

WITTENOOM CLOSURE BILL 2019

Second Reading

Resumed from 26 June.

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [2.54 pm]: I am not sure how much time I have left. This is the third time I have got up during debate on this bill. I want to make sure I do not cut off time from a lot of other members who want to speak.

Mr P.A. Katsambanis: You have 37 minutes.

Mr W.R. MARMION: Okay. I will make sure I do not speak too long, member.

I was referring to the clauses of the bill. I will not go through all the clauses. I have said before that the clauses are well set out, but I will highlight one clause. I will talk about a matter that is quite often forgotten when people talk about resumptions. A lot of people know how resumptions work. I know an interesting thing about resumptions, which I learnt when I worked at Main Roads WA, but people forget about it. Clause 7(2)(a) of this bill will get rid of a whole lot of sections from the Land Administration Act. Some of them relate to land that has been resumed for a public work. In my experience at Main Roads, if the land was no longer required for that public work, the land had to be offered back to the person it was resumed from. It could not be disposed of however someone liked. It could not be sold off or whatever. There are rules around that in the Land Administration Act. I do not remember what they were because it was a long time ago. But people forget about that. It always worried me whether that would get lost in the system. In Main Roads, for instance, land might have been resumed for a future road. It might be 30 or 40 years later that it was decided a road would be built somewhere else. Then the land gets sold off and the history of whomever owned that is lost, or the person might have died. That system was implemented.

Historically, families might say—I think we had a couple in Main Roads—“Hang on, my grandfather used to own that land and no-one ever offered it back and now it’s not a road.” In this instance, there is no intention. It is made quite clear, and I agree, that the land is contaminated. There never would be an occasion, but it is something that I wanted the chamber to be aware of. Once people realise that, it might mean that generations of people remember some land, but it is not lost to that family if it is never needed. All the other clauses in part 2 are fine.

Part 3 of the bill applies to compensation. It even gets down to the issue of the apportionment of rates and taxes, depending whether there are ups or downs. It is all done according to Hoyle. There is no problem with that.

In closing, we turn to: what is next? Once this bill goes through and the government has control of the land, that is the next question people will ask. The member for Geraldton is not here but he gave me a press clip that indicates the Shire of Ashburton wants to get involved in the rehabilitation of the area. That is obviously the next step. The question then is: how do we rehabilitate the area? Everyone talks about a clean-up. Having some experience of what that clean-up might involve, in my view it will be a massive task. It has to be wondered whether it could be done. It is probably impossible to clean up the asbestos near the mine site, let alone the road between the mine site and the town. There are asbestos tailings everywhere: off the road; the old mine site; the airstrip; the whole town; the racetrack; even on the road between Wittenoorm and Onslow; and the port. That is an issue the Shire of Ashburton has raised. It wants that road upgraded as a priority. Obviously, it is a road that tourists would like to go on. I have certainly driven on it.

That begs the next question. Let us say a certain amount of clean-up is decided as the right amount, there would still be some risk. If a person happens to breathe in asbestos fibres from the air, it depends upon their genetic make-up whether they are more susceptible to it than others. It is an issue. I do not know how that can be solved. Even if a great big gate were put across the gorge that not even the biggest four-wheel drive could get through, people could still walk around it. They could come around the back end from Joffre Falls and go around to Joffre Creek. It is very easy. In fact Wittenoorm Gorge is easy to climb to get into Wittenoorm. As a former resident, I could probably do it myself. Why would one not want to look at the house they grew up in? It is going to be tricky to work out what can be done to stop tourists going there. People cannot be stopped from climbing Mt Everest, and that is a lot harder than doing this!

It is a challenge, and I empathise with any minister charged with working out what to do. There will have to be quite a good consultation process, and we will run into people who say that there is not an issue. Some will say that they have lived there all their lives, or their grandmother did, or they visited many times. Just on that one issue, when I was boarding at Hale School, in fourth year, which is now year 11, everyone went there for two weeks. For the first week we lived on Hancock Gorge in a tent, and walked around all over the gorges, and the next week we spent in town. I think that went on for at least a decade—maybe 10 or 12 years. Every year, 120 students from Hale School lived in the town for a week. It will be interesting to see whether there is any data on the medical histories of those students. After those times, when I visited and stayed at the Fortescue Hotel, there were a lot of

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visitors in the hotel. The hotel had a swimming pool, and it was a great place to visit, and it was the only place to stay for people going to the gorges. Of course, it has now been closed down. In closing, the Liberal Party strongly supports this bill and looks forward to the next steps.

MR D.T. REDMAN (Warren–Blackwood) [3.01 pm]: I will respond to the Wittenoom Closure Bill 2019 on behalf of the Nationals WA. I had some involvement with this issue as Minister for Lands in the previous government. As the member for Nedlands mentioned, I also had a bit of personal involvement with the issue of mesothelioma, which I will just touch on briefly at the end. It is certainly an extremely challenging issue. The process for the de-gazetting of the town was started a long time ago. I think Hon Jon Ford took the process through, in the government previous to the Liberal–National government of which I was a member. For a long time, the then Department of Lands was involved in trying to buy out and get agreement with those who resided in Wittenoom, to be able to take some sort of control over the town.

There are two issues here. The first issue, as the member for Nedlands just highlighted, is the tailings from the original mine site. From the briefings, I have some very significant numbers for rehabilitating and making that site safe. It will be very difficult, but before that step is taken, it is necessary to reduce the risk for people, and going through a process of getting control of the town, effectively shutting it down and restricting access, will effectively mitigate some of that risk. The second issue is that residents are still there who so far have not taken up the offers made by the Department of Planning, Lands and Heritage so that it can effectively acquire freehold land—I think the term is in fee simple—to take charge of the town and shut it down in its entirety. Despite it being de-gazetted, there is still access to it.

The issue goes well beyond the three residents who still live there. While a level of access is still available, visitors can go in there, and I know that some cultural activities take place, and traditional owners move through. The access that remains available by virtue of the three residents who still live there means that the issue of risk goes well beyond the occupants of those houses to other people who can go through. It is a little scary. I know that T-shirts have been made for people who have been there that say, “I survived Wittenoom”. Absolutely the last thing that anyone wants to see is any sort of promotion of this place as somewhere we might want to visit. The well-documented risks are significant and have impacted a lot of people in Western Australia.

This bill moves towards compulsory acquisition. Current government legislation, the Lands Act in particular, allows for compulsory acquisition for public works, or for a broader public good, if you like, or freeways going through, or particular sites that need water access, or for powerlines, or whatever it might be. There are a range of public good arguments for public works where compulsory acquisition should take place, and it does happen, but it does not extend to a circumstance such as Wittenoom. The advice that the government has, as we had, is that there has to be a piece of legislation specific to Wittenoom to allow compulsory acquisition. It should not be taken lightly, and if we have reached this point, we should be able to take comfort that every effort has been made to acquire those properties and to offer people suitable recompense for their freehold title. I am comfortable with that, having been through the process. In the previous government, we got to the stage of a cabinet submission for the drafting of a bill to this effect, but because our time in government ended, we did not have time to progress it. I sent out signals to the public that that was our intent, in the hope that it might encourage people to come to the table and settle in a more amicable way with the then Department of Lands. It did not happen, so we are now resorting, effectively, to the last resort—to use a piece of legislation to take up that challenge. I am comfortable that every opportunity was exhausted before we got to this point. If we had not done that, I would not be supporting the bill.

There is some complexity in this; it is not simple. The minister has highlighted that there are 17 properties and five owners in quite different circumstances. Three owners actually live there, some have infrastructure there, and others are simply land lots that people own. I know that some lots were purchased for \$1, so there is perhaps a bit of speculation going on in the background, which is very difficult to read in a briefing note. What is the basis of this? Should we be spending significant amounts of public money to purchase something that someone knows probably has very little value, and is probably taking a speculative approach to that investment, albeit for a dollar? That is an issue on which the government has obviously deliberated, and it has come to the conclusion to put certain values on the land, which are actually written into the legislation, against the lot numbers in the schedule at the back. Although I do not know the lot numbers and what they relate to, the second reading speech highlights that there are differences for a range of reasons. I think the Minister for Lands is talking to the Premier right now, but I would like to put one question to him. I know that a number of offers have been made in the past; are the figures in the bill better than any offers that have been made previously? Is that the case?

Mr B.S. Wyatt: Yes.

Mr D.T. REDMAN: I think that is important because I would not like to see a situation in which we had made an offer in our time, and then the offer in this bill comes in under that. The Minister for Lands has just reinforced that

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that is the case. The figures quoted in the bill are equal to the best offer that might have been made in the past for those lots. A bit of complexity there needs to be worked through. It is hard to be a judge now of whether these figures are right, so that someone who bought a lot for \$1 is going to get \$30 000, but it is understood that they own land in freehold title, and we are compulsorily acquiring it, so that is an imposition on normal property rights.

Mr W.R. Marmion: They may also have been paying rates for some time.

Mr D.T. REDMAN: Certainly, for a period of time. That imposition has been forced upon them, and it is only reasonable that they should get some sort of compensation for that. I am confident that there has been an effort in the past to try to acquire that land from those people and have them move on. I guess the other significant factor is that the people get significant resources to move and build, or move into another house at a similar level. It is an important consideration, and I am certain that the government would have done that, if these values are at the levels that they have been offered in the past, because I know that that was sufficient to achieve that.

Leaving the town essentially open, even though it has been de-gazetted, creates some potential liabilities for the state, not so much for the people who live there by choice, because every effort has been made to have them move, but for others who may come through. As time goes on, the government needs to respond to this liability issue to demonstrate that it is not allowing people to be exposed to a significant risk. In closing, I want to talk a bit about that risk. A lot of people have been exposed to mesothelioma or asbestosis. I, sadly, lost a brother to the disease just over four years ago. It was terribly sad. The guy was an accountant. How did he get this disease? But it happens. We have to make every effort to make sure it does not happen again. These steps are terribly important and I absolutely support the government in this space. This stuff is aggressive. My brother was diagnosed on 10 March 2014 and he died on 27 November. How the hell does that happen? I remember going to the place where everyone looked at blue asbestos and pulled it apart. I remember having a rock collection that had the bloody stuff in it. It can touch anybody. One does not have to be a miner to be exposed to it, as the member for Nedlands highlighted. Exposure can happen on a range of fronts; for example, it has affected the people who worked with brake shoes years ago. We did a bit of building and that is as close as we can come to understanding where my brother might have been exposed to asbestos. It sits there, latent, for a long period, and it plays out as it does.

Legislation like this is some of the most important stuff that we do in here. It ensures that we provide as much safety as we possibly can for those who are impacted by this disease. Everyone knows someone who has been touched by these things in some way. This is my story. The family who is left behind gets hurt. It is terribly, terribly sad. Thank you.

MS C.M. ROWE (Belmont) [3.11 pm]: I rise today to make a contribution on the Wittenoom Closure Bill 2019. I take this opportunity to acknowledge the very heartfelt contribution from the member for Warren–Blackwood. I pass on our condolences to him. It is obviously a real tragedy and it was very sad to hear the member’s contribution. It speaks to the seriousness of this bill and why we must make all endeavours to protect future generations from being exposed to the terribly lethal asbestos.

This bill aims to permanently close the former blue asbestos mining township of Wittenoom, which includes a buyback, as members have already touched on, of 17 lots that are owned by only five landowners. There are only three people who still live in the township itself. The bill allows the state to manage this area. Given the enormous public health risks due to the presence of airborne asbestos fibres that resulted from the now closed asbestos mine, it is imperative that we do this because even though only a few people live there, the area still attracts tourists to this day.

Large-scale mining of asbestos began at the end of the nineteenth century. It was used in manufacturing, building and construction projects and its use was widespread throughout the twentieth century. In fact, there was a James Hardie factory in my community in Rivervale. The mining occurred until its deadly properties became known in the late 1970s. Despite this knowledge, people are still exposed to asbestos. It claims the lives of about 100 000 people per annum because many developing countries are still mining and using asbestos products. Exposure to asbestos dust is responsible for more deaths than any other single work-related cause in Australia. That is extremely significant. The Asbestos Disease Society of Australia estimates that 50 000 more people will die by 2025 from the preventable asbestos disease. Importantly, I would like to put on the record the top two contributors to asbestos disease in Australia: number one is James Hardie and Co Pty Ltd, and number two is the Colonial Sugar Refining Company Ltd, which owned and operated the mine at Wittenoom. Many unsafe work practices took place at the CSR mining operation for blue asbestos at Wittenoom. This has led to what is described as one of Australia’s worse industrial disasters. At Wittenoom, thousands of workers and their families, visitors, tourists and consultant government officials were all tragically exposed to deadly levels of blue asbestos, which was 1 000 times higher than the occupationally regulated and recommended exposure at the time.

The purpose of this bill is to provide for the final stages of closure of the town site. If the bill is passed, the government will compulsorily acquire the remaining properties at the site. This will enable the state to take over

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the management of the site. The removal of the remaining infrastructure and managing the risks presented by asbestos contamination cannot be safely done until the township is formally closed.

Wittenoom, its history and its blue asbestos mine is well known within Australia and beyond. Its notoriety poses significant risks to the public, who, despite this knowledge, continue to visit this site, which is really troubling. The area needs to be closed to the public because despite the widespread signage around the area and on the roads leading into the site, it is still being frequented by the general public and tourists, albeit in limited numbers, as other members have also mentioned. Unless the town is closed to the public, it is obvious that the danger still remains. The town site has already been de-gazetted by the state government, but this is simply not enough. Until it is formally closed and made completely inaccessible to the public, people will unfortunately still go there. As we have heard, successive governments have tried to move the remaining residents on so that the site can finally be closed. This has been unsuccessful despite the offer of compensation and has led to the situation we are now facing.

I would like to give an example of why we need to close the township in terms of the tourists who still go there. I have an article from the Nine News website of 12 July last year. It states —

Former Wittenoom resident Lyniece Bolitho told nine.com.au the reckless visitors are risking their lives.

“These young people who visit it today think ‘it won’t happen to me, it ... is just an old man’s disease’.”

“But they’re dicing with death if they think that. It has the potential to claim lives at any age.”

There is a photograph in the article of the signage around the area. It reads “Asbestos in this Area. Cancer and Lung Disease Hazard”. According to the article, another sign in the area reads “Stay safe. Do not travel to Wittenoom”. The Department of Lands has endeavoured to do its best to stop people from wanting to go out there in the first place. It is fairly extreme tourism, if you like, wanting to go out to these areas, but it is still happening.

Asbestosis begins as a lung disease. It develops due to the inhalation of asbestos fibres. This, in turn, becomes mesothelioma, a cancer of the lungs that sadly has a death sentence for all who contract it. It is a terrible disease with symptoms of severe fibrosis. It can cause a terrible and painful death to those who contract it. Wittenoom has the terrible reputation of delivering Australia its first mesothelioma case. A doctor by the name of Jim McNulty visited Wittenoom as a chest physician and the mine’s medical officer from 1957 to 1962, during which time he diagnosed the first case in Australia. This person was a worker who was employed at CSR’s blue asbestos mine at Wittenoom. Upon diagnosing this first case of mesothelioma, Dr McNulty personally explained its significance to CSR’s subsidiary management by stating —

“that the relatively short period of exposure to blue asbestos confirms the impression that these tumours may arise after transitory exposure to crocidolite.”

He also sent them a copy of this paper describing the case, which was published in the *Medical Journal of Australia*.

The Wittenoom Gorge in the Hamersley ranges of the Pilbara region, which adjoins the Karijini National Park, was a well for the mining and milling of blue asbestos by the Colonial Sugar Refining Company from April 1943 to 31 December 1966. The mine was closed in 1966. According to the Asbestos Diseases Society of Australia, during this time, approximately 7 000 men and women worked for the Colonial Sugar Refinery, mining and milling at Wittenoom Gorge. Thirteen thousand non-workers resided in the Wittenoom township, consisting of men, women and children and service providers such as bank staff, police, post office staff, hotel staff, people who worked for the shire and medical people. To date, more than 2 000 workers and residents from Wittenoom have died from asbestos-related diseases.

When asbestos fibres are breathed in, they can remain deep within the lungs. They can lodge in lung tissue and cause inflammation and scarring and some more serious asbestos-related diseases, which usually take many, many years, if not decades, to develop into some of the more deadly diseases. The Australian government Department of Health lists the four diseases that can develop from exposure to the deadly asbestos fibre. As some members have already touched on, some people have been exposed to it and have not developed these diseases. A person can show signs of more than one of these diseases. In increasing order of severity, pleural plaques, which are often the first sign of exposure to asbestos, are areas of scar tissue on the outer lungs. In some cases, it does not present major concerns, but it generally develops into asbestosis, which is what many of us are already aware of. It is a chronic condition that is caused by inflammation or scarring of the lungs. It causes shortness of breath and permanent lung damage. I am not sure whether anyone has been exposed to people who have asbestosis. It is a terrible disease and it is horrendous to watch people suffer from it. The third disease is lung cancer and the fourth, as we have already spoken about in this place, is mesothelioma. This is a rare form of cancer of the tissue that lines the body cavities, particularly the chest and abdominal cavities. In Australia, about 90 per cent of all mesothelioma patients have a confirmed history of significant asbestos exposure.

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As described on the asbestos.com website, it is very rare to have a latency period of less than 15 years, while the longest case has been between 60 and 70 years. The latency period depends on a number of factors, such as the duration and intensity of asbestos exposure, as well as the patient's gender and the type of asbestos that they were exposed to. An overwhelming majority of people diagnosed with mesothelioma and other asbestos-related diseases are aged in their 60s or 70s. They were exposed to asbestos in the workplace as adults, and in most cases it has taken decades for their cancer to develop. The diagnoses come after common symptoms of the disease, like the persistent cough that many of us would be familiar with, become nagging and very debilitating. One of my constituents has had a terrible time watching her husband die from this disease. Some months ago when we met, she described to me how awful it was to watch him suffer from this disease.

Without estimates, we cannot really say how many tourists still visit the old township of Wittenoom. As I said, it is fairly extreme for people to do that, but many news articles indicate that people are still going out there. There is video footage and photographs of people. In one instance, there was a report that a woman was photographed naked and just wearing a towel, so she was not protected at all. It is seen as a bit of a joke, and this is despite all the warnings. I think the dangers of the town site are quite well known to many Australians and certainly to Western Australians. People are also attracted because there is a beautiful landscape there. I have not been there, but everyone says that it is absolutely stunning. That is another attraction, but it obviously hides a very deadly outcome.

The tailings around the town amount to three million tonnes of asbestos that has been left in the gorge and the surrounding areas. Quite simply, Wittenoom will never be a safe place for tourists or any other visitor. The future of that site, once it has been managed and the risks have, hopefully, been mitigated to some extent, is yet to be known. It is very difficult to ascertain what the future will be for that township and that area. Until all areas are closed to the public, the danger posed by asbestos will continue unabated, and the cost is clearly immeasurable. I do not think we can delay this bill or the action that the state needs to take any longer. For the safety of all, this bill will allow the state to take action—action that should have been taken many, many years ago. I commend the bill to the house.

MR J.E. McGRATH (South Perth) [3.25 pm]: I rise to speak to the Wittenoom Closure Bill 2019. I have never been to Wittenoom, but I have been through Wittenoom and I have some association with Wittenoom. When I was a young boy, my father got a contract with another electrical contractor to rewire the town of Broome. Broome was coming onto the grid and all the wiring had to be changed because it had un-generated power, so it was a big contract. He took the family up there for about six months. I was still at high school, so I would have been about 14 years old. They bought me a ticket to fly to Broome. It was the first time I had ever been on a plane. I got on the plane and it was like a milk run. It was an old MMA DC3. It stopped everywhere, and one of the stops was Wittenoom. I cannot remember much. Obviously, we just stopped there and people got off and others got on, and off we flew again. Flying over Wittenoom, it was quite an extraordinary sight. It was beautiful. I could see the blue stone of the asbestos rock against the orange landscape and the green trees. It was quite spectacular. I can recall the swimming holes or lagoons there.

Later on, I married the daughter of a former jockey and horse trainer who, I heard, had spent quite a bit of time at Wittenoom. During the tough times, some racing people would go up there and work in the mine and then people like him would ride at the two-day race meeting in, I think, October every year. The race track was made out of the asbestos tailings, because asbestos was used for everything. Instead of growing a front lawn, people would just cover their front yard with asbestos or their driveway would be made of asbestos. Houses were built with it. It was used in a lot of things in Wittenoom; it was just part of the place. They would ride the horses through the asbestos tailings, and who knows what might have happened. My father-in-law passed away in the early 1980s from lung cancer. We did not really know then what might have caused it, but we knew he had been to Wittenoom. He was never contacted by anyone.

Another friend who was a horse trainer told me yesterday that he once took a horse to Wittenoom and it won a race at the two-day meeting. The first-ever two-day meeting was held in 1951, but it eventually became a very popular meeting. People came from all around the region. Wittenoom was regarded as a very good meeting. He won a race and was there for about a week. He said that several years later he was contacted by the Department of Health and he was asked to come in and have a health check. Somehow the department must have gone through the records of the people who went in and out of the town. The race club would have him on record that he had been a trainer who took a horse to Wittenoom. He had tests but they were negative.

The whole story of Wittenoom is a real tragedy but, hopefully, this Wittenoom Closure Bill 2019 will bring closure to the tragic story of a place that was idyllic for many families who lived there and did not want to leave. It is similar to how people will not leave home when a bushfire is coming. Someone asked me today, "Why don't they leave?" I said that if we tell people to leave their home when a cyclone is coming, they do not want to go. Some of the people wanted to stay. I can see how this problem has been caused. Although the town is no longer on the map—it has been shut down—as long as there are some people there, it will lead to other people going there.

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Off-road tourism is now a big thing. People go to these places. While people are there, it can still lead to visitation into that area that is so dangerous for people to visit.

I read also in some of the history of Wittenoom that it was a place that Aboriginal people went to apparently in winter. I do not know why they went there in winter. Maybe it was nice and warm then. I will be interested to know what the government's plan is when it is all closed off to make sure that no-one will go back. With beautiful mother earth attracting them, people might still want to travel there in some way—off-road or however. Maybe the remediation will be so good that the risk will be much less. I do not know. It will be interesting to know what the minister says in closing the debate on how it will happen. Obviously, the buildings will all be knocked over, people will be moved and they will be compensated.

The bill is good. We, the opposition, know it had to happen and, hopefully, this will be the end of the story, but will it be the end of the story forever for this place that used to house 25 000 people? Apparently, it was a quite a thriving place. The member for Nedlands once lived there. I said that I was pretty sure that planes stopped at Wittenoom and the member for Nedlands said, "Of course it would have stopped at Wittenoom; that was a busy place. It was a big town." Other members have said that it was the biggest town in the Pilbara.

Some of the story surrounding Wittenoom's development is magical given the involvement of Lang Hancock, Hamersley and those sorts of people. Getting back to the race club; in 1951, someone in the town said that they had to have a race meeting. The meetings would be put on back in the 1950s, but thoroughbred horses did not go up from Perth; the runners would all be from the stations. The station owners used to breed their own horses and they called them grass-fed horses. Every now and then one would win by 20 lengths and they would say, "Gee! This is okay", and they would take them to Ascot and also win down there, but not often. They were grass-fed horses that raced for good prize money. Local businesses put in the prize money. I see that at the first meeting in 1951 there were five bookies. They would battle to get five bookies there today. Some of the stories in my notes indicate that the win and place tote did good business, with a total of over £400 passing over two days. Five bookmakers fielded and the Wittenoom branch of the Country Women's Association ran the afternoon tea booth. This was really well patronised and finished up the two days with takings amounting to 38 quid. What a big day for the CWA. That was what country life was like back then. The Minister for Racing and Gaming is sitting alongside the minister. That was a race meeting at Wittenoom and the local people loved it.

I have seen other stories of people who live there. Even though some of their loved ones have died as a result of asbestos contamination getting into their system, they still remember the good days of Wittenoom.

Mr W.R. Marmion: It's like the Broome Cup.

Mr J.E. McGRATH: Yes, but it would not have the high-flyers that the Broome Cup has.

Mr W.R. Marmion: It had the same ambience.

Mr J.E. McGRATH: Those big station owners were very powerful people.

Mr W.R. Marmion: Lang Hancock.

Mr J.E. McGRATH: Yes, Lang Hancock.

This closure is something that had to happen. I am interested to know how it will be fenced off or how it will be remediated and what will be the future. We know what intrepid people are like; they will find a way to get in and have a look and not worry about any risk. Obviously, the government will make sure there is as little risk as possible. In some ways, it will be a shame that those beautiful gorges and that lovely scenery will be off limits. Will razor-wire fencing be put around the area? Who knows? We do not know. Maybe the minister has got that. It is an interesting chapter in the story of our great state. It is beautiful country up there. It is world-class heritage-type country. We city people do not see enough of it, but it is something that I think has been a great part of our history.

In closing, I read with interest that the asbestos mine was not that profitable. It had periods when it did very well during the war and times like that when asbestos was used in the manufacture of planes and things like that. There were times when the company struggled and workers would have to do three shifts a day. Obviously, the union was not very strong in those days or other inducements were offered.

With that, all I can say is that it is good legislation. It has to happen. Good luck, minister, with moving forward.

MR I.C. BLAYNEY (Geraldton) [3.36 pm]: I will speak about the Wittenoom Closure Bill 2019 for a little while; I have done a bit of work on it. Most people who have lived in Western Australia for most of their life have probably been touched in some way by Wittenoom. I was asked by the local sea rescue group if my wife would pour some champagne on the front of its new rescue boat, the *Nashira*. I asked the officer in charge of the sea rescue group if they had someone in their organisation such as a lady who does everything and is one of those people who makes their organisation work. He said to me, "Yes, I have—a lady called Delma Shuttleworth." Delma helped my wife pour the champagne on the front of the boat. I seem to remember that I was the one who bought the champagne for that! I used to see Delma quite regularly at the basketball, where she worked on the gate

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on Saturday nights. Delma had lived at Wittenoom for eight years. When I knew her, I guess she was in her late 70s or early 80s. The next time I had any contact with Delma's family was at her funeral. She got mesothelioma very late in life. As everyone has said, it can take up to 40 or 50 years to show. I cannot remember exactly how long she lived after the diagnosis, but it was only for about three or six months. As I said, everyone has been touched by Wittenoom. In my case, it was Delma. It is a sad legacy, of course, of Wittenoom.

I support the legislation. Half of me says if those three people want to live their lives out in Wittenoom, maybe they should be allowed to, but on the other hand I understand that it is time for its closure. I can remember as a kid watching on TV the government announcement that it was going to do away with the town. I think Sir Charles Court was the Premier then. My concern is more about the legacy of this issue to the current Shire of Ashburton. The current Shire of Ashburton is made up of two old shires, one was the old Shire of Ashburton, which was centred at Onslow and was set up in 1887, and the other was the Shire of Tableland, which was set up in 1896. They merged in 1972. I can remember as a kid seeing a vehicle with the Tablelands number plate once in Geraldton because the Tablelands number plate was "TBL". The member for Nedlands might have seen a TBL number plate, but not many people have. There were not many of them.

Mr W.R. Marmion: It is very rare, like Sandstone.

Mr I.C. BLAYNEY: Tablelands plates were very rare. When I asked my father where it was from, he said that it was from the Hamersley Range. I can remember passing through Wittenoom as a five-year-old when I was caravanning there with my parents. In 1967, we were going to Port Hedland to look at developments. We only got as far as Marble Bar. The roads were so bad that the caravan self-destructed in Marble Bar and we had to go back to Geraldton. I give credit to the Shire of Ashburton, which I have been talking to today. It gave me some notes, which are very useful. I will say a few of the things that it told me.

The area that we are talking about is called the Wittenoom asbestos management area and it covers 46 840 hectares. In addition to the former town site, it includes mining areas, Wittenoom Gorge and Joffre floodplain, so it is a big piece of country. Indeed, the government will need a pretty big exclusion fence. For more than 20 years, Wittenoom residents and visitors have succumbed to deadly asbestos-related diseases. As a result, the shire, as well as the state and other parties associated with the mining operations and the site ownership, have become involved in many personal injury claims.

I turn to the old shire structure. The Shire of Ashburton is dealing with an issue that very much belonged to the old Shire of Tableland. The shire has been party to approximately 100 individual claims during the past 10 years, which has cost it approximately \$6 million of its own funds in settlement payments and legal fees. Significantly, the costs incurred by the shire are not declining; on the contrary, they have significantly increased in recent years. For example, in the 2017–18 financial year the shire incurred direct costs of \$873 484 associated with Wittenoom claims. The shire has a total income of about \$48 million but this issue has the potential to become quite a significant cost to its ratepayers. The little public liability insurance it had has finished, because after a certain date no insurance company would insure for asbestos claims. What insurance the shire had expired and it is having to cover the costs itself.

The shire urgently requested that the state government take the ongoing plight of the Shire of Ashburton seriously. In this regard, successive Western Australian governments have been asked to find the means by which the shire and its ratepayers could be removed from the ongoing and expanding Wittenoom litigation. Prior to this, there had been no response from government, except to say, "It's your problem."

A related problem is the Wittenoom–Roebourne Road along which the asbestos product was taken by truck to port. It was put on the back of trucks in 20-kilogram bags. Some of those bags used to come off on the way and they were not picked up or cleaned up afterwards. There is another issue with this road, because it is the only access road for three stations—Coolawanyah, Hooley and Mt Florence. If the road were completely shut, it would be a problem for them being in the Hamersley Range. Additionally, the council could not do any work on the road because of work safety issues, although it did acknowledge and thank the government for its assistance with \$700 000 worth of repairs. The condition of that road is a serious issue because of the contamination along it. Ultimately, the only practical and effective way for the shire to comply with the onerous legal obligations and protect members of the public from potentially serious harm is to prevent all public access to the road until it has been remediated. The impact on pastoral stations, miners and the travelling public is obvious.

The conclusions outlined in the paper provided by the shire are relevant and important, and I will read them into *Hansard*. The conclusions are as follows —

In relation to the Wittenoom Closure Bill 2019, the Council strongly supports and congratulates the Government for its genuine action on encouraging the relocation of residents along with the removal buildings and structures from the former townsite.

Extract from Hansard

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Reflecting the history of relative inaction concerning Wittenoom by both major political parties in Western Australia, meaningful bi-partisan political action from the Government and Opposition should be sought with the following objectives:

The council stressed that it is appreciative of where the government has got to with this bill, but it stressed a number of times that whatever the government decided to do, it had to have bipartisan support. It wants both parties to be in total agreement. The conclusions continue —

- There be no action that prevents or delays the Wittenoom Closure Bill 2019 from being made into law by Parliament.
- The State of Western Australia accepting responsibility for all current and future claims involving the Shire associated with persons medically associated from living or passing through Wittenoom.

The Tablelands shire would have received little rate revenue from the operation. It was a closed township, company owned, and when it became the shire's responsibility, it continued the local practice of spreading tailings on the roads and things like that. It continues —

- A Commission —

This point needs to be looked at more thoroughly —

(similar to the Western Australian Planning Commission) being established that would be responsible for the State ownership of the contaminated areas of Wittenoom and surrounds and either the rehabilitation of land (including the mine) or undertaking the necessary arrangements to protect the community from accessing these areas (or both).

The government said that a committee is looking after this but as the shire pointed out to me, although the committee comprises different government people, it has no budget and, effectively, no power. It believes that this is without doubt Western Australia's—maybe Australia's—worst industrial pollution and that it should be handled by a higher body and it suggested the commission. The conclusion further states —

- In relation to Wittenoom–Roebourne Road and matters associated historic asbestos contamination, the Shire seeks bi-partisan political action from the Government and Opposition that would result in:
 - The State of Western Australia accepting responsibility for all future claims involving the Shire associated with any persons medically implicated from accessing the Wittenoom–Roebourne Road.
 - The Government and Opposition understanding that sections of the Wittenoom–Roebourne Road will need to be closed if the issues of asbestos contamination is not immediately addressed as it severely limits the opportunity for the Shire to undertake road maintenance and upgrades.
 - The Government and Opposition understanding that closure of the Wittenoom–Roebourne Road will have an economically devastating impact on the pastoral industry, mining industry and the community as a whole.
 - The State of Western Australia accepting responsibility for all future commercial claims on the Shire of Ashburton should the Wittenoom–Roebourne Road be closed due to the condition of the Road and asbestos contamination.
 - The State of Western Australia accepting responsibility (through Main Roads WA) for the care and maintenance of the entire Wittenoom–Roebourne Road.
 - Government and Opposition working in unison with the Shire to constructively resolve the issue of asbestos contamination on the Wittenoom–Roebourne Road and surrounds and to undertake responsive measures as required to immediately remove the asbestos.

The shire suggested that it might not be a bad idea if Parliament had a select committee to thoroughly look at the issue. There does not seem to be any planning in place once these people are moved from Wittenoom. I can see where the shire is coming from. It is concerned that there will be people who say, “We’ve moved these people out, we’ve bulldozed the site. That’s the issue; the shire can worry about it.” The shire is a pretty good shire. It has coped with the developments around Onslow very well. The problem is too much for it to take and, of course, as I said, it is concerned about the massive financial liability that will forever more be a problem for its ratepayers. I hope the Treasurer and the house has a bit more of an understanding of how the local shire, the Shire of Ashburton, has fallen into this position almost by accident, because none of the decisions that were made had much to do with the current shire. I was told that the so-called shire office in Wittenoom was basically a desk in the corner of

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a company office. That is how much involvement the shire had with the town. I hope we can think about all those things and take them on board.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.