



## 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](http://www.ichca.com)). To access past newsletters and other useful information go to the ICHCA Australia website at [www.ichca.com.au](http://www.ichca.com.au).

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*'Sector focused legal experts'*

## ICHCA Australia at MegaTrans 2026



ICHCA Australia recently participated in MegaTrans 2026 in Melbourne as an industry partner. As part of the industry partnership, representatives from two of our member organisations – TT Club and HFW, gave presentations about safety and the threat of cybersecurity in the cargo-handling industry.

Many visitors called at the ICHCA Australia booth and heard the latest updates on safety in the cargo-handling industry.

## TT Club Innovation in Safety Awards

ICHCA International is pleased to announce that the **TT Club Innovation in Safety Awards** are now open for entries.



The award recognises practical innovations that make cargo handling and logistics safer. Innovation can take many forms. It might be a technological development, an engineering solution, a new process, a training initiative, a different way of using data, or a practical operational improvement. You don't have to have invented something revolutionary; you may simply have identified a safety problem and found a better way of solving it. What have you changed that has made work safer? If you can answer that question, you may already have the basis of an entry.

The award is open internationally to individuals, teams and organisations involved in cargo handling and logistics. Full details can be found here: <https://ichca.com/entering-the-tt-club-innovation-in-safety-award>

## ICHCA SA industry luncheon on 21 October

Come and join us for an industry luncheon forum at the Lakes Resort Hotel in Adelaide on Wednesday 21 October. **The Honourable Joe Szakacs, MP, South Australia Minister for Infrastructure and Transport**, will be speaking about the latest developments in the State government's plans for infrastructure and transport.

Please book and pay online at Humanitix <https://events.humanitix.com/ichca-sa-industry-event-at-lakes-resort-hotel-in-adelaide> or use the QR code below.



The event is proudly sponsored by



## ICHCA VIC industry luncheon on 28 October

Come and join us at our Melbourne industry luncheon at the RACV Melbourne City Club on Wednesday 28 October. **Simon Ormsby, CCO of National Intermodal Corporation**, will be speaking about the latest developments at the Beveridge Precinct.

Please book and pay online at Humanitix: <https://events.humanitix.com/ichca-australia-industry-luncheon-at-the-melbourne-racv-city-club> or use the QR code below.



## Twenty-five people die at Chinese shipyard

Twenty-five people died recently in a fire aboard a foreign cargo vessel undergoing repairs at a state-owned shipyard in the eastern Chinese city of Qingdao. The fire broke out at the Qingdao Beihai shipyard during repair and inspection works. Of the 42 people onboard, 12 were evacuated safely and five were injured and hospitalised.

The vessel involved is the *mv Ocean Melody*, identified as a 20-year-old Liberia-flagged dry bulk carrier managed by Yuyangkunpeng Shanghai Ship Management with Huili Shipping Co Ltd listed as its registered owner. The vessel arrived at the Qingdao shipyard on 31 August and has remained there since.

Chinese President Xi Jinping has called for intensified search-and-rescue efforts, a swift investigation and accountability measures.

## Preparing for litigation: what cargo and supply chain operators should do before the lawyers arrive

If something goes wrong in the supply chain, attention naturally turns to the immediate operational response including assessing damaged cargo, informing customers, repairing equipment and maintaining business continuity. Yet in many cargo, logistics and handling disputes, the outcome of litigation or arbitration is shaped long before lawyers become involved. The strength of a future claim or defence often turns on the evidence preserved, the communications exchanged in the immediate aftermath and whether contractual and legal rights were properly protected. Whether the issue is cargo damage, contamination, delay, mis-delivery, equipment failure, a workplace incident, a cyber event or a contractual dispute, organisations that prepare from the outset put themselves in a much stronger position.

The period immediately following an incident is often critical because evidence can disappear quickly. CCTV footage may be overwritten; containers moved; damaged cargo discarded and electronic records altered through routine business processes. Importantly, employees' recollections may also fade. At the same time, customers, insurers and contractual counterparties may seek explanations before all the facts are known. A rushed response can create problems that persist throughout the dispute. Businesses should therefore maintain clear incident-response procedures that recognise a matter may ultimately proceed to arbitration or litigation. The immediate objective is straightforward and involves gathering information, preserving evidence and avoiding taking firm positions before the facts are understood.

Evidence is the foundation of any successful claim or defence. A common mistake is to assume that relevant records will remain available indefinitely. Many business systems automatically overwrite data after a set period. Therefore, once a claim is reasonably foreseeable, organisations should consider implementing a document-preservation process to prevent relevant information from being lost through ordinary retention practices. For example, organisations should ensure that photographs are taken before damaged cargo is moved or disposed of, relevant personnel are identified and their accounts recorded while memories remain fresh, physical samples are retained where appropriate, and any necessary independent surveys are arranged as early as possible.

The cost of preserving evidence is usually modest compared with the cost, and uncertainty, of reconstructing events months or years later. After an incident, there is often pressure to respond quickly as customers want answers and commercial relationships must be maintained. While prompt communication matters, organisations should avoid statements that could later be interpreted as admissions of liability. However, this does not mean remaining silent, as providing accurate factual information is often both necessary and commercially sensible.

The key distinction is between reporting known facts and reaching conclusions about liability before investigations are complete. A sensible approach is to explain what is known, what remains under investigation and what steps are being taken, while avoiding premature statements about responsibility. Parties often try to resolve disputes without formal proceedings. The “without prejudice” rule supports that process by allowing parties to engage in genuine settlement discussions without fear that their negotiations will later be used against them in court.

However, a common misconception is that marking a letter or email “WITHOUT PREJUDICE” automatically protects everything it contains. This is not the case as courts generally look to the substance of the communication. The protection generally requires both a genuine dispute and a genuine attempt to settle it. Difficulties can therefore arise when operational updates, factual findings and settlement proposals are combined in the same correspondence. Where possible, factual communications should be kept separate from settlement discussions. This reduces uncertainty about whether a particular communication may later be admissible in legal proceedings. For significant claims, businesses should consider obtaining legal advice before opening settlement negotiations.

In addition, one of the simplest and most effective risk-management tools available to parties to a dispute is a reservation of rights. Businesses often need time to investigate allegations while continuing to cooperate with customers, insurers and counterparties. An appropriately worded reservation allows that cooperation to continue without inadvertently waiving contractual or legal protections. Reservations of rights can be particularly important where contracts contain jurisdiction clauses, arbitration agreements, limitation provisions, liability caps or notification requirements. A short statement made at the appropriate time can help prevent later arguments that a party accepted responsibility or abandoned a potentially valid defence.

Most organisations hope they will never have to defend a claim in court or arbitration. However, when disputes do arise, the businesses best placed to respond are usually those that acted carefully and effectively in the first few days after the incident. For the cargo handling and logistics industry, litigation preparedness is therefore not simply a legal exercise. By adopting disciplined procedures for preserving evidence, conducting investigations, managing communications and protecting contractual rights, businesses can handle disputes more effectively, maintain commercial relationships and strengthen their position if a claim does arise.

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



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### Worker dies at CentrePort, NZ

A worker died recently following an incident at CentrePort in Wellington, New Zealand. The worker was employed by independent stevedoring company C3. CentrePort Chief Executive Anthony Delaney said the port was supporting the worker's family and colleagues, as well as C3 and CentrePort personnel involved in the initial response. The port operator said it was working with C3, New Zealand Police and Maritime New Zealand, the country's maritime safety regulator. It did not provide further details about the circumstances of the incident while the response and investigation were underway.

Maritime New Zealand has launched an investigation into the death. The regulator said the investigation would be thorough but that it could not comment on the cause while enquiries continued. The death is the first reported fatality at a major New Zealand commercial port since 2022. In April that year, two stevedores died in separate incidents at the Port of Auckland and Lyttelton Port. The incidents were subsequently investigated by the Transport Accident Investigation Commission. The latest incident follows several years of work across New Zealand's stevedoring sector to improve workplace safety and reduce harm. Maritime New Zealand said the death was particularly difficult given the progress made since the 2022 fatalities.

### Wanted: marine surveying research, case studies and industry insight

Great professional communities are built through shared knowledge, collaboration, and the generous support of organisations that believe in strengthening the future of the industry. Do you have research, experience, or a practical case study that could help shape discussion across the marine surveying profession? The Australasian Institute of Marine Surveyors (AIMS) is inviting professionals, practitioners, researchers, and industry leaders to submit research papers and case studies for our upcoming symposium to contribute to a rich exchange of ideas, insights, and professional knowledge.



The inaugural symposium to be held online on **19-22 July 2027**, is a valuable opportunity to highlight innovation, practical lessons, emerging trends, technical developments, and real-world experience with an audience committed to excellence and the future of the profession. AIMS is proud to be partnering with

the Pharos Institute for Strategic Leadership to deliver this important online event, supported by our valued sponsors, Austbrokers Countrywide and Alliance Marine Surveyors. Sponsorship opportunities are also

available for organisations that would like to be part of this inaugural event, demonstrate their support for the marine surveying profession, and connect with an engaged audience of industry professionals, practitioners, researchers, and leaders.

Submissions are welcomed on topics including technical developments, industry challenges, innovation, leadership, best practice, lessons learned, and the issues shaping the sector now and into the future. Presenting at the symposium is an opportunity to inform discussion, share valuable knowledge, celebrate professional expertise, and contribute to the continued growth and credibility of the marine surveying profession.

If you have research, experience, or insights worth sharing, you are encouraged to submit your paper or case study and be part of this important conversation. If you have any questions, please contact Dr Eric Perez, AIMS CEO at [gm@aimsurveyors.com.au](mailto:gm@aimsurveyors.com.au).

Call for Papers and Case Studies: <https://aimsurveyors.com.au/wp-content/uploads/2026/06/Call-for-Papers-and-Case-Studies.pdf>

Submission Form: <https://form.jotform.com/261469200221042>

Submission Format: <https://aimsurveyors.com.au/wp-content/uploads/2026/06/Format.pdf>

Program: <https://aimsurveyors.com.au/wp-content/uploads/2026/06/Symposium-Program.pdf>

Sponsorship: <https://aimsurveyors.com.au/wp-content/uploads/2026/06/Sponsorship.pdf>

Policy Statement: <https://aimsurveyors.com.au/wp-content/uploads/2026/06/Policy-Statement.pdf>

The symposium is an online event.

## WSC reports one in 10 inspected cargo units have safety deficiencies

More than one in ten cargo transport units inspected during 2025 had safety deficiencies, according to data published by the World Shipping Council (WSC). Government authorities in seven countries reported 93,079 unit inspections in 2025 and identified deficiencies in 9,645, a rate of 10.4%. Problems included incorrect documentation, marking and labelling, improper packing, and inadequate cargo securing, all of which can increase the risk of cargo damage, container losses and ship fires.

“Finding deficiencies in more than one in ten inspected units is far too high,” said Joe Kramek, President and CEO of the WSC. “Correct declaration, packing, securing and marking are fundamental safety obligations. When these requirements are not met, people’s lives are put at risk.”

The report consolidates information submitted to the International Maritime Organization (IMO) by Chile, Finland, Germany, the Netherlands, the Republic of Korea, Sweden and the United States. WSC took on the consolidation and publication of the results after the IMO discontinued its annual consolidated report in 2024, keeping this important safety information accessible to governments and industry. Also concerning is that only seven of the IMO’s more than 170 member states reported container inspection results for 2025, leaving significant gaps in the global safety picture.

“States have a responsibility to enforce cargo safety rules, including through effective inspections,” said Joe Kramek. “The fact that only seven member states reported results is concerning. More governments need to report their inspections so that risks can be consistently identified and action taken.” The gaps in compliance and enforcement reinforce the importance of the WSC Cargo Safety Program, which uses shared screening technology, common inspection standards and operational feedback to help identify misdeclared and undeclared dangerous goods before they are loaded aboard ships.

**Read the full report [here](#).**

## Shipping tycoon dies

Tung Chee Hwa, the shipping tycoon who led Hong Kong as the city's first post-colonial chief executive, died recently at the age of 89. At the time of his death, Tung had a fortune of \$3.2 billion, according to *Forbes'* Real-Time Billionaires List. The bulk of his wealth stemmed from his family's sale of their majority stake in shipping company Orient Overseas International to China's state-owned Cosco Shipping Holdings in 2018.

Born in Shanghai in 1937, Tung was the eldest son of influential shipping magnate Tung Chao Yung, who founded Orient Overseas, one of the world's largest container shipping companies. At age 10, Tung moved to Hong Kong with his family and attended school locally before going overseas to study marine engineering at the University of Liverpool in the UK. After graduation, Tung worked as an engineer at General Electric in the US. He returned to Hong Kong to join his family's shipping business in 1969.

In 1982, Tung took the helm of Orient Overseas after his father's passing. The company, however, soon plunged into financial distress following an aggressive fleet expansion just as the global shipping industry went into a downturn. A \$120 million bailout from late Hong Kong real estate tycoon Henry Fok and state-owned enterprises in the mid-1980s saved Orient Overseas from bankruptcy. While steering Orient Overseas, Tung began taking on public service roles in the mid-1980s, paving the way for his rise in political power. In 1996, he stepped down as Orient Overseas chairman to run for Hong Kong's chief executive election. That year, he defeated two other candidates, including property billionaire Peter Woo, to become the former British colony's first leader after its return to Chinese rule.

## WSC calls on governments to address dangerous batteries transport

The World Shipping Council (WSC) is calling on governments to address a gap in international dangerous goods rules that allows containers carrying thousands of lithium batteries to be transported without carriers being informed of the hazard. The call comes as battery transport grows rapidly and cargo fires remain a persistent risk at sea. Global lithium-ion battery deployment in 2025 was six times higher than in 2020, according to the International Energy Agency, with battery demand expected to double by 2030. Latest statistics by insurer Allianz show that a container ship fire occurs every 17 days.

Special Provision 188 of the *International Maritime Dangerous Goods Code* exempts smaller batteries from certain requirements when they meet specified testing, packaging and capacity criteria. However, there is no limit on how many exempt batteries can be consolidated in one container. A container carrying around 4,200 laptops could therefore contain approximately 416 kWh of stored energy, equivalent to three or four electric vehicles, without requiring dangerous goods documentation or container placarding.

"Right now, a container can be packed with thousands of lithium batteries and still travel without being declared as dangerous goods," said Joe Kramek, President and CEO of the WSC. "The SP188 exemption was intended to simplify the transport of individual devices with small batteries, not to make entire container loads invisible."

Batteries are transported safely every day when they are properly declared, and the risks are appropriately managed. The problem arises when carriers, crews, ports and emergency responders do not know the hazard is present. Without that information, carriers cannot properly assess the risk, choose appropriate stowage, separate the container from other cargo or prepare an informed emergency response. "We know what can happen when hazards are invisible," Kramek said. "Batteries shipped under the exemption have caused serious container fires, putting people, ports, ships and the marine environment at risk."

WSC has been supported by five governments and a broad coalition of industry organisations in submitting a paper for consideration by the International Maritime Organization. It sets out a potential maximum container-level threshold, above which battery shipments would have to be declared and potentially

placarded. “The current rules are not working as intended,” Joe Kramek said. “As battery shipments continue to grow, we need a better solution that makes these cargoes visible and allows the risks to be properly managed.”

## Latest on ACFS Port Logistics

ACFS continues to operate whilst under administration. In the latest announcement by Managing Director Terry Tzaneros, he stated that “we are close to being able to present our recapitalisation plan for ACFS Port Logistics to the Receivers and Administrators. We are unwavering in our commitment to ensuring every verified creditor is paid everything they are owed, dollar for dollar, through this recapitalisation.”

## 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 communiqué and minutes of the last meeting which was held on 2 September are published on the department’s website: [Department of Agriculture, Fisheries and Forestry Cargo Consultative Committee - DAFF](#). Please contact Peter van Duyn if you would like more details.

### New biosecurity instruments now in effect

Following the Import Industry Advice Notice (Ref. No. 162-2026) issued on 25 September 2026, stakeholders are advised that the following biosecurity legislative instruments are now in effect, having commenced on Thursday, 1 October 2026:

- Biosecurity Regulations 2026
- Biosecurity (Movements between Parts of Australian Territory) Declaration 2026
- Biosecurity (Exposed Conveyances Exempt from Biosecurity Control) Determination 2026
- Biosecurity (Reportable Biosecurity Incidents) Determination 2026

These instruments form part of the regulatory framework supporting the administration of the *Biosecurity Act 2015*. They set out requirements and arrangements that support the management of biosecurity risks associated with goods, conveyances and people entering, leaving or moving within Australian territory.

The new instruments replace the corresponding instruments made in 2016, which have now ceased to have effect following their scheduled sunset on 1 October 2026. Stakeholder feedback, including feedback received through public consultation, informed the development of the new instruments.

Stakeholders are encouraged to review the instruments relevant to their operations and ensure they understand any obligations and requirements that may apply to them.

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### Our contact with you

If you do not wish to receive further copies of this newsletter, please advise [peter.van-duyn@ichca.com](mailto:peter.van-duyn@ichca.com) and the distribution will be cancelled. If you wish to have it sent to other people in your organisation or contacts in the cargo handling industry, please advise us.

### 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](mailto:peter.van-duyn@ichca.com). We hope you find this edition of interest.