

LEGAL ACTION OVER AUSTRALIA'S BIGGEST ENVIRONMENTAL DISASTER

25th February 2026

Gordon Legal, on behalf of Banjima Native Title Aboriginal Corporation (**BNTAC**), today commenced legal proceedings in the Federal Court against the State of Western Australia, seeking justice for the cultural and environmental devastation caused by the Wittenoom asbestos mine.

The asbestos contamination zone on the Banjima peoples' traditional lands contains over three million tons of asbestos waste; enough to fill the Melbourne Cricket Ground twice over. It is the largest contaminated waste site in the southern hemisphere and continues to spread across the Banjima country.

For generations, the Banjima people have lived with the fear, heartbreak, and cultural loss caused by contamination from the Wittenoom mine site.

This year, 2026, marks sixty years since the Wittenoom mine closed. Forty years since the state became aware of the deadly consequences of asbestos. And ten years since the WA Government was first informed that the Banjima people suffer the highest per capita incidence of asbestos cancer in the world.

These statistics are a direct consequence of WA Government's inaction over the decades since it first owned the waste and the contaminated sites. Since 2016, the WA Government has extracted over \$70 billion in royalties from mining in the Pilbara, and has not spent a single dollar on remediation.

Successive WA Governments have held many inquiries, commissioned many reports, formed many committees and employed many bureaucrats to talk about this disaster. But in all that time and after all that talk, not a single shovel-load of asbestos has been removed from Banjima land.

The State of Western Australia needs to stop using committees, reports and bureaucracies as excuses for a total lack of action.

The legal proceedings commenced today aim to force the Government to clean up the contamination and to seek reparations for the Banjima people for the harm that has been done.

BNTAC Deputy Chair, and a Banjima traditional owner, Johnnell Parker, said:

"We Banjima people belong to one of the most beautiful parts of the world, and our connection to Banjima Country runs deep. As Uncle Maitland Parker said 'I still cry for Country, but that's imbedded in me I just can't walk away from it.'"

Despite the damage, our Elders have raised us to be strong and resilient. We carry in our hearts their strength as we continue the fight, to heal our Country, to protect it, and to ensure future generations can stand on healthy land and remain connected to who they are."

Senior Partner at Gordon Legal, Peter Gordon, won the first asbestos verdict over the Wittenoom mine as a young lawyer in 1988. He led the fight that obtained justice for over 350 diseased Wittenoom workers in the late 1980s and has acted for over 2,000 mesothelioma sufferers.

Now forty years on, through this proceeding, Gordon Legal is returning to the Courts and asking our nation's legal system to focus on the shameful history of Australia's treatment of the Banjima people and their land. The legal case seeks accountability and a just conclusion for traditional owners, to the most enduring environmental, racial, and occupational health disaster in the country's history.

BNTAC seeks orders requiring the State of Western Australia to remediate the contaminated areas, including the mines, tailings dumps, Wittenoom floodplain, creeks, rivers, and other parts of the Determination Area where the asbestos waste continues to accumulate.

The Banjima people also seek redress for the devastation wrought over the past eighty years to their people and their Country. Many have died, and many will die from mesothelioma as a result of the inaction of the Government of Western Australia.

Peter Gordon, said:

"The relocation, dispossession, exploitation, and erosion of the cultural integrity of the Banjima nation will take generations to repair. But the longest journey to clean up the largest contaminated site in the southern hemisphere begins with a single step."

For more information please visit <http://gordonlegal.com.au/banjima> and www.cleanupwittenoom.com

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Gordon Legal Background

Founded in Melbourne in 2009, the Gordon Legal team has an unrivalled record of fighting for justice for working people.

Led by Peter Gordon and Andrew Grech, the firm has achieved significant legal outcomes, including the Robodebt settlement (the largest class action settlement in Australian Legal history), the Box Hill Institute student-pilot tuition refund claims, ACT and Victorian Junior Doctor Wage Underpayment Class Actions, the White Island negligence case, asbestos-related claims and the Thalidomide Class Action.

BNTAC Background

The Banjima Native Title Aboriginal Corporation (**BNTAC**) is the prescribed body corporate for the Banjima people, who hold native title in the central Pilbara. BNTAC works to protect the cultural, social and economic wellbeing of Banjima people and safeguard the health of Banjima Country for current and future generations.