

QUBE PORTS —JOBKEEPER PAYMENTS

Statement

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [5.22 pm]: Today, I want to talk about an industrial dispute that is taking place in the port of Fremantle involving Qube Ports. Qube is a corporation that had revenue of \$2.1 billion in the 2020–21 financial year and increased its after tax profits by 37 per cent to \$142 million. In the 2019–20 financial year, Qube had revenue of \$1.9 billion, which was a significant increase on its 2018–19 earnings of \$918 million. Despite Qube’s good fortune during COVID-19, at a time when many businesses closed their doors and workers lost their jobs, it was one of the first companies to put its hand out for JobKeeper payments, to the tune of \$30.5 million of taxpayers’ money, even though its revenue did not collapse, which was the key hurdle of the program. When Qube was caught taking JobKeeper contrary to the program’s clear guidelines, it repaid \$17 million but pocketed the \$13.5 million, which was left, which it has still not paid back to the federal government.

At the same time that Qube was doing this to the Australian taxpayer, it was attacking its own employees, who were supposed to be beneficiaries of the program—workers who had actually lost hours and wages. It took money that had been paid to them as JobKeeper subsidy. While Qube was rorting both the federal government’s JobKeeper scheme and its own employees, it was also busy ensuring that it paid out large executive bonuses and dividends to its shareholders. Amongst the bonuses paid out by Qube Holdings, the parent company of Qube Ports, CEO Maurice James managed to pick up a lazy \$2 million! Qube has refused to pay back \$13.5 million of the \$30.5 million it rorted out of the JobKeeper program. We know that it accessed a program that it had no right to and, in turn, it looked after its executive management with large bonuses.

How has Qube treated its stevedoring workforce during COVID-19 beyond just taking back money paid as JobKeeper to those most affected by the COVID-19 downturn? Terribly, is the answer. Qube has had a long reputation for cutting corners on safety, and the occupational health and safety shortcuts have been put in the spotlight in a dispute in which the workforce in the port of Fremantle is currently out the gate. This is not a dispute about wages or remuneration but rather a dispute about the rights of Qube workers to have a safe workplace, to have proper fatigue management at their place of work, to have a proper work–life balance, and to be given reasonable and proper notice of the allocation of work. Not one worker employed by Qube in Fremantle has a roster. That includes its permanent workforce. Not one worker employed by Qube in the port of Fremantle is told prior to 4.00 pm on the day before any scheduled work occurs whether they will be working the next day. If they are allocated work, only then do they find out what shift they will be working, be it a day, evening or night shift, and whether they are required to work an eight-hour or 12-hour shift. Due to these late allocations, workers cannot plan their personal lives. Casual workers are prevented from taking other work before 4.00 pm or they are penalised. Single parents cannot plan child care for the next day until early evening, and workers have no ability to manage any work–life balance outside of being at the end of a text from Qube at 4.00 pm every day.

The Qube Fremantle bosses—I make special mention of Michael Kranendonk, the state manager of Qube in Western Australia—have sent employment standards back 100 years. It is an archaic employment regime that is at odds with the supposed values of occupational health and safety governing Qube’s management. Its policy states —

We have a strong team of people who work together to create an inclusive and collaborative safety culture. This creates the opportunity to identify and mitigate risk, develop and innovate solutions and share our knowledge with industry.

Qube’s allocations and shift patterns are nowhere near providing workers with a collaborative safety culture. Who has Qube blamed for its allocations and shift patterns? It has blamed none other than its clients, which include Wilhelmsen, a global shipping company based in Norway. Shame on you, Wilhelmsen, if you have collaborated with Qube to destroy the safety and work–life balance of stevedores employed by Qube in Fremantle!

How has the Maritime Union of Australia dealt with these issues? It has spent 15 months negotiating with Qube in an effort to incorporate standards in the enterprise bargaining agreement that would improve the safety regime of Qube’s Fremantle operations and the work–life balance for Qube employees. Out of 42 bargaining claims that were nearly all zero-cost claims, Qube rejected—wait for it—42 claims, including the claim to bring allocation times forward two hours to 2.00 pm. In light of Qube’s refusal to agree to a single claim, the union took lawful protected action authorised by the Fair Work Commission to support its bargaining position. What was its action? Workers needed to be allocated work prior to 2.00 pm on the day before the scheduled work. Qube, true to form, not only refused to allocate work prior to 2.00 pm on the day prior to the scheduled work, but it also withdrew access to the port for 125 of its Fremantle employees. That is an absolute disgrace. It was a lockout in every sense of the word.

Again, right from the start, Qube has sought to shift the blame for the six-week stoppage of work in Fremantle onto its workforce and its union. Importantly, Qube has tried to blame the MUA for lengthy delays to agriculture and mining equipment arriving for those important WA industries. But the facts are very different.

I want to read out a letter that was sent to all at Fremantle port on 13 August by the MUA, explaining the reasons for this dispute. It states —

To whom it may concern:

...

The MUA think clients of QUBE should be concerned about the conduct of QUBE and the manner in which they are flagrantly using their cargo and their business as pawns in a game of oneupmanship on their own workers.

The MUA believe QUBE have mislead their clients by informing them that they have to send their cargo to Melbourne because the MUA have a 2-week stoppage in place.

The MUA have never notified QUBE of an extended stoppage—quite the opposite!

The MUA have notified QUBE that they will not work unless QUBE allocate them for work at 1400 instead of 1600, that they will only work 8-hour shifts and only start work after selected vessels have been alongside for 24 hours since tie-up.

Qube had two options in this scenario. The letter continues —

1. **What QUBE have actually decided to do in acting in their own self-interest:** QUBE decided that they would divert their ships with their client's cargo to Melbourne and have it discharged there, and then get it back at some stage in the future. Presumably by ship because of the road and rail restrictions currently in play.
2. ... QUBE could have brought the allocations forward by 2 hours ... given that the labour requirements were well known in advance. They could have waited 24 hours and then discharged the cargo in Fremantle.

Within 48 to 72 hours of the ship berthing in Fremantle, the cargo would have been delivered on time as always. The letter continues —

The MUA say that instead of putting the interests of their clients first, QUBE made the calculated decision to continue to attack their own workforce. As they have been doing for years in their neglect of their own workers health and safety, work life balance and dignity and respect. The only thing we can say is, it appears as though both clients and employees come dead last when QUBE consider what is in their own self-interest.

That letter was written by WA branch secretary of the Maritime Union of Australia, Will Tracey.

The mess Qube has found itself in is self-inflicted. The arrogance of this company in ripping off JobKeeper is matched by its arrogance towards all Western Australians when it blatantly breached COVID-19 directions of the WA government to prevent COVID-19 being let loose in the community from foreign-crewed vessels, a breach for which we understand Qube's Fremantle port manager, Sam Lee, other Qube supervisors, and the company itself are now being considered for criminal prosecution, as they should be. How dare they put Western Australia at risk by flouting safety laws and getting on foreign vessels that potentially hold COVID-19.

It seems clear that Qube attacked the community of WA with its recent failures and COVID-19 breaches. It seems clear that Qube attacked its own workforce by opposing genuine safety concerns around hours of work, fatigue and addressing work-life balance. It seems clear that Qube attacked its own clients and the WA agriculture and mining community and has used them as pawns in an industrial dispute against its own workforce. The delays in arrivals of agriculture and mining equipment are simply because of calculated decisions by Qube and not because of the workforce standing up for safety rights in an illegal protection action. It is an absolute disgrace.

I call on Qube to sort out its bargaining dispute with its Fremantle workforce. I call upon Wilhelmsen to insist on proper safety standards and not to promote a race to the bottom. It is time for Qube to accept its corporate responsibilities to its Fremantle workforce and the broader Western Australian community.