



**Senator the Hon Michaelia Cash**  
Attorney-General  
Minister for Industrial Relations  
Deputy Leader of the Government in the Senate

Reference: MC21-041052

Mr Paul Zalai  
Freight & Trade Alliance  
68 Brooker Avenue  
BEACON HILL NSW 2100

By email: [pzalai@ftalliance.com.au](mailto:pzalai@ftalliance.com.au)

Dear Mr Zalai

Thank you for your letter in relation to protected industrial action being taken on the waterfront by members of the Maritime Division of the CFMMEU.

Maritime transport is critical to trade and the economy, and it is important that Australian business have access to efficient container transport. The Government is concerned about the reported impact that this action is having on Australia's import and export industry, particularly for Australian rural and regional exporters.

The Government believes that protected industrial action should only be taken as a last resort. The Fair Work Act provides for the Fair Work Commission (FWC) to suspend or terminate protected industrial action in particular circumstances, including on the grounds of significant economic harm to the Australian economy or an important part of it. I note that such applications are almost exclusively brought by either a party to the particular dispute or a third party directly impacted by the industrial action, as they are usually best placed to provide the necessary evidence to support the application. My department has advised that it is not aware of any such applications currently before the FWC.

I note that the FWC is also available to assist with for example, conciliating bargaining disputes following an application from a party to the dispute. My department has advised that it is not aware of any current applications for such assistance.

The Government is closely monitoring developments on the waterfront and I note that the parties involved in these enterprise bargaining matters are experienced and have reached agreement in past negotiations. My department will continue to actively engage with stakeholders to ensure I remain fully briefed on matters as they arise. I understand that you have been in contact with departmental officials and I would be grateful if you would continue to keep my department informed of developments.

I have copied the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Barnaby Joyce MP, and the Minister for Trade, Tourism and Investment, the Hon Dan Tehan MP, into this letter.

Thank you for raising this matter with me.

Yours sincerely

A handwritten signature in blue ink that reads 'Michaelia Cash'.

Senator the Hon Michaelia Cash  
20/09/2021