

***BADER III* SHEEP CARRIER — HUMAN RIGHTS AND INTERNATIONAL AGREEMENTS**

Motion

MR F.M. LOGAN (Cockburn) [4.03 pm]: I move —

That this house calls on the Premier, the Minister for Transport and the Minister for Agriculture and Food to take action to protect the human rights of seafarers on board the *Bader III* sheep carrier docked in Fremantle harbour and condemns the behaviour of the ship's owner, Livestock Shipping Services, and its breaching of human rights and international agreements.

For the benefit of members I will tell a very dismal and terrible story about the way in which people from one of the poorest countries in the world are treated by their employer and contractors. This is not occurring in one of the Third World countries that we see on television and are appalled at how the people are treated; this is happening in the gateway of Western Australia at the Fremantle port. Flagrant human rights breaches are occurring here at the gateway to Western Australia on board a ship in Fremantle. I am sure members are aware that *Bader III* is one of two very large sheep carriers that visit Fremantle on a regular basis. *Bader III* and its sister ship belong to a company called H and G Amman, which is based in Jordan. The loading and operating of the ships in Western Australia is done by a subsidiary company of H and G Amman called Livestock Shipping Services, which is based in South Perth.

Mr D.A. Templeman: There are no ministers here. There are three ministers listed on the notice paper to respond to this. This is important business of the house, and neither minister who is responsible is here.

Mr R.F. Johnson: You probably delayed them when the quorum was called.

Mr D.A. Templeman: That is no excuse. Where are they? It is four o'clock. It is private members' business.

Mr F.M. LOGAN: One of the ministers has now come into the chamber. I am very glad that he has come into the chamber to listen to this.

Mr M. McGowan: Where is the Minister for Transport?

Mr F.M. LOGAN: I asked two other ministers to be present to listen to this because they have a role to play.

Mr M. McGowan: Name them.

Mr F.M. LOGAN: They are the Minister for Transport, because of his responsibility for the Fremantle Port Authority, and the Premier because of his responsibility for the behaviour of companies that operate in Western Australia. At least the Minister for Agriculture and Food has come into the chamber to listen to this very sad tale.

As I was saying, the company that operates the shipping service is H and G Amman, and its subsidiary, Livestock Shipping Services, is based in South Perth. I understand that this is a father and son operation. The father's business is based in Amman in Jordan and the son operates Livestock Shipping Services from Western Australia. The two ships, of which *Bader III* is one, operate on a regular route between here and the Middle East taking live sheep to the markets of Arabia. I believe they also operate other routes around the world. The International Transport Workers' Federation—ITWF—operates internationally in all countries from which seafarers leave the country to work on ships around the world. The ITWF employs people principally in Australia, Great Britain, the United States, India and Japan, but also in various other countries. Those employees board ships, particularly those that come under flags of convenience, to ensure that the conditions of the seafarers meet international obligations and agreements and also international industrial agreements signed by the ITWF and the ships' owners. A standard applies across the world for shipping operations. The standards vary from ship to ship, depending on whether it is a tanker or sheep carrier. Those standards set the wages and conditions for the seafarers who work on board the ships.

On board *Bader III* are 80 seafarers. That does not include the officers and senior staff of the ship; I am talking about the people who run the ship and look after the sheep when they are on board. The international agreement signed between H and G Amman and the International Transport Workers' Federation is a common agreement that is standard across the shipping industry. It sets out a pay rate for an able-bodied seaman at \$US1 400 a month, which is not very much. The people on board the ships do not get paid very much. Nevertheless, the agreement has been signed off by both parties. The Pakistan seafarers' union contacted the ITWF and said that it had concerns about some of its members who were on board the ships belonging to H and G Amman. I believe that some of the crew also contacted the ITWF, whether in this country or another country, expressing their concern about the conditions under which they were working. I will give members an example of the types of conditions they are working under. I would like to table some documents and allow the ministers to view them.

[The papers were tabled for the information of members.]

Mr F.M. LOGAN: I will talk to these documents as well.

Mr Fran Logan; Mr Mick Murray; Mr Bill Johnston; Mr Troy Buswell; Mr Terry Redman

The Pakistani seafarers' union and the seafarers themselves raised with the ITWF their concerns about not being paid and not being in receipt of any of the conditions that the ITWF had signed up for with the ship's owner—the company that the sailors worked for; that is, the \$1 400 a month. In secret, the company had issued another document. The document that I have just tabled was drafted by that well-known and old legal firm in Karachi, Pakistan called MacKinnon, McKenzie & Co. A new agreement was drafted and the company had the crew of *Bader III* and its sister ship sign it. Bear in mind that able-bodied seamen are, under international agreement, supposed to be paid \$US1 400 a month in the hand so that they can transfer that money to their families in Pakistan or do whatever else it is that they need to do with it. Primarily, it goes to their families in Pakistan.

When they joined *Bader III*, the men were required to sign a document that stated that an able-bodied seaman would be paid US\$558 a month and not US\$1 400. That is \$558 a month! Clause 2 of the agreement states —

2. As per H&G Amman instructions 30% of your wages as mentioned above will be paid to you on board per month basis. however remaining amount ... 70% of your wages will be deposited with Master of the vessel and will be paid to you at the time of your final payoff / signing off from ship.

Not only are the men not getting anywhere near the \$US1 400 a month the company had agreed to, but also they are not even getting the \$US558 in the agreement because the master or the skipper of the vessel is keeping 70 per cent of their wages to be paid off after approximately one year, once the crew members have finished their service on the ship. That means that they are paid \$US167 a month. They have families in Pakistan who rely on their incomes. However, the company, being as generous as it is, said that the men could work some overtime. The overtime under this agreement is to be paid at \$US1 an hour. They do not have a choice to work the overtime. It is not voluntary overtime; it is compulsory overtime and the men are to work, as stated in the agreement, any hours that the master of the vessel would tell them to work. Some of these employees, who are still on the vessel today in Fremantle, are working 400 hours a month. I presume SS3 is the old terminology for a seaman stoker third class, the grand old payment for which is 60c an hour. Clause 3 states —

3. You are directed to work at any time as scheduled by the Master. and cannot refuse to work late hours if called upon to do so.

Under the international agreement, the \$US1 400 a month they were supposed to have been paid included overtime. There was designated overtime included, and that is why I was saying US\$1 400 a month was not much. It already contained overtime. The men were already required to work designated overtime hours. However, that agreement went out the window and it was replaced by one that involved 60c an hour and any hours that the master of the vessel required the men to work. And we know that some of these poor seafarers have been working 400 hours a month.

When it comes to things like occupational health and safety, clause 5 contains another breach of international maritime law. It states —

5. When the animals are not on board, you will be called upon to perform other duties inside or outside the open areas. as required by the Master or his officer. such work may include chipping and painting on board or over side.

That is, over the side when the vessel is underway. There is no harm in seafarers working to chip off paint and to repaint a vessel when it is tied up to the dock. However, international maritime law outlaws the dangerous practice of putting seafarers over the side of the vessel to paint it while it is underway, because seafarers will be lost.

Mr J.E. McGrath: It says they make the exception if there is no sheep on the ship, doesn't it?

Mr F.M. LOGAN: But that is exactly what has been happening. It is required, as per the agreement, and the men are required to do it.

Several members interjected.

Mr F.M. LOGAN: Especially in a submarine!

The men complained about this to their union in Pakistan and they complained about it to the International Transport Workers' Federation. In fact, the other night, one of the poor sailors was flashing the international code for SOS to attract the attention of wharfies working on the other side of the harbour. The ship is tied up on the Victoria Wharf, Fremantle side of the harbour and the men were flashing an SOS to the wharfies about their predicament. Why would they do that? They would do that because they cannot get off the ship.

Mr J.E. McGrath: The wharfies would not know how to read Morse code.

Mr Fran Logan; Mr Mick Murray; Mr Bill Johnston; Mr Troy Buswell; Mr Terry Redman

Mr F.M. LOGAN: One of them did, member for South Perth. He knew what SOS meant, and he knew why an SOS was coming from that particular ship—they cannot get off the ship! The company will not let them off the ship! The company has brought in a public relations firm to represent it in Western Australia and to say that is not true; that 40 men got off the ship last Sunday and had a very nice time in Fremantle. Anecdotally the people I know in Fremantle would notice 40 Pakistanis walking around Fremantle. They did not see any Pakistanis walking around Fremantle. Not only that, the seaman's mission, which is normally where seafarers immediately go to have a shower and something to eat and to relax before they go out, has not seen hide nor hair of any Pakistani seafarer from the *Bader III*. I would say that this is more PR spin from the company. I say that it is PR spin because the second page of this document states —

UNDERTAKING

I . the following rating who has signed on the A/Agreement ... on 5th September, 2010 do hereby solemnly affirm and undertake as under:-

1. That I/We will not request / demand for Shore leave at any port where co./vessel restricted the shore leave. Specially in Australia.

That is the reason they cannot get off the ship. The agreement states in black and white that they cannot get off the ship, which is a flagrant breach of international law because, as everyone in the house should know, when a ship docks, the seafarers are allowed to leave the ship for a period of time. That is what shore leave is. Companies cannot take away their shore leave.

Mr P. Abetz interjected.

Mr F.M. LOGAN: The member for Southern River's point, just made, that the company is scared the men will talk is absolutely correct. Not only is it correct; it is in the agreement. Clause 6 on the front page of this agreement states —

6. As explained to all of you, to contact any other Country's Union is not allowed according to NMB Agreement. Anybody found in involved in such activities will be seriously punished by cancelling his CDC and recovering the cost of any expenses, air passages in this regards.

The CDC is the contract. If the men get off the ship, they are sacked and have to find their own way back to Pakistan. In fact, they have to not only find their own way, but also pay their own way back to Pakistan. If they complain about this, they will be sacked and they will have to pay their own way back to Pakistan.

Mr P. Abetz: And you miss out on your pay that the master has.

Mr F.M. LOGAN: Exactly. At the end of the day they are only getting \$US167 a month. How they would get back to Pakistan on that is beyond me.

Mr T.R. Buswell: Didn't you say it was \$558 a month?

Mr F.M. LOGAN: I said \$558 a month—70 per cent of which is kept by the master of the vessel.

Other information that is not contained in the agreement but of which we are aware relates to injuries onboard ship. Members can imagine that, aboard a ship carrier, there will be injuries for sure. I managed to get onboard the ship to talk to a couple of people there, and some of the seafarers, who were already carrying stuff up the gangway, were injured. They told us about their injuries onboard ship. If they are injured to the point that they cannot actually work—for example, if a sheep butts them and they fall over a fence and break their leg—they have to pay their own way back to Pakistan. Not only that, they also have to pay for the person who has to fly out to replace them.

When I said today that this was a terrible story, I meant it—it is a terrible story. It is absolutely outrageous that people, in this day and age, can be treated like this anywhere in the world. These are workers from the poorest part of the world, some of the poorest parts of Pakistan, who have signed on to earn a few quid to send back to their families in Pakistan.

Mr T.R. Buswell: Rupees.

Mr F.M. LOGAN: Whatever currency it is, member for Vasse, they sign on for that and they are treated in an appalling manner. This is the sort of treatment of people that we see on TV, and we sit there and say, "This is shocking; this is outrageous. It is terrible the way people treat each other."

Mr J.E. McGrath: The sheep are being treated better.

Mr F.M. LOGAN: The member for South Perth is right—the sheep get a better deal out of this than the workers onboard.

I turn now to what we can do about this. I am not normally one to stand in this place and quote from the Bible, but today I will.

Several members interjected.

Mr F.M. LOGAN: I will remind my colleagues on the other side, particularly those up the back, about Luke 10:30–37, from the Gospel of St Luke—the story of the good Samaritan, because that is what applies here. There was a Jewish traveller on the road who was beaten up and robbed and left to die, and people walked past and refused to help; they walked past and crossed to the other side of the road. Only the good Samaritan picked the person up, tended his wounds and eventually helped him on his way back to recovery. I quote the story of the good Samaritan for the reason that there is a direct relationship between that part of the Gospels and what happened today, because nobody has helped these people. In fact, everyone has run away from them. We have contacted the Department of the Premier and Cabinet and highlighted it in the media to ask for intervention from the Minister for Transport. We understand the limitations that are placed on the Minister for Transport, and that there are federal implications to this matter; I will address those later. However, the Minister for Transport has responsibility for the Fremantle Port Authority, and there is influence, if not direct action, that the Minister for Transport can bring to bear to resolve these poor people's plight. The Premier can bring his influence to bear, even in a minor way, by asking this company to come before the government and explain its treatment of these people in Australian waters, and on Western Australian soil.

I also bring this to the attention of the Minister for Agriculture and Food because this company has a livestock export permit and it makes a serious income from exporting live sheep out of Western Australia. I bring it to the attention of the Minister for Agriculture and Food for the reason that, in my view, any company that behaves like this has no right to be in Australia; it certainly has no right to be in Australian waters, and it has no right to operate on Australian soil. They cannot bring these types of conditions and behaviours to Australia and expect us to sit back and ignore it. If that means that the Minister for Agriculture and Food, with his federal counterpart, works to withdraw this company's export licence and throw it out of Australia, it will be all well and good. There are other sheep carriers out there who will pick up this work. If it means that the Minister for Transport brings this company in and flogs it over its behaviour and its treatment of human beings within his own port of Fremantle, for which he has responsibility, it will be good. If he raises the matter with his federal counterpart, as I have raised it with the federal ministers responsible for industrial relations and transport, it will be good. If somebody listens to these people's plight and takes some action, it would at least mean that we have learned the lessons of the parable of the good Samaritan and actually done something about this; however, to date, everyone has crossed over the road and passed by on the other side—everyone. That is the reason that that poor bugger was putting out an SOS on a torch from the ship the other day.

Mr J.E. McGrath: Member, have they sought any assistance from the unions?

Mr F.M. LOGAN: Yes, they have, and the International Transport Workers' Federation has acted on their behalf. There is some light at the end of the tunnel. The company has sat down with the ITWF to negotiate a new agreement, covering both ships, and those negotiations are underway. One of the sticking points in the negotiations—I am sure that if members were in the same position, they would be saying the same thing—is that they are owed back pay. There is \$500 000 worth of back pay for each of these ships that is owed to the sailors. The company's view on back pay is: we will not pay; why should we?

Why should we let this company operate in Australia? Why should we, as Western Australians and Australians, stomach these types of conditions existing in Fremantle port? It is a disgrace. I understand that the ministers are limited in what they can do; I am not asking them to do the impossible, but whatever pressure they can bring to bear would help to alleviate the plight of some of the poorest people in the world who have been stuck here for 18 days aboard this ship. They have been here for 18 days without shore leave; the ship is still tied up in Fremantle. I ask the ministers to use whatever influence they have and whatever pressure they can bring to bear to try to alleviate this human rights disgrace.

Mr D.T. Redman: Can you articulate what actions you think we could take? The second point is: within those actions, are you expecting a consequence for those who might have export responsibilities to the companies in Western Australia?

Mr F.M. LOGAN: I will deal with the first matter: what actions can be taken? There are a couple of actions that can be taken. From the Minister for Transport's point of view, he could be in discussions with the Fremantle Port Authority and the harbourmaster about what they can or cannot do. We have already been in contact with the police over the behaviour of the ship's owner and the ability to release the people who are locked up onboard the ship. The police say there is nothing they can do; they say that they have no jurisdiction and that they cannot do anything about it. I am putting it to the Minister for Transport to explore those options with the Fremantle Port Authority and the harbourmaster as to what they can or cannot do, at least in respect of the occupational health and safety of the seafarers. From the Premier's point of view, he could challenge the behaviour of a company

that exists here in South Perth. All three ministers could pull this company in and tell it what they think about its behaviour. They all have a copy of the agreement in front of them; it is signed off by the company, and it cannot run away from it.

From the Minister for Agriculture and Food's point of view, he could look at the company's operations here in Western Australia—how it operates here, its structure and its livestock export permits—and raise that matter with his federal counterpart as well. Both ministers can bring pressure to bear on the company and say it must comply with international maritime law and international agreements that it originally signed up to if it wants to visit Australian waters and dock in Australian ports. Those sorts of things are the minimum that ministers can do. It is a disgrace. It is a very sad story. I think it has a direct relationship with the parable of the good Samaritan, and I hope my colleagues up the back acknowledge that it has a relationship to that part of the Bible.

MR M.P. MURRAY (Collie–Preston) [4.31 pm]: I, too, would like to add a few words to express my disgust that not a great deal has happened and not a great deal is moving forward on this tragic situation. From my tours last year, even the lowest paid labourer in Vietnam was getting \$US2 an hour, yet here we have these people who are locked up on a ship, no different to the animals the ship carries, earning \$US1 an hour. If they are lucky, they might even get an overtime shift. What a bonus that would be!

When you look at the work that is done on a ship, it is not all easy. Anyone who has had a look at those sheep or cattle carriers will have seen there is a constant, 24-hour shift roster. Those animals have to be looked after, fed and made sure they are not under stress, yet there are not that many people onboard. When we think about the roster that goes with that—I am just looking at it now—there are 13 people to run a ship that may have up to 15 000 or 20 000 sheep onboard. We can imagine the workload that is required. The work goes on even when the ship is empty. The work agreement states that at times workers will be asked to get over the side and do the chipping. I am sure the ship will not always be berthed when they have to go over the side. It will be work where they will be hanging off a ladder or a bosun's chair, chipping the rust off the side of the vessel and painting it to keep it going. It is incumbent on this government to take some actions to make sure this is sorted out before the workers go back. Some of the problems I have seen over time are that the people might not get another job when they go back. It really is about the shipping line itself, not the individual vessel, being made to pay reasonable wages while these people are onboard. The contract of employment states that workers "will be called on to perform other duties inside or outside the open areas". It further states —

As explained to you all of you, to contact any other country's union is not allowed according to NMB agreement. Anybody found involved in such activities will be seriously punished by cancelling his CDC and recovering the cost of any expenses, air passage in this regards.

The wood is right over their head about how to make a stand. It is not very good, because people could possibly disappear from one port to another. Do not say it has not happened, because there have been regular occurrences when we find out there has been a problem on the ship and the helicopter has to go out and pick up these people. Invariably there has been a fight: the ship's master and his disciples against the workers who are taking a stand and saying that they have had enough.

The role of exporters of live sheep, cattle and goats is very important. I believe the Minister for Agriculture and Food should be out there saying to farmers, "We can't allow this to go on." We must be out saying, "We won't load the ship. We will not supply stock to this ship." It is not about greed in one area; it is about greed in many areas, because anyone who says, "My sheep are ready to go, and I don't care about those people on that ship," is just as guilty as the people who are not paying reasonable wages.

I am pressing the Minister for Agriculture and Food to get out there and make sure this ship is not loaded. It costs the company a lot of money when an empty ship is in port. It is my understanding it is around \$20 000 a day to have a ship idle in port, when it will be far better for the company to pay a reasonable wage. But there must be follow-up. We must ensure that when those people go back to their own country they are not ostracised and demonised by people and put in a position where they cannot get work again. It defeats the purpose. If the wages are set on the ship before they go back, it means right across the board that everyone is equal. Now that the minister is in his seat, I will again ask him to get out there and do some work and say to the livestock providers that we are not going to load the ship until these people are paid a reasonable wage. That carries as much weight as union or government influence, because it is holding back that load, and then the demurrage goes up for the vessel being in port.

It is an Australian problem; we cannot say it is another country's problem. These people are in our ports and they are being treated no differently from slaves—the only thing they have not got is the chains. Their money is in a bank. If they leave early, they will lose it. If they leave, they will have everything deducted; you name it, from clothing through to their airfares on the way back and their side airfares as well. If they come from a back country and have to get back to where their family is, they will pay for that as well. If they have what we would

call a worker's compensation claim, it is quite different in their language. According to them, it is "You will pay for that because you injured yourself."

We have to work very hard in this area. We pride ourselves as Australians on giving people a fair go, but this is certainly not one of those cases. As the previous contributors to the debate have said, it has taken a while for this issue to get some traction and to tell people that they need a hand here. It is great to see the unions come out and give some support to these people. It is also incumbent on government to put some support behind the unions. I know the conservative government thinks that many union people are lepers—we have certainly seen that attitude in this house—but in this case the conservatives should not be scared of the union movement being first to the pie. Government members should get in there and help these seaman to make sure they have a fair deal in life.

Workers have been locked on that ship and not allowed to get off. The work agreement reads —

Due to increased desertion by Pakistani ratings at different ports, specially recently in Australia jeopardising the employment of Pakistani seamen on the respective company's vessels this company ... has agreed with the Principals to stop SHORELEAVE ...

Because other people have done something, the people who are on the ship are not allowed to have shore leave. Again, that is against the fair principles of, firstly, seamanship, and, secondly, a fair go.

Similarly, in the 1800s the whalers who used to come from America and hunt whales to near extinction on our south coast were thrown on those ships when they were drunk. They could not get off for three years, but they had to pay for all their gear on the way over. Many of them deserted in Australia, but because the terrain was so harsh, they had to get back on the ship, where they were flogged. When we look at this, we have not moved far forward in all those years. These people are not allowed to get off. If they get off, they are deemed to be deserters. We need to do something here. Some of the people in sweatshops in Asian countries are paid better than these seamen. I am appalled that we could even think of loading cattle, sheep or animals onto these ships and letting them go out without the seamen getting a fair go. I would like to hear from the government side on this issue to see whether it is dinkum about a fair go for everyone in the world. It is all right waving the flag; now is the government's chance to do something about it.

MR W.J. JOHNSTON (Cannington) [4.40 pm]: I rise to make comments in support of this motion. I remind the house that the motion reads —

That this house calls on the Premier, the Minister for Transport and the Minister for Agriculture and Food to take action to protect the human rights of seafarers on board the *Bader III* sheep carrier docked in Fremantle harbour and condemns the behaviour of the ship's owner, Livestock Shipping Services, and its breaching of human rights and international agreements.

I want to make it clear that we are not condemning the Premier, we are condemning the people who are responsible for this behaviour—the owners of the ship. It may well be that when ministers stand to speak on this motion, they will say, "This is the commonwealth government's fault. Do not blame us. Send the letters to Canberra and seek the assistance of the federal authorities." The members for Cockburn and Collie–Preston have already acknowledged that there is a responsibility on the commonwealth but that does not excuse the state government from taking action. We still need the state government to do something about this.

I will refer to the document that was laid on the table by the member for Cockburn. One of the undertakings in the document by these people on the vessel reads —

In case of my/our repatriation due to any violation of shore leave instructions from the company/vessel or respective country's law enforcing Authority

They are trying to intimidate the members on the ship into not approaching Australian authorities. They are trying to say, "Don't take up your legal rights with the authorities in the countries you visit." The fact that they specifically single out Australia for mention in their enforced agreement on these workers demonstrates that we need to take action. We cannot allow this shipping company to thumb its nose at Australia in the way it is doing.

I want to draw attention to a couple of issues here. Seventy per cent of the wages paid to these workers is kept by the company through the agency of the master of the vessel. While they are in Western Australian waters, they are covered by our industrial relations system. Keeping employees' wages is illegal; it is as simple as that. Under Australian law wages must be paid in full to the employee at all times. There should be enforcement action against the companies for that simple and clear breach of Australian law.

Let us go further. The company keeps 70 per cent of the employees' salaries. How do employees provide for their families in Pakistan? They do not get access to the money, so how do they feed their families? How does that allow their families to thrive? How do they educate their children or do all the things that need to happen?

Mr Fran Logan; Mr Mick Murray; Mr Bill Johnston; Mr Troy Buswell; Mr Terry Redman

We know what is happening. They become trapped. They are effectively enslaved to the vessel because they cannot leave until the master lets them, otherwise they will not get their money. It is no wonder they will not complain and no wonder they will not take any action to enforce their legal rights, because if they do, they risk losing everything. Having been away from their family for a year, 18 months or two years—as we know happens on these vessels—they leave with nothing. The idea that they have to pay for their own repatriation is just extraordinary.

It would be nice to think that this sort of thing does not happen in Australia. We know there are people calling for these cancerous employment arrangements to be imported into Australia. I note there was a call from Gina Rinehart, reported in *WAtoday* —

Australia needs guest labour. Just think where Australia could be if we welcomed guest labour, even if limited to hot or remote areas or to unskilled and semi-skilled positions.

The richest woman in Australia, a billionaire, is calling for the sorts of working conditions that have been found on this vessel to be imported into Australia by the use of guest labour. That is a disgrace.

Mr F.A. Alban interjected.

Mr W.J. JOHNSTON: Let me make clear what I am saying: I cannot believe that a person who has benefited so greatly from the gifts of this nation, to the extent that she has become a billionaire, would welcome guest labourers. Remember, she wants to rewrite history and say that her father was not a successful businessman because she says when she took over the company it was bankrupt—that is fair enough—but the reason she has billions of dollars in assets is because of the revaluation of the assets in the ground, not because of the operation of any enterprise. She has benefited greatly from the operation of Australian law which gave her right of access to the resources that have made her so wealthy. She says despite the fact that she has benefited so greatly from our laws, what we should allow is guest labourers, like the guest labourers on this vessel.

Mr J.M. Francis: When did she say that?

Mr W.J. JOHNSTON: She said it to *WAtoday*.

Mr A.P. Jacob: Her Singapore one.

Mr W.J. JOHNSTON: Yes, her “we should catch up with Singapore” paper. I have quoted it directly from *WAtoday*. I am not trying to put words into her mouth. That is exactly what she said. When *Hansard* comes out, members will see it properly quoted.

That is a disgrace. We should not allow that to happen. We are having a debate at the moment about ensuring that we have Australian content in our major resource projects. One problem we have is that major contracts are going offshore. Now we also have people saying that not only should we have low-cost labour doing the work overseas but we should bring that low-cost labour to Australia and have it done here. I know from experience about problems with 457 visa workers. I know that members on the other side of the chamber have discussed problems with 457 visa holders in Australia who have to pay for their employment in their country of origin, which of course would be illegal in Australia. This is a cancer. We need to make sure we deal with it. On this occasion it is a ship in Fremantle harbour. It is a shame. There may be some people who are more interested in the sheep on the ship than the workers on the ship. I am very proud to say that I am more interested in the workers than the sheep. I am not saying the sheep should have bad conditions, I am just saying that the seamen cannot speak for themselves because they are trapped. They are trapped by the 70 per cent deduction that is being taken from them by the master so that they cannot speak up for themselves. I am speaking for the genuinely voiceless in this issue; that is, the seamen who are trapped in this disgraceful position. I urge the government to take the actions that it can, to take responsibility for what is happening, and to use the powers of Western Australia to show that we will not stand for this and we will stand with those workers.

I want to finish by congratulating the International Transport Workers’ Federation who, in Australia, are represented through the Maritime Union of Australia, for the work they have done here. Sometimes the MUA gets criticised for its approach to industrial relations, but members can see they are working in a tough industry. Sometimes, sadly, it takes tough people to sort these difficult problems out. If the MUA was not prepared to stand up, would we be discussing this issue here? I was proud at the time to stand with the MUA in Fremantle over the waterside dispute. I am proud to stand with the ITWF today to support it in its campaign for fairness for these workers. I am looking forward to the response of the government.

MR T.R. BUSWELL (Vasse — Minister for Transport) [4.49 pm]: I will make a few comments in response to some points raised. As I understand it, the *Bader III* is still in E berth. I have seen it twice—once when I went down to see the *QE II* leave Fremantle and the other week when I was down at the port authority.

Mr M.P. Murray: A few sheep on the *QE III*

Mr Fran Logan; Mr Mick Murray; Mr Bill Johnston; Mr Troy Buswell; Mr Terry Redman

Mr T.R. BUSWELL: I better not go near that one! There were a few people on it. It was a stark contrast. The ship is a disgraceful looking vessel, to be frank. I cannot but imagine the conditions on the ship are anything other than the bare minimum to enable those seafarers to go about their duties. I cannot imagine it is a particularly pleasant place to be, whether at sea or tied up alongside E berth.

When my father first left Bunbury, his first job was as a member of the Merchant Marine, as it was called back when Australia had a merchant marine. I remember him saying to me, “Don’t do that because it’s hard work, it’s lonely and the pay is low.” I suspect that, relative to the conditions that he enjoyed, things have got worse. This is an important issue for Western Australia. It is frustrating for us in government. I have every reason to believe that everything that the member for Cockburn is saying is 100 per cent accurate. I have not heard anyone dispute the facts. There are some issues around jurisdiction that I will touch on shortly. I am not hiding behind jurisdictional issues, but there are some. However, as I said, I do not think that anyone is here to dispute the facts.

This is an unfortunate situation, because Western Australia is a trading state. In fact, we are the greatest trading state in Australia. As a quick aside, I had a look at the December trade figures, and I saw that, for the first time ever, in the 2010 calendar year commodity-based exports went up over \$100 billion, which is massive; \$102 billion worth of commodity-based exports went predominantly out of Western Australian ports. We pride ourselves on being a good jurisdiction to do business with. We should pride ourselves on providing a good environment to work in for the seafarers who service our export trade, and also the import trade into Western Australia. It is interesting that that \$102 billion of commodity-based trade has gone up from \$12 billion in 1990, so that is a \$90 billion increase in commodity-based trade in 20 years. We accounted for half the increase in commodity-based trade that Australia enjoyed in that 20-year period, which is an interesting little aside.

Moving on to the issue with the *Bader III*, as I said, I have no reason to dispute the facts. When I found out about it via the member for Cockburn’s press release and some other media reports that he generated on the day—good on him for doing that—I suppose in partnership with the union down there, I had the Department of Transport provide me with advice on what we could do as a state. The advice was that jurisdictionally we had no coverage; that the port of Fremantle could take action to legally hold the ship only if an arrest order was issued by the Federal Court and/or under some other jurisdictional issues that are all generated out of the commonwealth. I was not very happy with that answer. I think the member quoted Luke 10, the parable of the good Samaritan. I, too, sought the advice of a higher authority and contacted Anthony Albanese. I will read his advice to me into *Hansard* because I think it is important. It is contained in an email from one of his advisers by the name of Jeff Singleton, but it is signed by Anthony Albanese, at least electronically. It reads —

Under existing international law Australian authorities do not have power to intervene on issues pertaining to the welfare of a ship’s crew—a restriction we find unacceptable.

He goes on to say —

That’s why, the Gillard Labor Government has joined the global effort to stamp out the exploitation of seafarers by agreeing to ratify the International Labour Organization’s new Maritime Labour Convention.

The Convention is expected to come into force in mid-2012, at which time it will apply to all ships.

That was his jurisdictional advice, and I can inform the house that the state government recently agreed to the ratification of that International Labour Organization Maritime Labour Convention. My understanding of the process is that the states had to agree to the ratification, at which stage the commonwealth would agree to progress the ratification. That is now done and it is now in train. Interestingly, again as an aside, in doing that the Department of Commerce examined the current state regime that creates the legal framework under which maritime workers are employed in Western Australia. It does not apply to a lot of people, but our framework met all the requirements of the ILO convention. That is a tick in the box that I think we would expect. This is an unfortunate situation. Again, I do not offer that up by way of trying to hide from the facts; I offer it up by way of a jurisdictional explanation. The reality is that legally, and amazingly, we have no capacity to act under the current framework. Is that good enough? Clearly, it is not. Are steps now in place to address that? Absolutely. The state has agreed to ratify the ILO Maritime Labour Convention; the commonwealth is now progressing that. If this had happened next year, a legal framework would be in place. The member for Cockburn is right, as are the members for Cannington and Collie–Preston who also spoke. It would be much better if we had a greater capacity to act. Unfortunately, jurisdictionally we do not.

The member for Cockburn asked whether we can exercise some leverage on the owners of the ships. Well, possibly, but ultimately, as a minister of the Crown, as the member would know from his time on these benches, I have to rely on operating within a legal framework; but we do not have that.

I do not really have a lot more to add. I think this is a real issue. I do not think there would be any dispute on either side of the house that this is not an acceptable outcome, that the facts that the member for Cockburn presented are not accurate and that we need to do something about it. The unfortunate reality is that it will be about 12 months before we have that framework in place. I do not say that to pigeonhole myself as a union basher. As the member knows, I am not one of those.

Mr M.P. Murray: Today.

Mr T.R. BUSWELL: Today, yes. I thank the member. I will always call an issue on its merits, member for Collie–Preston, and, as I said, this is a serious issue. We are a trade-based state; we must insist that the conditions under which the seafarers who service our state, whether it be for import or for export, are employed under acceptable conditions. That is why we were happy to sign up to support the ILO convention. If members understand the history of conservative governments, they will know that for a conservative government at a state level, especially in Western Australia, to support an ILO convention is fairly rare. The ILO is not necessarily a body that conservative state governments, in particular in Western Australia, have ever been particularly fond of. Why did we support it? It is because we understand the importance of creating this framework.

I will close. The member for Collie–Preston talked about the American whalers. I think he will find that the American whalers did not lead to the decimation of the whale population; they were battling to keep up with them. It was probably the more mechanised whalers who followed. I know that the member for Collie–Preston is a person like I am who enjoys culture and the arts. A play is on in Subiaco called *Catalpa*. It is about an incident at Fremantle that involved an American whaling ship called *Catalpa* that whisked away some Fenians.

Mr B.S. Wyatt: That was down in your part of the woods, I think.

Mr T.R. BUSWELL: No, Fremantle. I am not going to talk about the story.

Several members interjected.

Mr T.R. BUSWELL: I will give members the history. A convict by the name of O'Reilly came out to Australia. He escaped in Bunbury. Interestingly, the late Phillip Pendal wrote a book called *Leave granted*. It is about our shared ancestor, one Joseph Buswell, a Protestant English convict who allegedly rowed O'Reilly out to the American whaling ship that whisked him back to Nantucket, or Boston.

A government member interjected.

Mr T.R. BUSWELL: John Boyle. He was then a leading figure in arranging the —

Ms R. Saffioti: Member, there is a memorial down in —

Mr T.R. BUSWELL: There is a memorial in Australind. Member for Collie–Preston, it is just north of the nudist commune or whatever it is down there—the people who are in touch with themselves and nature.

Ms R. Saffioti: Geoff Gallop opened the memorial.

Mr T.R. BUSWELL: Yes. Anyway, I did not mean to go on. I was merely pointing out —

Mr F.M. Logan: Is the government going to support the motion?

Mr T.R. BUSWELL: We will support a slightly modified version. We support the intent of what the member is trying to say. I do not think any person of fair mind in this place would not. However, the Minister for Agriculture and Food will move a minor amendment—we are not trying to be smart about it—which is reflective of those jurisdictional issues that I pointed out earlier.

MR D.T. REDMAN (Blackwood–Stirling — Minister for Agriculture and Food) [4.58 pm]: In following the Minister for Transport, I would also like to make a couple of comments. I also share the sentiment that has been expressed in the motion of the opposition and, indeed, reflected in the comments on the government side by the Minister for Transport. Certainly, when we hear some of the commentary about some of the detail of the industrial circumstances in which these people are placed, we realise that they are very different from the standards that we accept as a country, and they are certainly different from the standards that we accept as the state of Western Australia; therefore, we should have some concern about that.

A couple of strong points have been made. The member for Cannington made a point about referencing our support for the people in those circumstances versus the welfare of animals. Quite rightly, our focus should be on human conditions and the circumstances under which those people are employed.

I highlight that, from an agricultural perspective, Western Australia is export focused. I think that 85 or 90 per cent of what we produce is exported; hence, it is a significant part of our trade activities. That said, it does not take away the concern that we should rightly have about the industrial circumstances that these people find

themselves in. The live export trade specifically was worth about \$514 million to Western Australia in 2010. In 2010 that was broken up into some 370 000 cattle worth \$252 million, which were exported largely to Indonesia, and 2.97 million head of sheep worth \$262 million. Again, we need to exercise some caution in responding with government policy settings. Again I highlight that some bigger issues need to be contemplated in those deliberations.

I will point out—I do not think it has been done in detail yet—the circumstances behind the *Bader III*. It may have come up earlier in the member's comments on the motion, but I was not in the chamber to hear them. The *Bader III* docked in Fremantle on or around 21 February. Its intention was to load some 65 000 sheep and 11 000 head of cattle, and it was destined for Turkey. As the livestock could not be supplied at that point—there was certainly no livestock waiting at the berth—the decision was made to undertake some routine maintenance. Of course, as the ship was berthed at Fremantle Harbour, a whole range of issues came to the fore in the media, and that is the intent of the motion that has been moved. On top of that, the importing country, Turkey, requested some additional protocols through the Australian Quarantine and Inspection Service. It is my understanding that both the availability of animals and those protocol requests have been complied with. The expectation is that in the next couple of days it will load livestock. That is the current status. I just thought I would highlight the circumstances of how the *Bader III* finished up being there.

The shadow Minister for Agriculture and Food suggested that perhaps the government, in its response, could put out a call to farmers not to sell livestock to this export company, which holds a licence. I think some caution needs to be exercised before making such a decision. That is not downplaying the circumstances that these people find themselves in. But that call could be extended to a lot of countries that Western Australia trades with that do not have the same industrial relations standards that we have. If we extend that call to countries that we export a lot of our livestock to, we could make just as strong a call on the industrial relations conditions in those countries. Is that therefore a reason for us to not —

Mr F.M. Logan: There is a common set of industrial relations internationally —

Mr D.T. REDMAN: Absolutely.

Mr F.M. Logan: — for the transportation of anything, including livestock, and it is not even complying with that.

Mr D.T. REDMAN: I think the Minister for Transport highlighted Western Australia's support for those international protocols; hence, once those frameworks are in place, it will give us an avenue to take this up with the federal government, which has the appropriate jurisdictional responsibility. It is my intention to seek the position and the action being taken at a federal level. As the Minister for Transport highlighted, there is a jurisdictional issue. I think that the Western Australian government absolutely holds concerns for the welfare of the people on the ship berthed at Fremantle.

Mr F.M. Logan: As you have expressed those concerns, minister, can I suggest that you write directly to this company, given that it is directly involved in the agricultural industry, expressing those same concerns and indicating that you are not happy with the company's practices during *Bader III*'s visit to Western Australia?

Mr D.T. REDMAN: What actions would the member suggest we expect from that company in response?

Mr F.M. Logan: It is just that the company does not like to upset the minister of the day in any country. All you would be doing is using your ministerial influence; you would not be breaching any law. You would simply be expressing your concerns directly to that company in writing in the same way as you have done in the house today.

Mr D.T. REDMAN: The federal government has the jurisdictional control of this matter. The federal government has jurisdictional responsibility for all things that occur at the border or on the ports.

Mr F.M. Logan: I understand that, but this is a company based in WA.

Mr D.T. REDMAN: Sure, but that is probably the most appropriate way to leverage influence. I absolutely agree that we should support the international standards that we want to maintain in Western Australia. We want to allow groups and companies to trade in our state.

Amendment to Motion

Mr D.T. REDMAN: I move —

To delete “take action” and substitute —

pursue with the commonwealth suitable actions

As the Minister for Transport highlighted in his closing remarks, the amendment will not take away from the intent of the motion.

Mr Fran Logan; Mr Mick Murray; Mr Bill Johnston; Mr Troy Buswell; Mr Terry Redman

Mr M.P. Murray: To me, that is softening it. As the member has stated, why not also write to the company directly, and even do what you are talking about? Don't put all the responsibility back on the commonwealth.

Mr D.T. REDMAN: That is something that I am prepared to consider. In terms of my from-the-hip remarks, when ministers write to people seeking an outcome, they are seeking particular action. Indeed, opposition members might want to counsel me on what they want that company to do. I made the point that I am cautious and therefore am not prepared to put to the farming community in Western Australia that I expect it to withdraw livestock from transport. I certainly want to highlight at the highest level in Western Australia—that is, in Parliament—our acknowledgement of the industrial circumstances that the people on that ship find themselves in. By supporting a slightly amended version of this motion, we are highlighting that the federal government, with support from the state government, has jurisdictional responsibility for the international protocols that support the standards applying to people who are in transit in maritime circumstances. I think we have captured the sentiment of what opposition members are trying to push for. I absolutely agree with their position on the conditions that these people are working under. I think that the slightly amended motion captures that sentiment.

Amendment put and passed.

Motion, as Amended

Question put and passed.