established fact that the activities of the federal Department of Defence at the base contaminated not only the land on which the base is located, but also the water sources that my community relies upon for drinking, bathing and watering of livestock and gardens. The Department of Defence caused that pollution, and I have said in this place and on the public record in other places that polluters should pay. The commonwealth government should do the right thing by the people of Bullsbrook and ensure that they receive fair recognition and compensation for the harm they have been caused.

When we first started advocating for this, the Department of Defence really went to ground. When it popped its head above ground for the first time to present a solution to the people of Bullsbrook, it tested 164 properties for PFAS water contamination, and I think 23 homes tested positive, even though they all shared the same water source. They were all drinking from the same source, but some bores came up positive while others did not. The Department of Defence ignored the impacts on all the other people in the area whose properties were devalued or who had sustained considerable mental anguish as a direct result of the commonwealth government’s activities in the area, and instead proposed a highly experimental filtration system that would be installed only in some houses. It was proposed that although that experimental technology would be supported and maintained for three years, the Department of Defence would then walk away from it and leave my constituents in the affected houses with the costs of its ongoing operation and maintenance. This technology had never before been rolled out at a household level anywhere else in the world; my folk were going to have to put up with it. That was not good enough, and it did not abide by the “polluter pays” principle that Hon Ben Wyatt so eloquently expressed with regard to Wittenoom.

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

The people of Bullsbrook have fought against this for many years, and I would like to once again acknowledge the Bullsbrook Residents and Ratepayers Association, and all the people who took a hardworking, sensible and measured approach to advocacy around this issue. They were not going to stand for bullying; they were not going to stand for threats; they were not going to stand for irrational conduct or standover tactics. They just plugged away at this issue and fought hard and long, and recently we have had a bit of a victory—a partial concession from the commonwealth government that yes, indeed, perhaps the polluter should pay.

It has taken the Morrison government an extraordinarily long time to take responsibility for anything it has ever done wrong, and if it were not for a federal election on the horizon, it probably would have walked away from this one as well. The Morrison government knows that it is on the nose in Bullsbrook and it has had to do something about it, and so it made this little concession to the people of Bullsbrook—nonetheless, I welcome it—to give reticulated water to the people of west Bullsbrook. I welcome that announcement, but it only partially addresses my constituents' concerns. Indeed, since the federal government's announcement that it will deliver reticulated water, I have said in the media that no resident in Bullsbrook should be worse off. Some people in Bullsbrook do not want to be connected to mains water so it is incumbent upon the commonwealth government to ensure that those people do not incur any additional costs with the introduction of scheme water.

The commonwealth government needs to step up and ensure that it is consistent with the polluter-pays principle and that none of my constituents will be worse off. I call on the commonwealth government to abide by the polluter-pays principle and do the right thing by the people of Bullsbrook. It has gone some way, and I welcome that, but it needs to do more and continue to do more.

I welcome further movement from the commonwealth government, but I will continue to call on it. I will support the people of Bullsbrook in their case for this. As a say, under principles like polluter pays, the diminution in property values that my folk in Bullsbrook have been exposed to and the fact that banks will no longer extend finance to them needs to be recognised. It has been life-changing for these folk. Polluters should pay—the former Treasurer; Minister for Lands, recognised that in connection with Wittenoom. I call for it in connection with Bullsbrook. I look forward to the closeout of this chapter in Wittenoom's history and hope that very shortly we will see one for the people of Bullsbrook. I commend the bill to the house.

MS E.L. HAMILTON (Joondalup) [3.51 pm]: I rise to make a contribution to the debate on the Wittenoom Closure Bill 2021. We have heard in this chamber a number of contributions from my parliamentary colleagues. The core of this legislation will allow for the acquisition of the remaining privately held properties in the former Wittenoom town site. Wittenoom has been a tragedy, and this legislation will enable the closure of the town and the repurposing of the area.

Wittenoom was a booming regional town from the late 1940s to early 1960s. It was said to have one of the most vibrant town centres in the Pilbara. Asbestos was mined at Wittenoom during that time and then sold over east and throughout the Australian economy. There are probably many locations in Western Australia and Australia where asbestos was used in the building sector and more broadly. We know that the ongoing effects of exposure, such as asbestosis and other diseases, take a long time to come to fruition, and that has been one of the challenges for the population of this particular area—those who worked in the mines and in that town site.

More than 100 years since blue asbestos was first identified in the region and 80 years since mining and milling ceased, it is a shame that at this point some locations are still privately owned. Obviously, the legislation will start the work towards making sure that the government can acquire those final lots and do what needs to be done. When the town was booming, there were about 20 000 people living and working there. We know that around 2 000 of those people unfortunately have since passed from, as I mentioned, illnesses that can be directly related to the asbestos that was mined there.

Back in 2019, the state government and the then Minister for Lands, Ben Wyatt, brought legislation into the Parliament, but unfortunately it did not make its way through Parliament prior to Parliament being prorogued and the state election taking place. The bill has come back into our house. It is an important piece of legislation. The state government is ready to do the work that will come from the passing of this legislation.

Mining ceased in Wittenoom in about the mid-1960s and it took some time for the repercussions of that mining to come to pass. The member for West Swan's contribution drew some parallels with the migrant population who were working in WA at around the time this mine was operating, and that led me to reflect a bit on stories that my late grandparents used to tell me as a child that I think are somewhat relevant. I think the building materials my late opa used had an impact on his life. My grandparents, my oma and opa, were originally from Holland. I have mentioned in this place before that they came over on a ship that landed at Fremantle of all places; it was meant to go to the east coast so they could meet up with family, but it did not happen. At the time, my grandparents had one child. If I work out the timing, it would have been around the late 1940s that they immigrated here. My grandfather was

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

a carpenter by trade. He managed to secure a piece of land in Scarborough on Pearl Parade, member for Scarborough, and built a family home, room by room, with asbestos product. As a grandchild, I visited that house, and it is where one of my parents grew up. I have fond memories of playing in the garden. Upon reflection, I am sure that the house that I thought at the time was weatherboard was made from asbestos sheets that my grandfather had put in place. The relevance of that is that when he died later in life—although we have more tragic circumstances—one of the symptoms he had at the end of his life was determined to be a direct result of a growth in his lungs and asbestosis. He was able to give his medical doctors his history, which the family knew at the time, and it was directly linked to the time that he worked with asbestos, which highly likely would have come from Wittenoom.

We are making changes with this legislation that need to happen. There is still a lot of work to be done, which we will get on and do. I want to reflect on a couple of other contributions. I think the member for Balcatta mentioned in his contribution earlier this afternoon that Wittenoom is known—it is on the internet and I suppose people talk about it, too—as the most dangerous town in Australia. We hear about people who undertake danger tourism, but we know that this is a site that people should not be visiting. It is virtually a ghost town now. We need to make sure that people do not go there and that proper mitigation works are done to create a place that we can repurpose, knowing that there still cannot be any residential dwellings or anything like that. We are definitely doing what we need to do with this bill. I am pleased to see it come back on for debate in this Parliament and I hope that it has a smooth passage through the Parliament. I commend the bill to the house.

MR S.J. PRICE (Forrestfield — Deputy Speaker) [3.58 pm]: It gives me pleasure to stand and support the Wittenoom Closure Bill 2021. As we have heard from previous speakers, the bill aims to compulsorily acquire the remaining three whole properties within the town so we can effectively shut it down, make it as safe as possible and limit the number of people who access Wittenoom. Everyone is very aware of the impact that asbestos has had on people's lives, especially people who worked at the mine in Wittenoom.

Having a union background and having been an occupational health and safety representative as well, I am all too aware of the impact of asbestos and its prevalence in society today. We talk about the impact that asbestos had on workers at Wittenoom—we are aware of that—and the ancillary impact on the workers' families, whether it be their wives or their children who lived in the town. We talk about the first stage of asbestos, which involves the people who actually worked in the mine. The second stage involves the families associated with that. But there is a third wave and stage as well, which involves those who are referred to as the DIY-ers. I mentioned the prevalence of asbestos that we have in society today. The amount of asbestos that is still surrounding us is incredible. Asbestos in itself was an amazing material and could be used in many different applications, so it was. We predominantly talk about it being in fencing. There is a lot of asbestos fencing around our houses and it was also used within houses as sheeting. It was used in both domestic and commercial construction and there are a lot of industrial applications for it. Around Western Australia, a lot of the main, large industries and refineries that we have are quite old. They were built back in the 1960s and have a significant amount of asbestos riddled throughout them. We also have to be aware of the presence of asbestos when it comes to talking about modern-day workers.

We see a lot of people doing their own home renovations, especially during the last 18 months when people have decided to stay home and undertake a lot of activities and little projects around the house, and not fully being aware of some of the potentially dangerous implications of what asbestos can actually do. We need to continue to be vigilant about this dangerous product that is still with us, and people need to be aware that if they have asbestos in their house, they should not break it. Do not remake it into fibre again. The way asbestos is currently contained, if it cannot be removed, which is the ultimate and best way of dealing with it, it needs to be encapsulated and by that I mean you paint it. Keep it in a state in which it is not weathered and does not fray, and the fibres will not break off the asbestos product.

A member mentioned in a previous contribution the program that we had through our schools. Our schools are another area with asbestos and a significant number of schools have it. The age of public schools in Western Australia is roughly 50-odd years, so a lot of asbestos was used in the schools' building products. The program that we currently have to continually remove asbestos-containing products, or ACPs, from our primary schools and high schools is a wonderful program that we need to keep going with. Quite a number of the schools out in my electorate of Forrestfield had asbestos-containing products removed. It is a very expensive process because stringent safety precautions need to be put in place, and it needs to be timed when the kids are not at school, so that limits opportunities to mainly during school holidays.

It is an issue that we need to be aware of. It is a product that is still amongst us, and we encounter it every day. Bizarrely enough, there is actually a safe exposure level for asbestos. In my view, there is no such thing. My advice to anyone who is dealing with asbestos in any way, shape or form is to ensure that you protect your respiratory system and limit your exposure to asbestos. If it is raw, wet it. If it is in situ, paint it and look after it. Whilst it is covered and protected, it is of no harm to you, but you need to be vigilant to make sure that you maintain it to a good standard or else you are exposing yourself and it will be just as bad as, unfortunately, what the people who used to

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

work at Wittenoom have experienced. The outcome is still the same. Essentially, it is a death sentence. Therefore, we need to be aware of it and we need to be careful of it.

On that, I would just like to acknowledge the great work that Robert and Rose Marie Vojakovic at the Asbestos Diseases Advisory Service of Australia here in WA do, with their daughters Simone and Melita. Their continued campaigning and awareness raising of the illnesses associated with asbestos is second to none and greatly appreciated by everyone within the union movement and the workforce because they continually keep people aware of the dangers of this product. Not only that, they undertake an amazing amount of fundraising to help fund trying to come up with ways of dealing with asbestosis or some of the other diseases related to it. In Western Australia, we have world-leading research going on in dealing with asbestos-related diseases, and the great work that is going on is something that is not publicised enough. The work they do is absolutely second to none and I really want to make sure that they get recognised for the great work that they do, helping people who are in that horrible situation when they need to go and talk to someone about an asbestos-related disease.

It is great to see that this bill has come back into the house. It is great to see that the government is moving forward and dealing with a legacy from a long time ago. As we have heard, Wittenoom was the most contaminated worksite town in the Southern Hemisphere, and the sooner we deal with closing the town and restricting people's access to it and through it, the better. This bill goes a long way to helping do that. I certainly commend the bill to the house.

DR A.D. BUTI (Armadale — Minister for Lands) [4.06 pm] — in reply: I rise to make some comments regarding the various speeches and contributions to the second reading debate of the Wittenoom Closure Bill 2021. I would like to thank everyone who has made a contribution. Obviously, it is great to be here to try to progress this bill through the house. This bill is very timely and the sooner we get it passed in this house and into the other place, and the sooner it is passed and becomes law, a lot of people will be very happy, and many of those people spoke today about the bill.

I would like to acknowledge the issues that the member for North West Central raised regarding the Shire of Ashburton and, of course, the traditional owners of the land, the Banjima people. I want to make it clear that the central purpose of the bill is to close down Wittenoom. That is the central core of the bill before us. Therefore, the bill will deal with the final closure of the former town site that we know as Wittenoom by providing the state with the ability to do so. Currently under the Land Administration Act 1997, the government can compulsorily acquire land only for a public works purpose. That is not the case here. The case here is for very, very important safety reasons, which is why we needed to bring in this bespoke legislation. The issue is the compulsory acquisition of these properties. Negotiations have been sought over many years to acquire these properties, but those have been unsuccessful, so we needed to introduce this legislation to the house to give us the legislative authority to compulsorily acquire these remaining properties.

Obviously, compensation will be paid. As we very well know, it is part of our Constitution and part of the law of the various jurisdictions that make up the commonwealth that property be acquired on just terms. That is in section 51(xxxi) of the Australian Constitution, I think. I am sure the Acting Speaker will correct me if I am wrong. I think that is where it is.

The ACTING SPEAKER (Mr D.A.E. Scaife): It sounds right to me, minister.

Dr A.D. BUTI: It is in the Australian Constitution, put it that way. But I am sure that that is the right section.

I understand the member for North West Central's interest in the issue and his interaction with the remaining residents of Wittenoom. He agrees with and supports the bill, and the opposition supports the bill, which is very comforting to hear. We want it to have a quick passage through the upper house if possible.

Some speakers said that Wittenoom is still seen as a tourist attraction. There is some beautiful scenery around the area, including some beautiful gorges, but the point is they are dangerous. I think the member for Joondalup and others mentioned that it is the most dangerous town in Australia. It is not a tourist site. People should not live or visit there. That is what this bill seeks to do.

Once this bill is passed and the remaining residents are relocated, the government, in consultation with the Wittenoom steering committee, will start to look at how we can make this area safe for the future and, most importantly, for the health and wellbeing of the traditional owners. The member for North West Central mentioned that maybe the state could use the mining rehabilitation fund to help clean up Wittenoom and the surrounding area. The money in that fund is available only to rehabilitate mine sites across the state in circumstances that the mine site has been abandoned. None of the sites within the Wittenoom management area has been declared abandoned; however, if funds were available, the problem is it would be only from the interest earned from the fund. We are at historically low interest rates, so the funds available are very limited at this stage in any case. The fund is not able to be used in this situation because there are no abandoned mines.

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

The members for Mount Lawley and Swan Hills mentioned that the people who polluted the environment, the people who obtained massive profits from mining Wittenoom, are the ones who should contribute to the cleaning up of Wittenoom and making this area as safe as possible. The onus should not be on the government to cough up the funds; it should be on the polluters. That will need to be looked at as we go forward. I can assure the member for North West Central that we will be convening, in due course, the Wittenoom steering committee to look at how we can make the area as safe as possible, and I thank him for his contribution.

With regard to all the other speakers on the government side, I thank them for their wideranging comments and observations. Many were related to life experiences and relationships that they have formed and also through other experiences during their working lives. It was quite interesting and uplifting to hear many of those comments.

The member for Cockburn, who had a long legal history before coming into this house, talked about the legacy of Wittenoom—the legacy being very long—and how workers' clothes would be covered in asbestos fibres and then they would go home. Obviously, they could easily transmit those fibres to other family members. Many, many people were affected, not just those who worked at the worksite, but other family members. Many people have been affected by asbestos-related diseases. The member for Cockburn also mentioned the late Hon Bob Thomas, who was a major influence in the labour movement in the Labor Party in the south west. He was a bit of a mentor or role model, I imagine, for the member for Cockburn. As a child, Bob spent several years at Wittenoom. That obviously had an effect on him, as it did on many other people. He died at the relatively young age of 62. The member for Cockburn mentioned various reports that have looked into Wittenoom and also occupational health and safety issues. He also talked about the challenges of remediation, which are incredibly enormous. I understand the issues surrounding the traditional owners, the Banjima people, and the challenges that the Shire of Ashburton has. I thank the member for his contribution.

The member for Mirrabooka provided a wideranging commentary on the union movement's involvement in trying to obtain justice in respect of this. She rightly mentioned, as others did, that this was the biggest industrial disaster in the history of the world, but because it did not just happen over one incident, it is not considered in the same league as other industrial incidents. Someone mentioned—I am not sure who it was—that this is Australia's Chernobyl because of the number of people who died as a result of it. It was the member for Scarborough. I think that is very apt. The member for Mirrabooka talked about the people who have fought the fight; the people who have pursued justice against great odds and their struggle to obtain justice; and the support that those who were advocating for justice received from family members and others. The Wittenoom mine site was closed in 1966, but the first court victory was 1988. The member for Mirrabooka mentioned Bernie Banton, who obviously was a great advocate for justice in this area. I think we all remember when former Prime Minister Tony Abbott—he was not Prime Minister at the time; the member for Cockburn might have mentioned this —

The ACTING SPEAKER (Mr D.A.E. Scaife): He was minister for health at the time.

Dr A.D. BUTI: He was minister for health. It was a bit ironic; he was the minister for health at the time! He said some very unwise and hurtful words to Bernie. But Bernie, obviously being a person of great character and strength, continued with his advocacy before passing away.

The member for Mirrabooka talked about the Asbestos Diseases Society of Australia and the great work it has done over many decades to bring justice and support to victims of asbestos.

The member for Mount Lawley is another member who had a long legal career before coming into this place. As with the member for Cockburn, at one stage they both worked for Slater and Gordon, and then obviously Eureka Lawyers. The member for Mount Lawley mentioned the important work that has been done in the advocacy area. It was very interesting. He went on to talk about exemplary damages, often known as punitive damages. The courts awarded some of the defendant corporations exemplary damages, which is not normal, and that is usually for gross negligence leading to major harm to people. Exemplary damages were paid as a form of punitive damages for the behaviour of many of the defendant corporations.

The member for Mount Lawley also talked about the union movement and the pursuit of justice. He mentioned the advocates, including journalists, lawyers, and medical and science researchers in the area, all seeking justice to make life better for everyone. He noted Neil Byrne, who passed away in 2019, and how he had spent a long time in the union movement and the labour movement trying to educate workers on occupational health and safety issues. What a great advocate he was. The member for Mount Lawley also talked about how successive governments have tried to make Wittenoom a safer place and have engaged in various pursuits to get where we are today. As a number of people mentioned, the previous Minister for Lands, Hon Ben Wyatt, introduced this bill to the house in 2019. There has been a long quest for justice in this area.

The member for Riverton, who is a medical doctor, provided us with a very interesting and informative commentary on the medical issues surrounding asbestos. He said if the length of the fibre is less than one micron or greater than five microns, it will be rejected by the body; but if it is between one and five microns, it will be digested. That settles

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

in the lungs and of course that leads to fibrosis, which reduces the elasticity of the lungs and then we have the various other diseases that are often referred to as asbestos-related diseases. That was a very interesting contribution by the member for Riverton.

The member for Scarborough spoke next. That was a very interesting contribution. He comes to this place as one of the few people who has worked on the tools as a tradie. When he was only 23 years of age, he was working in the north west town of Wickham and oversaw a number of different trades. He talked about plumbers, painters, sparkies, chippies et cetera. He talked about how they worked with asbestos products. We know that asbestos is a high-quality product and it can be used for many purposes. He said that primarily the products were asbestos tiles that were chipped off the concrete with a machine. He mentioned that that was always an issue when working in that trade. He moved on to a very personal issue and spoke about his great-uncle, Thomas Bell, his nanna's brother, who passed away from asbestosis in 2011 at the age of 70. He had been diagnosed with non-Hodgkin's lymphoma, which he fought off through the removal of his spleen. After a brief reprieve he had to fight off lymphoma again. The treatment that time was chemotherapy. Unbeknown to the doctor and to uncle Tommy, the underlying danger was the asbestosis that was lying dormant in his lung. During the chemotherapy treatment the asbestosis was activated and Tommy rapidly declined, struggling to breathe, even with assistance from a machine that gave him oxygen. He died a short time later. The member for Scarborough spoke about how his great-uncle had worked cutting asbestos in his first job at Cresco in the late 1950s. The member for Scarborough has had a very personal experience in this area. He talked about how Wittenoom was Australia's Chernobyl and how at the peak up to 20 000 people lived in Wittenoom, including 4 000 children. I thank the member for his contribution to the debate.

The member for Balcatta made an interesting contribution. He talked about coming across people whom he knew were visiting Wittenoom when it was seen as a tourist attraction when he worked for Bob Kucera as an electorate officer. He spoke about coming into contact with the Asbestos Diseases Society and also dealing with various issues when he worked on council relating to dividing asbestos fences and also houses that contained asbestos. He talked about his doorknocking experiences and asbestos in various homes that he has come across. He referred also to the great work of the Asbestos Diseases Society, which a number of people have remarked on. He said this bill was necessary so that people would become aware of the dangers of Wittenoom and so it will be shut down.

The member for Landsdale is also a person who comes to this chamber with a long legal history. She talked about the disgraceful behaviour of some lawyers in this town over the years in the Wittenoom litigation debate and how they sought to put a barrier to justice prevailing. She mentioned, as did the member for Mount Lawley, the role of journalism in the fight. Of course, Matt Peacock wrote a book called *Killer Company* about James Hardie and how it moved its assets offshore to try to escape responsibility for its role in this legacy that we know as Wittenoom. The member also mentioned the immigrants who came to Australia in the early 1950s who were attracted by the proposition of work and accommodation at Wittenoom. She made a great contribution about how many of the people who went to Wittenoom were immigrants. Obviously, many of those contracted diseases related to asbestos and have suffered the ultimate consequence. It was great to hear the member marry the history of immigration to Western Australia in the 50s with the role of lawyers, journalists and advocates, such as the Asbestos Diseases Society.

Her contribution about the migrants led nicely into the next contribution, which was by the member for West Swan. When the McGowan government first came to office in 2017, the member for West Swan was the Minister for Lands. As members know, this bill has gone through a number of lands ministers and governments. She talked about her father's experience in the early 1950s. It was the ultimate sliding doors experience: he was walking down the street with a friend called Franco, who was a butcher. Franco decided to go into a recruitment agency office that was recruiting people to work in Wittenoom. For whatever reason, her father decided not to go in. Her father lived to the age of 93; Franco died a lot younger than that from a disease that of course would have been related to his time in Wittenoom. It really shows how the migrant population was attracted to Wittenoom and how, unfortunately, many of those migrants lost their lives prematurely, but also the choices we make in life, not knowing the ultimate consequences of many of them.

The member for Burns Beach started his speech by saying that the issue of compulsory acquisition was reminiscent of *The Castle*. When I started my contribution not so long ago, I talked about the need under the Australian Constitution and various pieces of state legislation for compulsory acquisition of property to be done on just terms. The member also talked about his experience running after people who had crashed through asbestos fences, and obviously being exposed to the dangers of asbestos.

The member for Swan Hills provided a history lesson on the different iterations of this bill and spoke about the bill being brought before the house by the former Minister for Lands. She spoke about the need for this bill because there is still such a great curiosity about visiting Wittenoom and how it is important for this legislation to reduce people's desire to visit Wittenoom. She said that the polluters should pay, as the member for Mount Lawley mentioned. Obviously, that should be looked at very carefully, and I thank her for her contribution.

Extract from Hansard

[ASSEMBLY — Thursday, 21 October 2021]

p4701a-4713a

Mr David Michael; Ms Margaret Quirk; Ms Rita Saffioti; Mr Mark Folkard; Ms Jessica Shaw; Ms Emily Hamilton; Mr Stephen Price; Dr Tony Buti

I found out something new about the member for Joondalup. I did not know she had Dutch ancestry. We heard how her grandparents came to Western Australia in the late 1940s. They should have gone over east, but they came here. She spoke about how her grandfather secured a position as a carpenter and lived in Scarborough and built the family house there, room by room, obviously using asbestos. In later life he developed symptoms that would have been related to asbestos that was mined in Wittenoom. She described Wittenoom as being the most dangerous town in Australia.

The member for Forrestfield also spoke in this debate. He comes to this house with a long history of work in the union movement, including as a health and safety representative. He talked about the prevalence of asbestos in our society, even now. It was mentioned by a number of people, including the member for Scarborough, that asbestos is a very strong product that has great utility and can be used for many different purposes—and that has been the problem. It has been a very attractive material to use and, as a result, it has been used in many constructions in Western Australia and Australia. Obviously, the consequences of that have been alarming and ongoing, and we have to constantly consider that in our occupational health and safety framework and legal system.

I thank all members for their contribution to the second reading debate of the Wittenoom Closure Bill 2021. It was important that those contributions were made because they reflect the effect that asbestos from Wittenoom has had on society in Western Australia and beyond Western Australia.

People who contributed to the debate today have had friends or have heard of people who have fought in the pursuit of justice for a long time. Some of those who fought, passed away before justice was received, but others attained justice while they were still alive.

In a couple of weeks, I will meet with Melita Markey of the Asbestos Diseases Society of Australia. While I am there we will consider the whole issue of Wittenoom. The society also wants to identify a site for a Wittenoom memorial, which we will seriously consider. It should be noted that one thing that will remain in the facility of the former town of Wittenoom will be the cemetery. That will always be a memorial for what happened to the many families that went to Wittenoom. On that note, I conclude my second reading response.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

Bill read a third time, on motion by **Dr A.D. Buti (Minister for Lands)**, and transmitted to the Council.

House adjourned at 4.29 pm
