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"FOUR CORNERS" - 23RD MAY, 1988

"BLUE DEATH"

REPORTER: PAUL BARRY

PRODUCER: SUE SPENCER

Not for publication

OPENING THEME AND TITLES

ANDREW DILL (Studio)

A Supreme Court Jury tonight granted the wish of a dying man, and raised the hopes of many old friends and neighbours facing a similar plight.

Welcome to what I think you'll find is a truly unforgettable Four Corners. We brought it forward in place of our advertised programme following tonight's landmark decision in Melbourne to award substantial damages against an asbestos producer.

Klaus Rabenalt has just a few months to live, but tonight he's celebrating the jury's finding that his incurable cancer, mesothelioma, is the result of negligence by his old employer, a subsidiary of the giant CSR group. The jury ordered the company to pay six hundred and eighty three thousand dollars (\$683,000) to Mr. Ramanolt including a quarter of a million dollars in exemplary damages for being reckless in its conduct....the first such award in the industrial arena.

Klaus contracted the disease after working in a blue asbestos plant at Wittenoom in Western Australia in the early sixties. Wittenoom has quietly developed into Australia's greatest environmental disaster, the death toll is simply staggering. Some three hundred men and women, who lived and worked in the shadow of that remote mining operation have now succumbed through asbestos-related disease. Eventually Wittenoom may well claim a thousand lives. Yet today's strong negligence verdict in Victoria is the first success in some three hundred damages claims by the Wittenoom victims. Nor does it guarantee future success for people exposed before 1960 because Mr. Rabenalt verdict was based on the state of knowledge after that time.

PLAINTIFF'S
EXHIBIT

WV-03995

PLAINTIFF'S
EXHIBIT

102520

ANDREW OLLE (Cont.)

This investigation of the blue asbestos tragedy reports the evidence and arguments involved in a number of cases before the Western Australian courts. The reporter is Paul Barry.....

AERIAL VIEW, BLUE ASBESTOS MINE, WITTENOOM GORGE

PAUL BARRY

In the remote north west of Australia, a thousand miles by road from Perth in the spectacular Hammersley Ranges ~~is Australia's~~ only ever blue asbestos mine.

Flying over Wittenoom Gorge, you can see its waste still plastered on the walls of the valley to which it clings.

The mine, whose operator was Australian Blue Asbestos, a subsidiary of CSR, closed more than twenty years ago, yet still it claims lives.

Nearby, on the wide open plain, is the town of Wittenoom. Set up in the 1940's to house the mine's workers, it has over time, been home to 20,000 people.

Today, its streets are deserted. The cinema is closed, so is the store and so is the school. Wittenoom is dying, a long slow death, just like many of the people who once worked here.

FILM - Valerie Doyle going through photos

VALERIE DOYLE

And this is my brother Frank, he passed away with cancer in 1982...January 1982. He worked in Wittenoom as a truck driver in the mill.

PAUL BARRY

And what about these two?

VALERIE DOYLE

This is my mother and my stepfather, that's Esther and Phil McKenna. My mother died of mesothelioma in 1975, September 1975, and my stepfather Phil McKenna died in 1970, 10th October 1970, with asbestosis.

PAUL BARRY

And they also at Wittenoom?

VALERIE DOYLE

They were both in Wittenoom, yes.

PAUL BARRY

He was the shift boss in one of the mines?

VALERIE DOYLE

Yes, in the mill....in the mill.

PAUL BARRY

And who's that?

VERONICA DOYLE

This is my husband Ron, he died in February 1978 of asbestosis. He was a transport officer in Wittenoom, he did twelve months in the mine when he first went to Wittenoom, and then he was transport officer. He worked under Don Ecott.

PAUL BARRY

How old was he?

VERONICA DOYLE

When he died he was 50, he was coming up to his 51st birthday when he passed away.

PAUL BARRY

Was he ill for a long time?

VERONICA DOYLE

Yes, twenty...twenty years we were married.

PAUL BARRY

Who's that?

VERONICA DOYLE

This is my sister, Virginia and her husband Eddo. Eddie died in 1979 of asbestosis and cancer. He was in Wittenoom too. He worked in the mill.

PAUL BARRY

That's quite a harvest isn't it really?

VERONICA DOYLE

Yes, well three sisters were widowed in fourteen months.

GRAPHIC - Valerie Doyle and family

PAUL BARRY

Valerie Doyle grew up in Wittenoom and raised her family there, but she had gone there when just a child herself.

For ten years or more, she and her brother, mother, stepfather, sisters and in-laws lived in Wittenoom, with most of them working in the mine or at the mill.

For ten years they breathed the asbestos dust that has killed so many of them, and not once it seems were they warned of any dangers.

PAUL BARRY

Does that make you angry?

VALERIE DOYLE

Yes, yes, it makes me very wild...very very wild, um, I wouldn't have lost my husband or my parents if it hadn't been for the asbestos (starts crying)...I'm sorry, but nobody deserves to die the way that they...they died. It's cruel, but nobody wants to know...just nobody. It's a cruel death. I'm sorry about that.

FILM - Barbara Lee dancing

PAUL BARRY

Barbara Lee is Valerie's sister. Her husband Ray Lee has asbestosis and has recently had a stroke. They used to love dancing.

BARBARA LEE

Three nights a week we used to go. When I was in my teens, seven nights a week. I couldn't wait to get dressed and off, just to get down and hear that music and dance. Now there's, nothing like that at all, nothing.

PAUL BARRY

Why not?

BARBARA LEE

Because Ray can't do it.

RAY LEE

I used to love dancing with Barbara, and I used to hate any other bloke that come and picked her up before I could get at her (laughter), that's true, we used to dance lovely together.

PAUL BARRY

How do you spend your time nowadays?

BARBARA LEE

Sittin' in the chair, go shopping for half an hour, sit in the chair, and he goes to bed, and I sit here and read.

PAUL BARRY

What does it feel like to have the disease?

RAY LEE

It's terrible. I've got pain all the day, I've got pain now. I used to lay in bed there and, and I al...kicking all the time, make me feet, make me mouth open...like that, I couldn't understand what it was...make me do that.

PAUL BARRY

Do you blame anybody for it?

RAY LEE

Yes, C.S.R.

PAUL BARRY

Why?

RAY LEE

Because I got asbestosis from up there and that is causing me pain in my lungs.

FILM - Archival Footage. Aerial view of Wittenoom

ARCHIVAL FOOTAGE "A Town is Born"

"In 1948 in the shadow of the Hammersley Range, a town was born. A town which in four years has grown to be the largest inland town in the north of Western Australia, Wittenoom".

PAUL BARRY

When Wittenoom was built in the 1940's, the north of Western Australia was almost virgin territory. But in the far off Hammersley Ranges were the nation's only commercial deposits of blue asbestos, and one company wanted to get at them.

FILM - Blue Asbestos Mine, Wittenoom

PAUL BARRY

In 1943, C.S.R. bought a handful of mining leases around Wittenoom and started development. Australian Blue Asbestos was the company that employed these men. It owned the mine and operated it. But Australian Blue Asbestos in turn was owned by C.S.R., and all its active directors were in fact C.S.R. employees.

FILM - Blue Asbestos Mine in operation

PAUL BARRY

C.S.R., or the Colonial Sugar Refining Company, is now Australia's fifth largest industrial enterprise.

Set up in the 1850's, C.S.R. had long relied on cutting sugar cane for a living, but they were looking for new fields to conquer - and the search took them to Wittenoom.

The Wittenoom venture was backed by State and Federal governments, and it started in 1944 with high hopes. It would boost the war effort; it would tap the west's mineral wealth - here was a brave enterprise that the newsreels claimed could bring nothing but good.

ARCHIVAL FOOTAGE "A Town is Born"

"Each year 6000 tons of refined fibre leave Australia's only blue asbestos fields. But the immensity of the known deposits ensure a long and prosperous future for the town born as a result of the faith and enterprise of the operating company, a company responsible for many fine achievements in the industrial history of Australia".

PAUL BARRY

Sadly, the predictions were wrong. Today the mine site lies abandoned, as it has done for the last 22 years.

FILM - Aerial View, Scarred landscape

PAUL BARRY

Closed in 1966, it almost never made a profit. Today you can still see the scars it left on the landscape. What you can't see is the havoc it wrought on the people. And nor would you guess that this is the site of an awful industrial disaster - Australia's Bhopal.

Asbestos related disease is likely to kill one in six of those who worked here - and that at the minimum would be one thousand deaths.

FILM - Close-up of mine site, Wittenoom

PAUL BARRY

Spattered round the mine site at Wittenoom is the stuff that's caused all the trouble, crocidolite or blue asbestos.

Now banned virtually throughout the world, even the smallest exposure involves danger. Pulled apart in the hands you can see the fibres, but it's the ones you don't see, the microscopic fibres or dust in the air you breathe, that can kill or cripple. Most commonly what it can give you is the disease asbestosis.

DR. ANN SHANAHAN - Thoracic Surgeon, Melbourne

Asbestosis is scarring of lung tissue due to asbestos deposition in the lung. It's a progressive disease, results in more and more scarring with the passage of time and as the scarring increases, lung function diminishes and people become progressively more short of breath. This can go on to an end stage condition where people with asbestosis are unable to engage in any sort of physical activity. They're .. we would describe them as being respiratory cripples.

GRAPHIC - X-Ray of Lung Cancer

PAUL BARRY

One of the complications of asbestosis recognised since the 1940's is cancer of the lung. Exposure to asbestos at Wittenoom more than doubled the risk of contracting it.

But there is another cancer that blue asbestos produces, not identified until 1960. It is uniformly fatal, and it kills its victims on average within 9 months of diagnosis. Its name is mesothelioma.

FILM - Normal Lung/Diseased Lung

PAUL BARRY (To Camera)

If you want an idea of what mesothelioma does to you, take a look at this. That is a normal lung, it's about the size and shape that a lung should be. And that is the lung of someone who's died of mesothelioma. All this white stuff around it is the tumour, and you can see how it's grown right around the lung, and crushed it to about a quarter of its normal size. Now what has happened is that the victim has essentially been suffocated to death. As one doctor told us, it's rather like having concrete poured into your chest.

INTERVIEW WITH PETER HEYES

PAUL BARRY

What are you diagnosed as having?

PETER HEYES

Mesothelioma... malignant mesothelioma, which was diagnosed in April '86, and been confirmed ... so .. unfortunate.

PAUL BARRY

What do your doctors say about your chances? ..

PETER HEYES

Well, I don't think they give me any chance. I did have an operation in July, '86, which the main reason for that was to attempt to prolong .. prolong things, and I think they were quite happy .. that has prolonged matters somewhat. But as far as anything long term, no I'm not .. I'm really not into that.

FILM - Heys family playing snooker

PAUL BARRY

Until 1986, Peter Heyes and his family had not a care in the world. The children were strapping and healthy. They prospered at school. They won all the local sporting trophies. But when the parents read in the papers that ex Wittenoom workers were dying of cancer and asbestosis, they didn't give it a thought.

Peter had worked in the bagging section of the mill at Wittenoom, but that had been fully 30 years before. And what's more, he'd been there just 2 months.

MRS. HEYS

Peter just said "wasn't I lucky that I was only up there a couple of months", and it was just .. I really didn't give any thought to it at all. I never thought he was in danger at all.

PETER HEYES

Not did I. One of those things that doesn't really happen to you or the people you know - happens to someone else.

MRS. HEYS

That's right.

PAUL BARRY

Is it an unpleasant disease?

PETER HEYES

I'd say very unpleasant. Probably, at this stage, the disease isn't that terrible, I'm not getting pain as such, a lot of discomfort, but it's probably more the psychological thing. You take away hope, and you take a lot away.

FILM - Wittenoom

MUSIC - "Don't Fence Me In"

PAUL BARRY

For the good folk of Wittenoom, ignorance was bliss. Had they known the full dangers of living here, it's hard to believe many would have stayed. But, unaware of the risks, these were happy times. For some perhaps, the best days of their life.

PAUL BARRY

It was a life away from the cares of the city. A life at times of fun, and once a year there were the races.

MUSIC (Cont'd)

VALERIE DOYLE

We had our dances and the races, and .. yes, there was good times - plenty of good times, and plenty of laughter, when we used to go dancing on the hotel verandah with Mrs. Whittaker playing her radiogram, yes .. and in the old hall .. we had a lot of good times, a lot of fun.

PAUL BARRY

But not everyone liked Wittenoom. It was miles from anywhere, dust ridden, and for half the year, unbearably hot.

Getting people to work here was a constant problem for the company. And making them stay was even harder. Almost half those who came to Wittenoom had left within three months.

FILM - Underground shots of mine, truck carrying asbestos

PAUL BARRY

For many, hitching a ride on the asbestos trucks was the only way to escape. One man even loaded up his wife, furniture and 7 children to get them out.

Underground, conditions were hot, dusty and cramped. Faceworkers spent hours doubled up on their haunches as they drilled into the rock because headroom was only 40 inches. And since Australian miners from Kalgoorlie's goldfields wouldn't stand for that, the mines owners had to recruit overseas and rely heavily on immigrant workers.

ARCHIVAL FOOTAGE "A Town is Born"

"Miners from many parts of the world come to Wittenoom and of the total population of nearly 900, three fifths are migrants, and 20 different nationalities are employed by the operating company".

FILM - Arrival of migrants, dock scenes, W.A.

PAUL BARRY

In the 10 years after World War II, one million new Australians set foot on these shores for the first time. They came from a Europe torn by war and ruled by rationing, and they had great hopes of what they would find.

To many, it was a disappointment. Those who landed in the west at Fremantle talk of tin sheds and little else. And there are stories of women thronging the quay to yell "go back .. go back .. there are no jobs here".

FILM - Plane arriving at Wittenoom

PAUL BARRY

But for those who touched down in the red dust of Wittenoom the jolt must have been even greater. They were marooned in a hot strange land like nothing they'd ever seen before.

BEN UINK - Ex Wittenoom Worker. 1950's

By and large they were in a state of shock you see. I actually seen guys coming down from the plane, the DC 3, and they walked straight back up the plank, back into the plane and they .. you know, they just looked around because it's flat and then you've got these hills, brown spinifex.

OTTO PONGRATZ

Well when I came off the plane on the 16th January, it was that hot we just couldn't ... we just took the air .. you know, it took the breath away. You know, we all thought "what the heck am I doing here?"

FILM - Otto Pongratz on motor-bike on arrival at W.A.

PAUL BARRY

Otto Pongratz went to Wittenoom when he was just 21. An Austrian immigrant, he was sent there by the West Australian Government, because there was no other work available. His is a typical story. And typical too, is his account of conditions in the Wittenoom asbestos mill.

OTTO PONGRATZ

You couldn't see your hand before your eyes. You couldn't breathe. As soon as you get in to .. towards the mill, the whole gorge was one cloud of dust. It wouldn't matter where you are, you couldn't escape the dust. Everything was white and grey.

INTERVIEW WITH RAY LEE

PAUL BARRY

Tell me Ray, what were conditions like in the mill?

RAY LEE

Terrible. At the worst times you couldn't see from one end of the mill to the other.

PAUL BARRY

You were in the bagging section at one stage weren't you. What was that like?

RAY LEE

That's the worst part of the lot. That's the main killer.

PAUL BARRY

Can you describe it?

RAY LEE

These blokes are handling it with their hands. And when you get a good run with plenty of asbestos in the rock you know, coming out, often they'd get blocked up as they're coming down to the baggers underneath, and they'd have to stretch up and pull this down you know, and that's what I call literally eating and breathing asbestosis, trying to claw that down, you're looking up at it like that.

PAUL BARRY

And it's all coming down on your face is it?

FILM - Mill/Conveyor Belts

PAUL BARRY

Even today, more than 2 decades since the wheels of Wittenoom last turned, you can see what it must have been like. Almost everything is covered with fibre and dust. It's caked onto conveyor belts, it sticks to the structure of the building. Everything is coated as if it's been caught in a deadly grey-blue shower.

FILM - Interior of Mill

PAUL BARRY

It's like cement isn't it.

ROLLY SABBADINI

It is, but under microscope .. under magnifying glass you'll find that it's fibre and dust of course.

PAUL BARRY

Some 30 years ago, Rolly Sabbadini was an electrician here. Now a successful businessman in Perth, we brought him back to show us around:

ROLLY SABBADINI - Inside Mine with Paul Barry

Look, this is all dust. It's all dust. As you can see, that's been here for 22 years, and yet it's still here. This is the kind of dust that was flying around and people had to wear it on their skin, in their face, in their nose, in their ears .. everywhere. I'll show you another one. This is some material that people were wearing, they were breathing it all day long, and when you come out of your work and you go for your shower, that's what you would be looking like. And when you go under the shower with that, the shower would be black, the water would be pitch black running down the drain, and then you start to recognise your mates. Only after they went through the shower, you could tell who he was. So this material was flying everywhere.

FILM - Close-up of blue asbestos fibres

PAUL BARRY (To Camera)

But how much was known in the 1950's of the serious dangers to health posed by asbestos dust, dangers that have brought people to their deaths. And could those who ran Wittenoom have foreseen the tragedy?

PAUL BARRY

These questions are currently being mulled over by the Supreme Court of Western Australia where there are some 300 claims for damages by former Wittenoom workers or their families. The claims allege negligence by Australian Blue Asbestos and/or C.S.R. Now the whole issue of negligence is extremely complicated and only a court can decide it. But central to all the cases, is whether the companies could and should have foreseen the serious damage to health and prevented it. And at the heart of that matter is what was the state of medical knowledge at the time?

FILM - Graphic of Mesothelioma Article

PAUL BARRY

The first thing to say is that mesothelioma was not linked to asbestos till 1960. So till then, no-one could have foreseen that people exposed to asbestos would die from that disease. But the health dangers of asbestos were known about. In 1955, in a famous study, published in the British Journal of Industrial Medicine, asbestos had been definitively linked to lung cancer. And indeed, evidence for the link had been widely accepted by doctors in the late 1940's.

And as for asbestosis, that had been known about since before 1900, with the first deaths in British factories weaving asbestos reported in 1907.

As early as 1918, American insurers were reportedly refusing cover to asbestos manufacturers because of the health risks. And in 1930, a British government report documented at great length the seriousness of the disease and how to prevent it.

So by the 1950's, the victims are saying in court, the dangers of asbestosis at least should have been well known, certainly among the medical profession.

PROFESSOR ERIC SAINT, Sir Charles Gardiner Hospital, Perth.

Well the facts about asbestosis, the relationship, the hazardous nature of the asbestos particle have been well known in the literature, the general literature since the mid 1920's, and I think would have been known by any competent physician.

PAUL BARRY

When you say the facts were well known, could one have known at the time that exposure to that sort of dust could kill people?

PROFESSOR SAINT

Yes, unequivocally, the answer would be 'yes'.

PAUL BARRY

So could the company have known that?

PROFESSOR SAINT

If they had proper advisors they should have known, because the British, the American, the South African literature, wherever asbestos was being mined or manufactured, those English speaking countries, there is an abundance of literature which made it quite clear that the asbestos particle was injurious to lung tissue and would produce asbestosis, and a proportion of people with asbestosis would ultimately die.

PHOTOS OF KEITH BROWN

PAUL BARRY

This man is Keith Osborn Brown, a director or managing director of Australian Blue Asbestos for 23 years, he was also, at the same time, a senior employee of C.S.R.

In recent court cases, Keith Brown has said, he was aware of health risks of asbestos in 1944, but, he believed damage to health would result only after 10 or 20 years exposure to asbestos, and then only with some people.

PAUL BARRY

He also believed he said, that regular X-Rays would detect any damage before it was serious. On cross-examination, Mr. Brown was asked: (ACTOR'S VOICE)

"Mr Brown in the period 1943-1955, did you ever hear of a possible association between asbestos and lung cancer"?

PAUL BARRY

And he replied: (ACTOR'S VOICE)

"The answer's yes".

PAUL BARRY

In qualifying this, he said he knew in 1944 that asbestosis could lead to death or incapacity. Keith Brown was also asked whether he or Australian Blue Asbestos or C.S.R. had before 1961 approached any doctor or any public health department, or made any special enquiries about the health risks of asbestos, there the answer was "no".

FILM - Flying Doctor Landing

PAUL BARRY

In the 1940's, the Flying Doctor was a regular visitor to Wittenoom. Based in nearby Port Hedland, one of its doctors at the time was an expert in industrial disease who would later become a Professor of Medicine. His name was Eric Saint, and his first visit to the mine marked the start of a 20 year battle between the company and officialdom over dust at the mine and mill.

PROFESSOR SAINT

When I first saw them I really was quite appalled. The day .. first day I went there I was shown the mine itself, and it seemed pretty dusty and I did know something about asbestos, and the industrial hazard it constituted, but I was even more appalled when I went up to the head of the gorge where they had this hopper thing where they tried to separate the stone from the asbestos fibre, you know, crushing it and then getting the fibre....it was just a huge cloud of dust hanging over the air and this really I felt very unhappy about indeed.

FILM - Prof. Saint writing letter to Health Dept.

PAUL BARRY

So unhappy was Eric Saint that he immediately addressed a letter to his superiors in the Department of Public Health in Perth.

Referring to Wittenoom as this dump of dumps, Saint warned them in the bluntest possible terms of future consequences.

ACTOR'S VOICE

The asbestos mine at Wittenoom let the record state, operates without any sort of dust extractor whatsoever. In a year or two, ABA will produce the richest and most lethal crop of asbestosis cases in the world's literature.

PAUL BARRY

And, having written that, Eric Saint says he then warned the company.

PROFESSOR SAINT

I also spoke to the management and expressed my concern there, and spoke in no uncertain terms and said that this was a very hazardous occupational situation that almost inevitably there would be patients with cases of asbestosis in four/five years time.

PAUL BARRY

What was their reaction?

PROFESSOR SAINT

It's hard for me, after forty years, to judge...they were polite people, they listened to me politely, they didn't commit themselves. I don't know what correspondence took place between them and their headquarters, but I made no bones about my anxiety.

PAUL BARRY

Whatever the company's response to Eric Saint's warning, the dust hazard did not go away. Five months after Saint had written his letter, inspectors from the West Australian Mines Department were reporting to their superiors on a recent visit to Wittenoom. They said, bluntly:

ACTOR'S VOICE

Conditions in the mill from a dust point of view were most unsatisfactory.

PAUL BARRY

And they went on:

ACTOR'S VOICE

On completion of the inspection, an interview was held with the manager and attention was drawn to the danger to the health of the men.

PAUL BARRY

But that warning didn't do the trick either. Two years later, the mines inspectors filed another report on Wittenoom which said:

ACTOR'S VOICE

From a dust point of view, conditions in the mill have definitely worsened. At crib time, the men were eating more dust than food.

FILM - Blasting, mine site, Wittenoom

PAUL BARRY

In 1952, the inspectors reported in similar terms. They did so again in 1954. And then in 1955, the Mines Department threatened to close the mill because of the disgraceful working conditions.

In 1958, Australian Blue Asbestos built a new mill for treating the asbestos fibre, and with it came a brand new system of dust extraction at a cost of fifty thousand pounds.

PAUL BARRY

But if that improved matters, it was not for long. Only one year after the new mill opened, Wittenoom was visited by a man who would later become West Australia's Commissioner of Public Health, Jim McNulty.

JIM McNULTY

My impression of the mine was that, I said at the time it was the worst I had ever seen, in terms of dust and housekeeping.

PAUL BARRY

What in particular, apart from the dust, I mean you say housekeeping?

JIM McNULTY

Well there was a general poor control of dust, there was dust everywhere, you got dust in your hair, got it in your teeth, when you walked around the mill, if you put your hand on a railing, your hand came off black. After a very short time you were filthy yourself because everything you touched was dirty.

PAUL BARRY

Again, reports from mines department inspectors confirmed that the dust problem continued. In 1961, they said conditions were very dusty and could be termed critical.

In 1962, they found them worse and at new record levels. And in 1963, they reported them worse still.

FILM - Paul Barry at mine with konimeter.

PAUL BARRY (To Camera)

When the mines inspectors came to Wittenoom to check on dust levels, and come they did, they were armed with a machine called a konimeter. It works by firing a small amount of dust onto a glass plate, and then you treat that plate and you look at the result through the microscope. You then count the individual dust particles one by one, so you can see it's not a particularly accurate method, and it's also a method which has an upper limit. There are times when it simply can't cope because there is so much dust. It then gives the reading of one thousand plus, and that reading was commonplace here at Wittenoom.

FILM - Dust extractor, Wittenoom mine

PAUL BARRY

In 1963, with the problem at its height, another set of new dust extractors was installed. But again it seems the fix was a failure.

When an outside consultant hired by the Mines Department visited the mill in 1965, his more sophisticated equipment revealed dust levels higher than ever before.

On the bagging section, the dust floating in the air was almost twenty times the amount the WA Mines Department regarded as safe, and it was up to one hundred times the levels set down at the time in the British asbestos industry.

PAUL BARRY (Cont.)

The consultant's damning report highlighted poor maintenance, holes in ventilation ducts, machines that leaked clouds of dust, covers that were not in place. And his verdict was quite clear. MUCH OF THE DUST COULD HAVE BEEN PREVENTED.

PAUL BARRY

What did you want to do with the mine back then?

JIM McNULTY

Close it.

PAUL BARRY

Eight years before the mine was finally closed, the first bunch of cases of asbestosis from Wittenoom had begun to appear.

FILM - Jim McNulty and X-Rays

PAUL BARRY

Jim McNulty, then chest physician at Kalgoorlie, dealt with some of the victims, and subsequently fought with the Mines Department, and the people who ran Wittenoom to get something done.

Even now he's not sure whether anybody listened.

JIM McNULTY

By 1958 it was apparent that we were going to get the crop of asbestosis which had been threatened. Quite serious and advanced disease was developing in relatively young men who had had very short exposures to dust. In the eastern states gold mines it took 25 to 30 years for a man to develop dust disease, whereas in Wittenoom it was taking between three and four years and the disease was much more advanced and serious and disabling than the silicosis in the gold mines.

PAUL BARRY

Did you put those findings to the company?

JIM McNULTY

I put the findings to the company and I put it to the Department itself, and in fact my report was published in the annual report of the Commissioner of Public Health, tabled in Parliament in 1959.

PAUL BARRY (To Camera)

You know, what's so hard to understand about the whole Wittenoom saga is why it was allowed to happen. The warnings seem remarkably clear. On the one hand there's no doubt that Australian Blue Asbestos did try to control the dust, but on the other hand, there's no question their efforts were inadequate, and, that they could be seen to have failed. Now failure is a word you can't escape in this Wittenoom story. Failure by the Western Australian government and failure by the company, and not trivial failure at that. Because of it, many people have died or will die.

PAUL BARRY

What are your personal feelings about a tragedy that you foresaw and warned of, and nevertheless....

PROFESSOR SAINT

I feel very sad, very sad indeed.

PAUL BARRY

Setting aside who, do you think there are people who should be blamed?

PROFESSOR SAINT

I don't like the word 'blame.' I think blame is a matter for the courts. I find it sad that no action was taken at the time by those in positions of responsibility.

FILM - Shots of Perth and mining house

PAUL BARRY

The city of Perth and Western Australia are built on the wealth of mining. Minerals made this town.

Be it gold, iron ore or even asbestos, most of the money here started life underground.

WA's mining heritage may well explain why Wittenoom was never cleaned up or closed down, and it may too affect the aftermath...the massive legal battle for compensation that's now taking place.

Of the 300 damages claims concerning Wittenoom now before the Courts here, not one so far has been successful.

Wally Simpson's case against Australian Blue Asbestos, now called Midalco, is still under appeal. But the judge has ruled that Simpson, who worked in the mine in the early 1960's does not have an asbestos-related disease.

Joan Joosten's case in 1979 against Australian Blue Asbestos failed. She had worked at Wittenoom in the 1950's and later contracted mesothelioma. The judge ruled that her employers could not have foreseen damage to her health, not least because the office she worked in was 100 yards from the asbestos mill, and her exposure to high levels of dust had not been demonstrated.

RINO PEDROTTI

This morning I asked myself, this is not.....I could be gone three months, six months, nine months but there is not a future for me.

PAUL BARRY

Rino Pedrotti's case against Australian Blue Asbestos didn't fail, but nor did it succeed. Before the court could convene at his hospital bed, he died of mesothelioma.

FRANK MAAS

When they took an X-ray, one half of the X-ray was blank which meant that the whole lung was filled with fluid or the outside.....

PAUL BARRY

And mesothelioma decided this man's case too. Frank Maas, another former Wittenoom worker, died in July 1977 shortly after starting proceedings.

FRANK MAAS

....and then I was told, and then they did a biopsy, and after pathology reports came through, it was a malignant tumour.

TIM BARROW

Ah, mesothelioma, it's in the right lung. Um, there's no hope for me.

PAUL BARRY

Two more mesothelioma victims have a case now before the courts in Perth. One of them, Tim Barrow, worked at Wittenoom in the late 1940's, in the store next to the mill.

TIM BARROW

I'd sooner have my health than the compensation.

PAUL BARRY

the other, his co-plaintiff, is Peter Heys.

The defendants in the Heys-Barrow case are Australian Blue Asbestos and CSR, but CSR argues it has no responsibility at all in law to Heys or anyone at Wittenoom because it did not employ the men and did not run the mine.

The issues in the Heys-Barrow case are extremely complex but the defendants both argue that in the 1950s they could not have foreseen Heys and Barrow would contract mesothelioma because the disease was only discovered in 1960.

The plaintiffs on the other hand maintain that serious damage to Heys and Barrow's health was foreseeable because the lethal risks of asbestosis and lung cancer were known about in the 1940's.

FILM - WA Supreme Court and lawyers leaving.

PAUL BARRY

The case is already the longest-running in West Australian legal history, and it may well become a landmark. If the plaintiffs fail, there may not be more money to fight another case. If the plaintiffs succeed, a flood of claims could be unleashed.

Many millions of dollars are at stake.

NETA HEYS

I think we'd all be very very angry and very disappointed if they do lose this one because I feel that there is just cause for them to take the blame.

PAUL BARRY

And it's likely to be the last, if you do lose isn't it?

NETA HEYS

I'd say so, yes.

PAUL BARRY

How great a danger is it that you'll die before there is a verdict?

PETER HEYS

Before the case finishes? Well, quite frankly, I don't know. If you had of asked me that three months ago, I would have said, well, I'd still be reasonably well by the end of the case finishing which was due to finish in March, but it appears at this stage it still has at least two to three months to go, and I'm getting more breathless you know as time goes on. I'm not really very active at all at the moment.

PAUL BARRY

Peter Heys died on Good Friday. Judgement in his case has still not been reached.

His death will substantially reduce the damages payable if his claim is successful.

More to the point, unless his claim succeeds against CSR, there may be no money at all. Australian Blue Asbestos hasn't enough to pay.

FILM - Funeral

PAUL BARRY

So far, the tally of deaths from Wittenoom is around three hundred. No one knows exactly. But with mesothelioma, the disease has yet to get into its stride.

Tony Whiteaker runs a funeral business in a town two hours south of Perth. But he once lived and worked at Wittenoom.

TONY WHITEAKER

A lot of the people that I worked with have died. Four members of one family I buried....Ron Jones, his brother-in-law, Rossi, Don Ekott, and Mrs. McKenna. Her husband was the mill supervisor in Wittenoom for years.

PAUL BARRY

Your own family's been affected by it as well haven't you?

TONY WHITEAKER

Yes, lost one...one sister through it. She was a school kiddie up there and she died when she was 28 years old. Mother of two little kiddies.

PAUL BARRY

What did she die of?

TONY WHITEAKER

Mesothelioma. She was only a baby when she went there, but she went to school in Wittenoom and all the school grounds and everything was just asbestos tailings cause I used to cart a lot of the tailings into town when I was driving the trucks.

TONY WHITEAKER (Cont.)

The roads were made of it, the sporting grounds, bricks for the hotel were made of it, the shopping centre, a lot of the buildings, everything that was...everything concrete was made with asbestos tailings from the mill.

VALERIE DOYLE

This is again...are my two children, David and Bronwyn. This was taken after they had been playing in the yard, and got absolutely dirty, as you can see.

PAUL BARRY

And that..the dust there was very full of asbestos wasn't it?

VALERIE DOYLE

Yes, in the tailings, yes. There was nowhere else for them to play but in that.

PAUL BARRY

Do you worry about their future at all?

VALERIE DOYLE

Yes I do. I think anybody who had children up there would worry about them because they played in it, all children played in it. There was nothing else for you to do, you didn't know the dangers so you just let your children play in it.

FILM - Kings Park, Family Picnic

PAUL BARRY

On a sunny Saturday, Perth's Kings Park is the perfect place for a picnic.

One can only wish that there were more days just like it because for Barbara Tyler, there may not be.

Bob Lamont, Barbara's father, was the town policeman at Wittenoom in the nineteen fifties.

He took his wife and three children to live there too.

Now aged 34, with two young children of her own, Barbara has been told she has mesothelioma.

She'll be lucky to live out the year.

PAUL BARRY TO BARBARA TYLER

What about the kids, have you told them?

BARBARA TYLER

Not everything at the moment.

PAUL BARRY

What do they know, or what do they think?

BARBARA TYLER

They know I'm sick and I have to watch my diet and I can't do what I could before, and that's about all.

PAUL BARRY

And are you going to tell them?

BARBARA TYLER

Yes, if we feel it's necessary, we will.

PAUL BARRY

When did you first find out you had this thing?

BARBARA TYLER

Six months ago.

PAUL BARRY

And how? What sort of....did you feel ill presumably?

BARBARA TYLER

No, I couldn't breathe, and obviously I had fluid on the lungs, and then after some more tests, they told me.

PAUL BARRY

And how have you coped with it?

BARBARA TYLER

I've coped very well, I'm very positive and there's nothing much doctors can do but I will try, I will get through it.

PAUL BARRY

How? What are you going to do?

BARBARA TYLER

Um, I'll get through it, I'm positive...meditation, alternative medicine, diet...

PAUL BARRY

You must feel desperately unlucky?

BARBARA TYLER

That'd be the word....unlucky, well no, I feel really sick because someone or something did it to me. Something caused it, otherwise you don't get it.

PAUL BARRY

So you feel angry?

BARBARA TYLER

Very angry at someone.

PAUL BARRY

Barbara Tyler isn't likely to win damages from anybody, nor will others at Wittenoom who didn't work either in the mine or the mill. And there will be others like her. She was not the only child there.

MUSIC ('Don't Fence Me In')

ARCHIVAL FOOTAGE - Wittenoom

PAUL BARRY (V/O Music)

In the years to come, there will be many more victims of Australia's greatest industrial tragedy. Perhaps seven hundred more victims.

There will be families torn apart, children orphaned, lives destroyed. And as the legal wrangle about responsibility goes on, one can only ask how was it ever allowed to happen.

ANDREW OLLE (Studio)

The tragedy of Wittenoom, Australia's worst industrial and environmental disaster, yet most of us were barely aware it existed. Paul Barry's very moving report should help change that.

Next week, our deferred report on the politics of Cocaine. It's worth waiting for.

See you next Monday, goodnight.

CLOSING THEME AND CREDITS