

EMANUEL EXPORTS — LEGAL ACTION

Statement

HON STEVE MARTIN (Agricultural) [6.36 pm]: I rise to make a brief member's statement on the legal case with Emanuel Exports that was discontinued this week. At 10.04 pm last night, the Minister for Agriculture and Food, Hon Jackie Jarvis, who is out of the chamber on urgent parliamentary business, made a member's statement to that effect. I want to comment on some of her remarks and put this decision into some context. I feel for the minister; I imagine she has had a tough week. She has been stuck between the outrage of the animal activists at this decision and some farmers and farming groups who welcomed the decision to drop this case, which she said she was disappointed to see. She has not pleased anybody.

Another person was in the building this week. I believe that the former Minister for Agriculture and Food, Alannah MacTiernan, was in Parliament this week. I would have loved to have been a fly on the wall if there was a conversation between the former minister, who brought this legal case in the first place, and Hon Jackie Jarvis. I have asked a series of questions in the last couple of days about how much of taxpayers' funds and resources have been put to this task. I have not received an answer. We do know that some support was provided. Hon Colin de Grussa asked some questions about when legal advice was sought and received. Again, we are not getting much information, which is a little disappointing, but the decision was only just made. I am sure the minister will be more forthcoming in the coming weeks and months.

I have a couple of things to say about what Hon Jackie Jarvis said last night. In her member's statement, she said —

DPIRD initiated the prosecution of those responsible for this shameful episode in 2019, and I absolutely back DPIRD's decision to do so; it was certainly the right thing to do. From the start, this was a difficult case to prosecute. There was a question of whether breaches of the Animal Welfare Act happened in international waters beyond the state's jurisdiction ...

There was a question! That is fascinating. Looking on from afar, it is difficult to see how much of a question that was. Clearly, these incidents did not happen in Western Australia or in Western Australian waters. This was brought about five years ago, according to the minister. I asked yesterday about DPIRD staff, and she said that over the last five years a number of DPIRD staff across a range of pay classifications from level 3 to 7 have conducted investigations and provided advice and support on this case as part of their normal duties. For five years, they have been at this. Apparently, it has only just come to light that there may be a jurisdictional issue.

Point of Order

Hon STEPHEN DAWSON: The honourable member is quoting from uncorrected *Hansard*. I do not think the standing orders allow for it.

Hon Dr Steve Thomas: As long as you identify that it is uncorrected.

Hon STEPHEN DAWSON: It was not identified as uncorrected *Hansard*. I urge the member to do the right thing in that regard.

The PRESIDENT: Thank you, minister. I did not hear you identify it as uncorrected *Hansard*, Hon Steve Martin, so I invite you to identify what you are quoting from, and in future identify what you are quoting from.

Debate Resumed

Hon STEVE MARTIN: Thank you, President, for that useful advice. I am in fact quoting from the uncorrected *Hansard*, and I apologise for not making it very clear earlier.

For five years, Department of Primary Industries and Regional Development staff and the lawyers involved have been working on this case, and only in the last couple of weeks, apparently, have we been made aware that there might be jurisdictional issues. It is extraordinary that it has taken this long. The minister has been asked how much taxpayers' money has been spent in those five years. We do not know. I guess it is substantial, but at this stage we do not know. Hon Colin de Grussa asked today when legal advice was sought by DPIRD and when it was received. We got the answer on when it was received. It was received on 1 November 2023. The answer did not say when the advice was sought, so we do not know whether DPIRD had just sought legal advice about whether there was a jurisdictional issue or whether, four or five years ago, Minister MacTiernan did so, which we would think was the appropriate thing to do. It could have happened five years ago and we have spent five years getting to this stage of the case being discontinued, or, extraordinarily, it could have happened two weeks ago and the advice has come back and said, "We have a problem; it does not look like it is within our jurisdiction, so we are going to have to back away after five years." There was another reason given in the uncorrected *Hansard* for the decision yesterday, in that she told us —

... more recently, a key witness relocating overseas and some complexities to the case.

We will have to take the minister at her word that that very recent decision by a witness to leave the country has had some impact.

In the uncorrected *Hansard*, the minister went on to explain how incredibly disappointed she was that this case had been discontinued on the advice of lawyers. Then she went on to explain where the blame should lie for the federal Labor government's decision to ban the trade. Remember, our agriculture minister supports the live export trade, the previous Premier supported it and I assume that the current Premier, although he has not been quite as vocal as his predecessor, also supports it. That is the correct thing to do. Obviously, it is. The minister is right. Since that incident in 2017, the trade has reformed itself—the sector has; the government regulations around it have—and it is appropriate that state agriculture ministers like Hon Jackie Jarvis support this industry, and she has been vocal in that support. She tells us she has been on the phone to her federal counterpart to explain the importance of this industry to Western Australia, and that is a good thing. However, yesterday in her statement she said —

If the livestock industry wants to blame anyone for the decision to end live exports that has been made by the federal government, it should look squarely towards Emanuel Exports.

It is something that happened five years ago, and since then the trade and governments have completely turned the sector around and made it a world leader in animal welfare. In fact, in November 2021, Minister MacTiernan was quoted as saying —

“We note the AAT's view that a period of suspension of Emanuel's export licence was appropriate, and that the restructure and rehabilitation of the company was sufficient to allow it to resume exports,” ...

That was as far as the minister was concerned. The same article states —

In a statement, the department said the company had now “sufficiently rehabilitated itself so as to resume its status as a body corporate of integrity”.

The department also said it had since strengthened regulations by implementing a ban on export shipping to the Middle East during the hottest part of the northern hemisphere summer.

Yet, here we have the state's agriculture minister blaming an incident that occurred in 2017 for the recent decision by the federal Labor Party to shut down the live export trade. That is where farmers in the livestock sector should look; that is where they should put the blame. At this stage it is worth mentioning —

Hon Pierre Yang interjected.

Hon STEVE MARTIN: I have two minutes left, President. I will not be taking interjections.

Hon Pierre Yang interjected.

The PRESIDENT: Order!

Hon Pierre Yang: Do not be playing politics!

Hon STEVE MARTIN: Do not be playing politics!

The PRESIDENT: Order! Hon Pierre Yang, when I have called order, I expect it to be achieved. Hon Steve Martin has the call.

Hon STEVE MARTIN: In the short time I have left, I wish to bring to members' attention why this trade is so important and deserves a future, and why, in fact, in the last year numbers in the trade have risen.

Hon Pierre Yang interjected.

The PRESIDENT: Order!

Hon STEVE MARTIN: As I was attempting to say, year on year there has been an increase of 41 per cent in the number of sheep in the live trade. At the moment in Western Australia we have a very, very depressed market for livestock—sheep and cattle. The sheep market is at levels that we did not think we would see again. This is like the late 1980s or early 1990s, with farmers getting a bill for taking stock to saleyards. It is not worth the price of the freight. That is with the live export trade in existence. Can members imagine how much worse it would be if the boats were not leaving in the spring? If the boats were not leaving in the spring, there would be tens of thousands more head of stock that the processors cannot handle and supermarkets apparently do not want on the Western Australian market. Thank goodness we have those boats leaving now in the spring because it will get much worse in the autumn. The minister is correct: this trade is worth supporting and deserves a future, and long may it be so.