

IN THE FAIR WORK COMMISSION

Matter No: B2022/1726

Subject: Re Svitzer Australia Pty Ltd

OUTLINE OF SUBMISSIONS OF DP WORLD LIMITED

1. With respect to the three questions being considered by the Fair Work Commission, DP World's position is:

a) Is it agreed that the indefinite lockout of employees commencing Friday 18 November 2022 notified by [Svitzer] on 14 November 2022[(Lockout)]is protected industrial action for a proposed enterprise agreement that is threatened, impending or probable?

Yes

b) If the answer to [(a)] is "yes", is it agreed that the protected industrial action is threatening or would threaten to cause significant damage to the Australian economy or an important part of it?

Yes.

c) If the answer to [(b)] is "yes", should the Commission suspend or terminate the protected industrial action?

The protected industrial action should be terminated.

2. DP World fully supports and adopts the submissions filed by Patricks Stevedores and provides the following additional submission.

DP WORLD

3. DP World Australia Limited (**DPWAL**) ultimately runs a container stevedoring business. DPWAL's subsidiaries including the following:

(a) DP World Sydney Limited (**DPW Sydney**), which operates a terminal at the Port of Sydney, New South Wales;

(b) DP World Brisbane Pty Ltd (**DPW Brisbane**), which operates a terminal at the Port of Brisbane, Queensland;

(c) DP World (Fremantle) Limited (**DPW Fremantle**), which operates a terminal at the Port of Fremantle, Western Australia; and

- (d) DP World Melbourne Limited (**DPW Melbourne**), which operates a terminal at the Port of Melbourne, Victoria.

(Collectively **DP World**)

4. DP World is one of the two large “legacy” container stevedores in Australia. In any given year it is either the largest or second-largest provider of stevedoring services by volume, changing places with Patrick Terminals.
5. Each of the ports where DP World operates is that State’s only dedicated container port.

IMPACT OF INDUSTRIAL ACTION

6. The disruption to the ability to have vessels stevedored as a consequence of the proposed industrial action will create significant flow-on effects to the shipping industry and the broader transport and logistics industry. This is because the shipping industry (and the connected domestic transport and logistics sector) runs to regular, tightly-controlled schedules. Shipping lines only have limited alternative options to ensure that the containers on vessels are delivered to the intended port. Those alternative options (such as waiting for industrial action to cease, adjusting the shipping schedule or delivering to an alternative port and then arranging alternative transport back to the intended port, assuming that is possible) are much more costly and cause significant delays compared to delivering the containers to the intended port.
7. If the planned schedule is interrupted or vessels are subject to delays, there are significant additional costs and flow on effects that the shipping line incurs as a result. It is not possible for the shipping lines simply to “catch up” the lost time as a result of a disruption.