



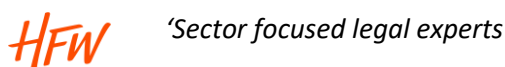
About ICHCA – International Cargo Handling Co-ordination Association

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 best, in front of national and international agencies and regulatory bodies. Its Expert Panel provides 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 (www.ichca.com). To access past newsletters and other useful information go to the ICHCA Australia website at www.ichca.com.au.

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TT Club Innovation in Safety Award

ICHCA International is pleased to announce that the **TT Club Innovation in Safety Awards** will open for entries on **31 August 2026**.



The TT Club Innovation in Safety Awards celebrate exceptional innovation that improves safety across the global cargo-handling and logistics sectors. Organisations, teams, and individuals are encouraged to begin preparing their submissions.

We look forward to receiving your innovative ideas and solutions that help make our industry safer.

Full details can be found here: <https://ichca.com/entering-the-tt-club-innovation-in-safety-award>

ICHCA Australia Queensland event

ICHCA Queensland is offering members a great opportunity for an exclusive tour of Patrick Terminals



AutoStrad facility at the Port of Brisbane, including lunch, on 18 August. Please note that this event is limited to 30 guests. However, for those who miss out, there will be other ICHCA events coming up soon.

Patrick opened the Brisbane AutoStrad Terminal in 2005; the first terminal in the world to use automated staddle carriers, a technology developed by Patrick and since then has been

exported to ports around the world. In the past 20 years, the Terminal has continued to lead the way in technical innovation, particularly in relation to its landside interface. The tour will allow members to observe these developments in modern stevedoring and speculate on what might be next.

We hope to see you there. Booking via Humanitix, link here: [ICHCA - Tour of Patrick AutoStrad Terminal, Brisbane](#)

Maritime Labour Convention Annual Report 2025

The **Maritime Labour Convention 2006 (MLC)** sets international standards for seafarers' living and working conditions. The Australian Maritime Safety Authority AMSA monitors compliance by responding to complaints from seafarers and carrying out inspections on vessels operating in or visiting Australian waters. The annual report shares key findings from 2025, including the number and type of complaints received, inspection and compliance activities conducted by AMSA, and key trends in seafarer welfare and working conditions.

The main findings by AMSA for 2025 included:

- 169 complaints were received, a 2.3% decrease from 2024
- 102 complaints were lodged directly by seafarers
- 58.6% of complaints involved bulk carriers
- 'hours of work and rest' was the most common employment-related complaint

- 1,185 MLC-related deficiencies were found during port state control inspections
- 12 vessels were detained for serious breaches of MLC requirements.

The report also outlines AMSA's work to support seafarer welfare through the Australian Seafarers' Welfare Council. This includes work with Port Welfare Committees, a new survey to better understand seafarers' welfare needs, and collaboration with the Fair Work Ombudsman on seafarer wage compliance.

Download the MLC Annual Report 2025 here: <https://www.amsa.gov.au/sites/default/files/2026-06/mlc-2025-annual-report.pdf>

Leaking container causing chaos in the Port of Antwerp

The Port of Antwerp-Bruges shut down several terminals recently in response to a highly toxic acid spill from a shipping container, including closing the DP World Antwerp Gateway terminal. Initial reports indicated that a container aboard the containership *Mia Summer II* began leaking hydrofluoric acid. The ship was alongside the pier at the Deurganck Dock area of Antwerp, a busy district, and more than 150 people were potentially exposed to toxic fumes.

Traffic in nearby waterways was temporarily suspended, and the port activated cordon and evacuation plans for nearby areas, including the Kieldrecht Lock complex and all of the Deurganck Dock. The area is home to some of Europe's biggest container facilities, including the Antwerp Gateway and MSC PSA European Terminal (MPET) terminals. Fumes did not reach residential areas, and the exposure only affected crew and port workers. Belgian prosecutors have opened a criminal inquiry into the circumstances of the leak. Few details have been made public, but it is understood that the leak began during cargo operations.

Hydrofluoric acid is a reactive, poisonous substance used in several manufacturing processes. It is extremely corrosive and powerful enough to dissolve glass in high concentrations. It is stored in liquid form but evaporates readily to create a toxic vapour. Even in low concentrations, it penetrates the skin to cause severe, deep burns, liquefying the underlying tissue as it progresses. On reaching the bloodstream, it binds with calcium and magnesium ions in the blood, potentially leading to cardiac arrhythmia and heart attack. Even inhalation of the vapor can be life-threatening and can cause swelling of the airway, obstructing breathing.

Force majeure in a volatile geopolitical environment

Recent geopolitical events have shown how quickly disruption can affect global trade and shipping. Conflict, sanctions, export restrictions, cyber incidents and interruptions to key transport routes can all create delays, additional costs and uncertainty for owners, charterers, cargo interests, traders and logistics providers. In these circumstances, parties often look to force majeure clauses for protection. However, whether a party can invoke force majeure, and the protections it might provide, will depend on the wording of the contract, the law that governs the contract and what evidence is available to show how the force majeure event has affected performance.

Force majeure depends on the contract

Under English and Australian law, rights to declare force majeure will only arise if the contract contains a force majeure clause. There is, otherwise, no general rule of law that automatically excuses performance simply because an unexpected event has occurred. This means the exact wording of the clause is critical. For shipping and trade, the key questions will therefore be not just whether there has been disruption to performance, but whether the contract excuses performance in the particular circumstances faced by the parties. Clauses may refer to events such as war, hostilities, sanctions, embargoes, port closures, government action, strikes, epidemics or other events beyond a party's control. If the event is not covered, the force majeure clause may not assist. The level of impact also matters as a clause that applies only

where performance is “prevented” may create a higher threshold than one that applies where performance is “hindered”. The affected party must show a clear link between the event and the failure or delay in performance.

Higher costs are usually not enough

A common issue in shipping is that disruption often makes performance more expensive. Freight rates may rise, war risk premiums may increase, vessels may need to use longer routes, or cargo may need to be sourced from another location. These issues may be commercially significant but increased cost alone will rarely be enough to excuse performance under a force majeure clause. The question is whether performance has become impossible, legally restricted or substantially impeded under the wording of the clause. If performance remains possible, even at a higher cost or with delay, a force majeure claim may not be possible unless the clause clearly covers the situation.

Notice and mitigation matter

Most force majeure clauses require the affected party to give notice and may require they do so within a particular timeframe. The notice may also need to identify the event, explain its impact and state how long the disruption is expected to last. If notice is late or incomplete, the party may lose the protection of the clause. In a shipping context, it is likely to be necessary to consider what steps are available to reduce or mitigate the impact of the disruption, which may involve considering alternative ports, routes, suppliers, carriers or operational arrangements. It is also important to keep records of what happened, why performance was affected and what steps were taken in response.

Responding to a force majeure declaration

Where a counterparty declares force majeure, it should not automatically be accepted at face value. The receiving party should review the contract and consider whether the event relied on is covered, whether the required level of impact has been met and whether the notice requirements have been followed. It may be appropriate to ask for supporting information, including details of the event, how it affects performance, what alternatives have been considered and how long the disruption is expected to continue. Parties should also consider reserving their rights while they assess the position.

Looking ahead

The current environment is a reminder that force majeure clauses are only useful if they are well drafted and practical. Businesses involved in shipping, commodities and logistics should review their contracts to establish whether their clauses cover the risks most relevant to their operations, including geopolitical disruption, sanctions, port restrictions, route disruption and government intervention. It is also important to check that force majeure provisions align across charterparties, sale contracts, finance documents and insurance arrangements. A mismatch between contracts can leave a business exposed, even where a supplier or carrier is excused from performance.

The recent geopolitical events act as a reminder for parties to review their contracts and ensure their force majeure clauses are clear, workable and fit for purpose. A review of the relevant clauses before disruption occurs can make a significant difference when an event affects voyages, cargo movements or supply chains.

This article was supplied by Owen Webb (Owen.webb@hfw.com) and Stephen Thompson (Stephen.thompson@hfw.com) of HFW, sponsors of Inside ICHCA.

Worker dies in boatyard incident

A worker has died after an explosion at a boatyard in West Melbourne. The 49-year-old man was welding on the side of a boat when the explosion occurred at a business on Enterprize Road. He was rushed to

hospital with life-threatening injuries, where he later died. Victoria Police said the death is not being treated as suspicious and a report will be prepared for the coroner.

WorkSafe Victoria has been notified and said it will make enquiries into the incident to determine whether any further action is required. It is understood that the incident took place within a privately operated tenanted site. The death is the 24th confirmed workplace fatality in Victoria this year.

Quay crane collapse in the Port of Tyne

Police have reported that a person was hospitalised after a ship collided with a crane at a port near Newcastle. The injured person was taken to the Royal Victoria Infirmary with injuries not believed to be life-threatening and remains in hospital.

Pictures showed the crumpled dockside crane leaning on a cargo ship at the Port of Tyne in South Shields after emergency services were called. An air ambulance was also called to the port, although it is unclear whether the injured person was airlifted to hospital.



Containers on board the *M/V BG Orange* cargo ship, operated by BG Freight Line, appeared crumpled by the collapsed crane. It is unclear what damage was done to the 170m ship docked on Tyneside. The Port of Tyne is a ten-hectare site on the north bank of the River Tyne around 3 km from the open sea and 14.4 km east of Newcastle.

Source: North News & Pictures Ltd



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Fatal incident at Mackay Harbour

A man died after being struck by a large metal beam on a ship at a harbour in Queensland's north. Paramedics were called to Mackay Harbour after reports a worker on board the Liberia-flagged *MV Bruce* had been struck by a large metal beam. An ambulance spokesman said the man was assessed with life-threatening injuries but died at the scene.

The North Queensland Bulk Ports Corporation (NQBP), operators of the Port of Mackay, said the man was killed as the vessel was preparing to depart the port, having earlier discharged its cargo. NQBP said, "NQBP is deeply saddened by the fatality that occurred on board the cargo vessel *MV Bruce* at the Port of Mackay on Wednesday evening. NQBP operations staff provided immediate assistance and support and continue to assist Queensland Police Service and the Australian Maritime Safety Authority (AMSA) in their investigations. The ports and maritime industry are a tight-knit community, and our thoughts are with all those affected by this tragic incident."

An Australian Maritime Safety Authority (AMSA) spokesman said an investigation would be completed into the worker's death. "AMSA extends its deepest sympathies to the seafarer's family, friends and colleagues following the fatal incident that occurred aboard the Liberia-flagged vessel, *M/V Bruce*, in the Port of Mackay on Wednesday 29 July."

New operations director at AMSA

The Australian Maritime Safety Authority (AMSA) has appointed experienced maritime leader Greg Witherall as Executive Director Operations, effective immediately. A Master Mariner with more than 30 years' experience across the maritime sector, Mr Witherall brings extensive operational, technical and regulatory expertise to the role. His career spans frontline seafaring, vessel command, safety regulation and executive leadership.

Mr Witherall began his career in Canada's fishing industry before progressing to Captain in the international cruise sector. Since joining AMSA in 2010 as a Port Marine Surveyor, Mr Witherall has helped shape AMSA's approach to maritime safety regulation, seafarer welfare and industry engagement, becoming one of the agency's most respected and experienced operational leaders. AMSA Chief Executive Officer Kaylene Dale said Mr Witherall's appointment reflected his deep maritime expertise, proven leadership and longstanding commitment to maritime safety, environmental protection and seafarer welfare.

Mr Witherall said he was honoured to lead Australia's national maritime regulatory operations. He holds a Master Mariner's Licence, Bachelor of Applied Science, Bachelor of Business and Executive Master of Public Administration.

Patrick Terminals orders more hybrid straddles

Patrick Terminals recently announced a significant order from Kalmar – 10 Hybrid Straddle Carriers for their Melbourne terminal and 12 Hybrid AutoStrads for their Sydney AutoStrad Terminal. Delivery is scheduled for Q2 2027. The investment forms part of the 10-year strategic partnership between Patrick Terminals and Kalmar and represents a further step in Patrick's decarbonisation program. The hybrid power units will reduce fuel consumption and emissions across two of their busiest terminals. Patrick Terminals CEO Michael Jovicic said, "This order represents a further step in the 10-year strategic partnership between Kalmar and Patrick Terminals. The Kalmar AutoStrad plays an important role in operations at our Brisbane and Sydney terminals, and this order will further our strategy of delivering superior value to our customers."

Patrick Terminals is a member of ICHCA Australia

Ex-TasPorts CEO moves to Queensland

Interport Global (IPG) has appointed ports and infrastructure executive Anthony Donald (previously CEO of Tas Ports) as its new chief executive. Mr Donald will lead the company's long-term investment program aimed at transforming Gladstone into one of Australia's leading freight and logistics hubs.

IPG's Project Velocity comprises a proposed \$20 billion pipeline of investments across central Queensland, spanning ports, shipping, energy infrastructure, industrial facilities, cold storage, and road and rail developments. The initiative is designed to strengthen regional export capability, improve supply chain resilience and economic growth.

Updates from the Department of Agriculture, Fisheries and Forestry

DCCC meeting

The Department of Agriculture, Fisheries and Forestry Cargo Consultative Committee (DCCC) brings together DAFF and industry representatives (including ICHCA) to address biosecurity issues that can have an impact on trade and logistics, such as container cleanliness, with the purpose of ensuring effective biosecurity regulation without unnecessary trade barriers. The next meeting will be held on 2 September. Please contact Peter van Duyn if you would like more details of these meetings.

The communiqué and minutes are published on the department's website: [Department of Agriculture, Fisheries and Forestry Cargo Consultative Committee - DAFF](#)

Preliminary BMSB information

No changes are currently anticipated to the core elements of the seasonal measures. The 2026-2027 Brown Marmorated Stink Bug (BMSB) risk season will apply to target high-risk goods from target risk countries shipped on board a vessel between 1 September 2026 and 30 April 2027 (inclusive). Goods from emerging risk countries, together with airfreight consignments from the United States and China, will continue to be subject to random inspections throughout the season. Target high-risk goods shipped as break bulk cargo, including flat rack and open top containers, will continue to require mandatory offshore treatment before arrival in Australia.

Container cleanliness

The International Plant Protection Convention (IPPC) Focus Group on Sea Containers has agreed not to pursue a new mandatory International Standard for Phytosanitary Measures (ISPM) for container cleanliness. This removes the immediate prospect of mandatory shipper declarations and compulsory container washing requirements that could have imposed significant compliance and operational burdens on international trade. Instead, the group endorsed a range of collaborative and voluntary initiatives, including improved pest-resistant container design standards, a revised CTU Code, voluntary custodial responsibility arrangements, accredited shipper recognition schemes, and enhanced education and awareness programs. These recommendations will be included in the Focus Group's final report for consideration by the Commission on Phytosanitary Measures (CPM) in April 2027.

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Our contact with you

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Do you have a story to tell?

If you have any news you would like to be considered for inclusion in future editions of *Inside ICHCA*, please contact Peter at peter.van-duyn@ichca.com. We hope you find this edition of interest.