



April 2024

About ICHCA – International Cargo Handling Co-ordination Association

The International Cargo Handling Co-ordination Association (ICHCA) is an international, independent, not-for-profit organisation dedicated to improving the safety, security, sustainability, productivity and efficiency of cargo handling and goods movement by all modes and through all phases of national and international supply chains. ICHCA International’s privileged non-government organisation (NGO) status enables it to represent its members, and the cargo handling industry at large, in front of national and international agencies and regulatory bodies. Its Expert Panel provides best practice advice and publications on a wide range of practical cargo handling issues.

ICHCA Australia Ltd is proud to be part of the ICHCA International Ltd global network. To access past newsletters and other useful information go to the ICHCA Australia website at www.ichca-australia.com . The ICHCA international website is at www.ichca.com. To join ICHCA please contact Peter van Duyn, Company Secretary of ICHCA Australia Ltd at peter.van-duyn@ichca.com or telephone 0419 370 332.

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ICHCA Australia AGM

The ICHCA Australia Ltd Annual General Meeting will be held on Wednesday 15 May 2024 via video conference. The meeting will commence at 11.30 hrs Melbourne time. All financial members are invited to attend by video conferencing. Please advise ICHCA Australia Company Secretary Peter van Duyn (peter.vanduynd@ichca.com) if you wish to attend and a link for the meeting will be provided.

New director joins ICHCA Australia



The board of ICHCA Australia is pleased to announce that **Nigel Edwards** has joined ICHCA Australia as a director. Nigel's career in the supply chain sector has spanned three decades, the last two as Director of Dotcom Logistics Pty Ltd. He is a trusted member of executive leadership teams of several of Australia's 200 ASX companies, working on a range of strategy and supply chain transformations across manufacturing, logistics, and supply chain operations. Over this time, he has been active in numerous industry associations and mentoring programs and is pleased to be able to contribute to ICHCA Australia. Nigel is a recognised thought leader in his field and is often called upon by media, universities, and industry bodies as a key speaker/lecturer and contributor. He is also a judge for both the Australian and Singapore Supply Chain Awards in 2024.

Nigel has a Bachelor of Applied Science (Chemistry), a post-graduate qualification in manufacturing and operations management, and is currently undertaking a PhD in supply chain and logistics at RMIT. Outside work, Nigel is involved in the arts, in diverse roles including board member, set builder, and philanthropic contributor.

PEMA celebrates 20-year anniversary

A record number of port equipment professionals recently gathered in Killarney, Ireland for the Port Equipment Manufacturers Association (PEMA) AGM and 20th anniversary celebrations. ICHCA International was proud to be invited to be part of the event to provide a guest speaker and to jointly participate in the important work of our MOU partner, with a particular focus on plant and equipment safety.

Shipmaster convicted over pilot ladder failure

The Commonwealth Director of Public Prosecutions (CDPP), on behalf of the Australian Maritime Safety Authority (AMSA), has successfully prosecuted a ship's master and shipping company following a serious accident involving a ship's pilot in 2023.



On 25 May last year, a pilot attempting to embark the Panama-flagged general cargo ship *Boshi 58* was seriously injured when the pilot ladder broke during the transfer. Both the *Boshi 58*'s master and the shipping company, Hong Kong-based Fu Ye Shipping, have pled guilty and were fined \$5,300 and \$32,000, respectively, for failing to ensure pilot transfer arrangements complied with the relevant marine order and the *Navigation Act 2012*.

M/V Boshi 58 pilot ladder. Photo: AMSA

During court proceedings, the CDPP established that the pilot ladder had not been checked regularly and had been improperly stored, leading to degradation to the extent that it became unsafe. This is the second successful prosecution for the CDPP and AMSA on a pilot ladder failure which resulted in injury to the pilot. In June 2023, AAL Dampier Navigation was fined \$30,500 for a similar offence.

AMSA Executive Director Operations Michael Drake said these were preventable accidents that placed the lives of seafarers at significant and unacceptable risk. "Pilots rely on a ship's master and crew to properly maintain, stow and rig pilot ladders, and neglecting a pilot ladder can have deadly consequences." Mr Drake also highlighted common issues with pilot ladders including instances where they have fallen short of accommodation ladders when used in combination, unsafe use of shackles, and failure to regularly inspect, maintain and store pilot ladders appropriately.

NQBP infrastructure upgrade

North Queensland Bulk Ports Corporation (NQBP) is investing \$10 million to upgrade crucial pipeline facilities at Wharf 1 at the Port of Mackay. NQBP CEO Brendan Webb said the project was a key priority for the North Queensland port authority. "This project will see the replacement and undergrounding of around one kilometre of pipeline infrastructure," Mr Webb said. "The pipelines are currently used to supply ethanol, water, diesel, and petroleum to ships visiting Wharf 1. This project aims to provide greater resilience to the overall infrastructure and ensure the longevity of the pipeline system," he said.

Fuel is the Port of Mackay's largest commodity by volume, with almost 1.6 million tonnes passing through the Port in FY 22-23. Approximately 90% of this fuel is transported for use at mines located in the Bowen Basin, with the remaining 10% distributed to local fuel stations. The port has already clocked up 2.46 million tonnes of cargo this financial year, surpassing throughput in the same period of the previous financial year (2,07 million tonnes).

"The port provides an essential connection between regional Queensland and the world boasting trading links to neighbouring countries in Asia as well as New Zealand and North America. We're continuing to invest in Port of Mackay infrastructure to boost our capabilities," Mr Webb said. NQBP are also pleased to announce the project contract has been awarded to local company Wisely Group Pty Ltd.

Port of Newcastle welcomes IPART ruling

The Port of Newcastle recently welcomed the determination of the Independent Pricing and Regulatory Tribunal (IPART) for the one-off compensation payment of approximately \$13 million the Port must make to the State under *the Port of Newcastle Extinguishment of Liability Act 2022* (NSW). While the details of the determination are yet to be fully examined, once complete, this payment of the compensation sum will bring an end to the legislative process, meaning Port of Newcastle will no longer be penalised for competing against Port Botany.

Port of Newcastle CEO Craig Carmody said with the determination figure handed down, the Port has only one final regulatory roadblock to remove before progressing with a container terminal. "Today is a significant and historic milestone for Port of Newcastle and regional NSW, a path forward that means we will no longer be penalised for wanting to offer choice and competition in NSW container trade," Mr Carmody said. With the legislative process nearing completion, attention for the Port turns to the NSW Freight Reform Review, which is a determinant of state planning decisions. "While we are delighted that the determination has been made, we now need to ensure the NSW Freight Reform Review, which the NSW Government has commenced, also reflects the decision by Parliament to promote competition through the *Port of Newcastle Extinguishment of Liability Act*," Mr Carmody said.

“The current Freight and Ports Policy states that Port Kembla is the designated second port for a container terminal in NSW, which impacts Port of Newcastle’s ability to get planning approvals for its own container terminal. We hope the NSW Freight Reform Review will agree that there should be a level playing field for competition rather than the state trying to pick winners,” he said. With the legislative process nearing completion and the NSW Freight Reform Review underway, Port of Newcastle will continue to focus on growing exiting container trade through its new Multipurpose Terminal. “Our immediate focus will be the continued growth of container trade through our existing Multipurpose Terminal, which we have invested over \$35 million in and currently has planning approval for 350,000 containers a year,” Mr Carmody said.

Transport for NSW is seeking feedback

Transport for NSW is seeking feedback on the Freight Policy Reform Program to investigate the freight logistics chain. The Freight Policy Reform Program will review ports, rail, road and intermodal facilities, to determine the best policy framework to optimise safety, productivity and sustainability, in response to current and emerging drivers of demand.

The Freight Policy Reform Program will be informed by the Freight Policy Reform Advisory Panel (the Panel) and will be delivered by Transport for NSW, with the Minister retaining responsibility for program oversight and decision making. A Consultation Paper for the Reform has been published, outlining the freight task in NSW at present, the key drivers of change, strategic policy issues for consideration and poses questions for stakeholder input. Please refer to the **Consultation Paper** to guide your feedback. Submissions on the Consultation Paper will be considered to inform and shape the Freight Policy Reform Program.

Have your say by completing a survey or submission by Friday 31 May 2024.

Moorebank officially open for interstate trains

The Interstate Terminal at the Moorebank Intermodal Precinct was recently officially opened. It marks an important milestone in the Federal Government’s commitment to build a resilient, efficient, and sustainable national supply chain and support a future made in Australia. It will be Australia’s first major metropolitan ‘independent’ interstate terminal, operating under an open access arrangement and not controlled by a single existing above-rail operator.



Photo: Department of Infrastructure,

Transport, Regional Development, Communications and the Arts

The site will be able to manage 500,000 twenty-foot containers annually. Each of the 1,800-metre trains the Interstate Terminal can accommodate has the potential to remove 100 ‘B Double’ trucks from Australia’s roads, easing congestion. This will help the movement of rail freight between cities and regions and help drive efficiency and competition across the national freight network, which will ultimately flow onto savings for businesses and consumers.

When complete, the fully integrated industrial precinct at Moorebank will house over 850,000 square metres of modern industrial warehouses and will support more than 6,800 jobs. The Moorebank Interstate Terminal is being developed as a joint venture between the Australian Government-owned National Intermodal Corporation, with Qube Holdings and LOGOS. The Australian Government has committed \$570 million towards the Intermodal Precinct.



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General Average declared in Baltimore incident

The owner of the ship that destroyed Baltimore's Francis Scott Key Bridge has started a formal process in which companies that own goods on the stricken *Dali* will have to share some of the financial losses, according to the world's leading container carrier. A.P. Moller-Maersk A/S has indicated that the process, known as general average, was declared by Singapore-based Grace Ocean, according to Mediterranean Shipping Co. SA.

"This decision indicates that the owners expect the salvage operations to result in high extraordinary costs for which they expect contribution from all salvaged parties under general average," the advisory stated. MSC and Maersk, the world's largest container lines, are relaying the information to their customers that own freight on the ship. The *Dali* was on charter to Copenhagen-based Maersk with Synergy Marine acting as its manager and operator when it destroyed the bridge and blocked the port of Baltimore on 26 March.

General average is a maritime legal concept usually written into bills of lading or other contracts signed among parties to shipping transactions. It revolves around the principle of shared sacrifice and dates back to ancient times, before insurance, when ships often ran aground and needed to jettison someone's merchandise in order to save everyone else's. Nowadays, the costs that become part of a general average calculation would include a tally of the losses incurred to move the vessel to safety, including any damage to cargo, tug and salvage operations, any losses to the containers themselves, and other expenses, including crew and fuel.

In the meantime a portion of the deep water channel has been opened to deep-draft ships. The opening of the 35-foot-deep Limited Access Channel (LAC) allowed the departure of some of the ships trapped in Baltimore Harbor. The first ship through was the general cargo ship *Balsa 94*, bound for Canada, followed by the cargo ship *Saimaagracht* and car carrier *Carmen*. More transits are expected. The U.S. Army Corps of Engineers said the LAC is open to scheduled passages for a limited number of commercial vessels into and out of the Port of Baltimore. The channel will remain open for a few days at a time, to allow continuing salvage operations as part of the effort to open the main 50-foot channel. The LAC will provide a window for five of the deep draft vessels as well as some smaller deep draft vessels to transit.

AMSA is clamping down on VGMs

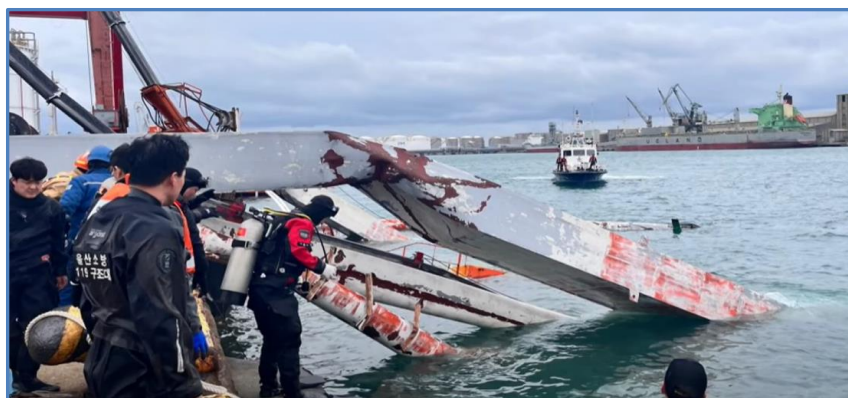
Accurate verified gross mass (VGM) plays a critical role in ensuring container ships are loaded safely and that containers can be reliably secured. The Australian Maritime Safety Authority (AMSA) would like to ensure shippers of containers are accurately measuring VGM through one of the two accepted methods, and that VGM is accurately and reliably recorded on shipping documents.

Aiming to increase compliance with VGM requirements, AMSA is initially focussing on export shipments through the Port of Melbourne, with a view to expanding its focus more widely as its approach to improving VGM reporting is further refined. AMSA is collaborating with stakeholders involved in the container supply chain, including Shipping Australia, Ports Victoria, Port of Melbourne, and peak shipping and freight forwarder bodies, as well as relevant terminals. While AMSA will support VGM compliance through education and initiatives to make compliance easier, shippers should be aware that substantial penalties and potential shipment delays apply for serious or wilful non-compliance.

Crane collapse in Korea

South Korea's Ministry of Employment and Labor (MOEL) recently issued a partial stop-work order on reinforcement work around Jeong Il Ulsan Container Terminal after a fatal accident.

Two workers died when a container crane undergoing reinforcement work collapsed into the waters. As the



65-metre crane, weighing 610 tonnes, fell, it hit three mobile structures that were involved in the works, killing the men on those structures. Both men were employed by a subcontractor and were pronounced dead after being conveyed to a hospital.

The work suspension covers the collapsed crane and two nearby cranes.

Source: Google

Located in the South Korean petrochemical hub, Ulsan is primarily catering to intra-Asia container traffic and has an annual container handling capacity of around 1.2 million TEUs. Officers from the Korea Coast Guard's Ulsan branch, MOEL and Korea Occupational Safety & Health Agency have inspected the site, collecting data for investigations. The Korea Coast Guard is investigating the cause of the accident with the person in charge of safety management at the site and will conduct a joint inspection with the National Forensic Service's representatives next week. It wants to determine if the *Serious Accident Punishment Act* was breached.

Port of Brisbane seeks feedback on its future

Port of Brisbane Pty Ltd (PBPL) is seeking feedback on the future of the Port through its capstone project PortBris 2060. PBPL has released its **Beyond Tomorrow Discussion Paper** that presents four scenarios for the Port of Brisbane in 2060. Developed after a year-long program of research by its project partners, the Port's customers, stakeholders and the community are now invited to provide their feedback on Beyond Tomorrow.

PBPL CEO Neil Stephens said this was the first consultation stage of the PortBris 2060 project:

PortBris 2060 is an ambitious, long-term visioning project to help chart our course over the next four decades. To be Australia's leading port and logistics hub, we need to turn our gaze to the horizon. PortBris 2060 is designed to challenge us all to think boldly and work collaboratively across and beyond the port community. Ultimately, we're aiming to create a blueprint to help guide long-term decision-making; not just for PBPL, but for all our customers and stakeholders that invest in the Port of Brisbane every year. Feedback from our customers, stakeholders and the community will provide valuable insights and guidance as we take the feedback from this stage to help us develop a Draft Vision, which is the next stage of the project. Through PortBris 2060, we're embarking on the biggest consultation project ever undertaken by PBPL. We know that a diversity of perspectives will enrich our work and we're looking forward to hearing what our customers, stakeholders and the community share with us.

The Beyond Tomorrow Discussion Paper and an online survey is available on the Port of Brisbane website:

<https://www.portbris.com.au/portbris-2060>

Former Port of Auckland CEO on trial

The former Port of Auckland Limited (POAL) chief executive Tony Gibson has recently gone on trial in New Zealand over the 2020 workplace death of 31-year-old Pala'amo Kalati. Tony Gibson faces two charges laid by Maritime NZ. It is the first time a New Zealand chief executive has been charged over a workplace fatality. The prosecution has been brought under tough new health and safety laws introduced following the Pike River mine disaster, aimed at holding senior company officers to account for exposing workers to risk of serious injury or death.

If convicted, Gibson – who resigned in 2021 following a string of deaths and serious incidents at the port, could be fined up to \$400,000. The judge-alone trial is underway in the Auckland District Court and is expected to last several weeks. Maritime NZ prosecutors claim there were "systemic deficiencies" in terms of health and safety procedures at the port under Gibson's watch. They argue Gibson failed to use his "influence, power and resource" around the boardroom and executive to properly monitor those failures and ensure necessary steps were taken to keep workers safe. It is also claimed that Gibson should have been aware of the deficient safety culture following four previous health and safety prosecutions during his decade-long tenure as chief executive. It's alleged those convictions should have made Gibson aware of significant inadequacies in the port's health and safety systems, and the critical need for immediate work to revise and rectify those risks.

Gibson's defence lawyer John Billington, KC, said his client cannot be held "criminally negligent" for the tragedy of Kalati's death. While Gibson had overall responsibility for port operations, Billington argued he was not personally liable for the failures of individual systems and staff over which he had no direct control. "He was but one of 650 employees at the time, albeit the most senior. The conduct of POAL is not attributable to Mr Gibson."

Kalati was employed as a "lasher", responsible for securing containers on ships ahead of transportation, and unfastening them before they were unloaded from berthed vessels by cranes. At about 2 am on 30 August 2020, stevedores were discharging cargo from the container vessel *mv Constantinos P* at the Fergusson Container Terminal. A crane was lifting two containers from the deck when a third container, still partially fastened, accidentally lifted before breaking free and crushing Kalati as he worked below.

Maritime NZ launched an investigation into the death, eventually charging Gibson and also laying two charges against POAL under the *Health and Safety at Work Act*. The company pleaded guilty and was fined \$500,000 in December last year. Gibson pleaded not guilty in 2022 and his trial began this month. Ultimately the case turned on what the law required of a reasonable officer acting in the same

circumstances as Gibson, Billington said. "This is not a case of a CEO sitting in an ivory-tower, disengaged from health and safety or his workforce."

Updates from the Department of Agriculture, Fisheries and Forestry

End of BPL season

The Ministry for Primary Industries New Zealand (MPI NZ) has advised the Department that the 2023-2024 flight season of the Burnt Pine Longicorn (BPL) beetle concluded at 23:59 hours on 18 April 2024. The department will therefore cease its annual heightened surveillance regime for managing the risks posed by Burnt Pine Longicorn (BPL) beetles on vessels departing New Zealand from midnight, 24:00 hours (NZST) on 19 April 2024.

ISCP Working Group meeting

The Imported Sea Container Pathway (ISCP) Working Group is an advisory group established to co-design and support the implementation of a new policy for managing contamination and hitchhiker pests on the imported sea container pathway. The group will hold its next meeting on the 14 May. For information about container cleanliness, please contact Peter van Duyn, the ICHCA Australia representative on the ISCP.

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