

ACROSS BORDERS

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CONTAINERISED
FREIGHT INDUSTRY**



**BIOSECURITY AT THE FOREFRONT – SENATOR THE HON. MURRAY WATT
INTRODUCING THE REGULATORY SANDBOX
BIOSECURITY PROTECTION LEVY – AN ALTERNATE THREE-POINT PLAN**

“KEEPING AUSTRALIA’S INTERNATIONAL TRADE MOVING”



Australian Peak Shippers
Association Inc. (APSA)



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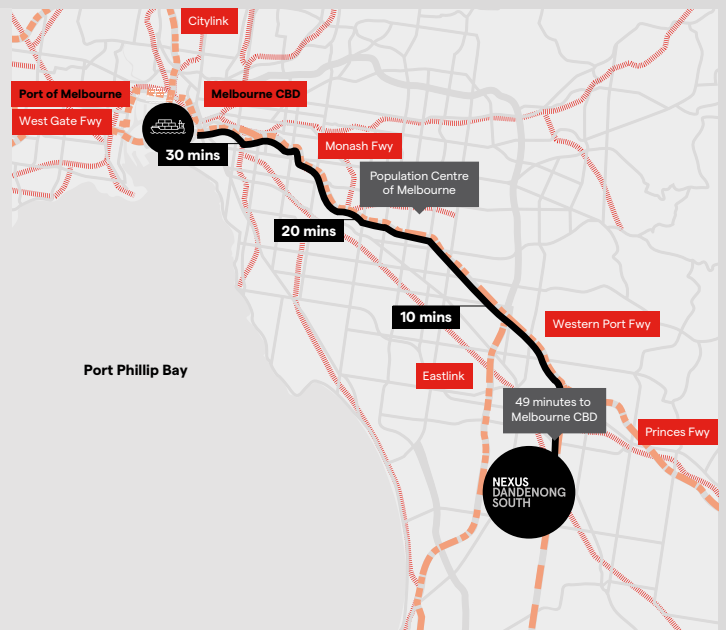
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Front cover – sponsored by Aurizon

Across Borders is published by Freight & Trade Alliance (FTA)

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ACROSS BORDERS

EDITION ONE 2024



FTA and APSA submit a three-point plan

Recent months have seen disruption to international trade with the ongoing Red Sea hostilities and reduced shipping capacity via the Panama Canal. On the home front, DP World Australia experienced a major cyber incident and a four-month long waterfront industrial relations dispute.

Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) continue to lead the way in mainstream media keeping the broader public aware of impacts to supply chains, including disruptions to sailing schedules and associated costs.

Undeterred by these turbulent times, stevedores and empty container parks have forged ahead in further inflating terminal access charges at exorbitant rates.

Adding to import costs, extensive biosecurity document assessment delays are causing a slow-down in cargo availability. While longer term reform and modernised systems are promised, urgent interim measures are essential.

As outlined on page 8, FTA and APSA have put forward a 'three-point plan' recommending the Federal Government 1) do not impose the complex Biosecurity Protection Levy (BPL) on producers; 2) instead increase the Full Import Declaration paid by importers with an appropriate proportion to be used for short to medium term remedial measures; and 3) regulate to protect exporters and importers from incontestable commercial charges.

In terms of the BPL, the Hon Murray Watt (Minister for Agriculture, Fisheries and Forestry) has appointed FTA to the newly created *Sustainable Biosecurity Funding Advisory Panel*. We thank the Minister for our privileged inclusion in this important forum, his ongoing engagement, and his foreword to this edition of Across Borders.

We would also like to extend our appreciation to Aurizon for their feature article and front cover sponsorship and to all other contributors supporting yet another excellent publication communicating contemporary trade developments.

By PAUL ZALAI, Co-founder and Director,
Freight & Trade Alliance (FTA)



Biosecurity at the forefront

By Senator The Hon. MURRAY WATT, Federal Minister for Agriculture, Fisheries and Forestry

Australian agriculture continues to go from strength to strength and it is no small part due to the hard work of members of the Freight & Trade Alliance.

Australia's agriculture sector is now worth an impressive \$78.5 billion and is recognised as a global powerhouse in international exports. With approximately 70% of our agricultural production exported, the spotlight continues to shine on the importance of our exporters and industry professionals underpinning our international and national agricultural trade relationships.



The Albanese Government is backing your efforts, investing significantly more in Australia's world-class biosecurity system.

This is vital work, as Australia's robust biosecurity system protects our agriculture industries from diseases, pests and other threats that could directly impact Australian livelihoods.

We've committed upwards of \$1.5 billion in recent budgets to ensure Australian agriculture and the industries that rely on it are sustainable and profitable. This significant investment cements the future of various activities including our biosecurity policy, operational and technical functions, and the Indigenous Biosecurity Ranger Program.

One major step we are taking to improve our biosecurity systems is the introduction of the Simplified Targeting and Enhanced Processing System (STEPS). STEPS is a modern digital initiative, which enhances the effectiveness and efficiency of biosecurity clearances in cargo pathways. An additional 20 detector dog and handler teams are also being trained and deployed to enhance our frontline capacity at airports and mail centres.

We're boosting our ability to address emergency management responses to escalating biosecurity risks in our region, like red imported fire ants, varroa mite, foot-and-mouth disease and lumpy skin disease. And to ensure we can quickly contain any incursions, we're enhancing livestock traceability infrastructure and on-farm biosecurity.

In the second half of 2023, the volume of cargo being imported was 36% more than the same period in 2022.

This upswing, primarily driven by an impressive 38.4% increase in low-value cargo volumes, has brought both opportunities and challenges to the forefront. The onset of the brown marmorated stink bug risk season also prompts enhanced surveillance and meticulous cleaning and inspection of break bulk and new cars to manage high-biosecurity risks associated with this and other cargo types.

To ensure our national biosecurity system keeps up with evolving threats, we need a workforce that can support it. An additional 31 assessment officers and 25 inspection officers were engaged to alleviate backlogs and delays due to the increased volume of cargo. Recruitment of around 80 more inspection and assessment officers is also on the cards for early 2024. Change is also underway to ensure fluctuations in the demand for inspection and assessment services doesn't cause significant delays in the future.

As we continue to navigate this evolving landscape, the commitment of this government, the Department of Agriculture, Fisheries and Forestry, and its staff remains steadfast. We will enable the flow of import activities while upholding the highest standards of biosecurity.

The strides made and the strategic initiatives undertaken within this industry are a testament to the dedication of those who work to safeguarding our nation's interests every day. On behalf of the Albanese Government, I thank you for your efforts.



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“Christmas in July”

Friday, 26th July 2024, 6.30pm

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In Collaboration With





In troubled waters, rising tide of costs puts pressure on port fees

By OLGA HARRITON, APSA Chair / Global Logistics Manager – Manildra Group

With the new year come new challenges for an ocean freight industry still restabilising from pandemic-era supply disruptions, and inflationary pressures compounded by geopolitical escalation.

As Australians are squeezed tighter by our rising cost-of-living, we face choppy waters in international shipping from widening conflicts and labour disputes, causing delays and invoking a sense of déjà vu.

Since November 2023, rebel attacks in the Red Sea – a major thoroughfare for global trade and one of the busiest oil transit points – have led shipping vessels to bypass the Suez Canal and navigate thousands more miles around Africa's Cape of Good Hope, racking up voyage costs with extra days.

Alongside an increased naval presence, the heightened security measures are generating much unease among shipping companies, with a 1.3 per cent decline in global trade since December.

While about 16 per cent of Australia's container imports come from Europe, wider impacts are felt in rising freight rates, as capacity remains tight amid the uncertainty.

In the meantime, we continue to adjust to ongoing price increases compounded by Australia's container backlog in the tens of thousands, because of months of industrial action at stevedore DP (Dubai Port) World terminals in Sydney, Brisbane, Melbourne, and Fremantle, over Maritime Union workplace demands.

Crippling the flow of goods, strikes saw hiking prices in container costs while shipping schedules struggled under significant and mounting delays –

altogether damaging Australia's economy and supply chain security more generally.

Australian shippers are also grappling with untrammelled surges in local port access charges, imposed freely by foreign shipping line-contracted stevedores – and intensifying in recent fee increases topping 50 per cent by DP World Australia – as container parks remain empty.

And while previous stevedore fee increases deemed an “abuse of market power” by the Productivity Commission failed to trigger any regulatory action by the Australian Competition and Consumer Commission (ACCC), the cost of getting goods in and out of Australia continues to skyrocket.

Since ancient times, ports have been pivotal to the world's economic development and social change. With the innovation of containerisation to maritime trade in 1958, Malcom McLean changed the course of the shipping industry – transforming where and how goods are manufactured, as the foundations of global trade today.

More than 80 percent of global merchandise trade (by volume) is via sea transport – with the considerable (and growing) proportion of about 35 per cent carried by containers, worth more than 60 per cent of commercial value.

Australia's ports are critical nodes in the strength and resilience of our ocean freight supply chain, handling about 1.7 billion tonnes of freight a year to move more than \$570 billion in cargo.

By 2050, container freight handling is forecast to more than triple through the Port of Brisbane and almost triple through Melbourne, while more than doubling through the nation's biggest container port at Botany, in Sydney.

Almost everything we buy, use or wear, and much of what we eat, spends at least some of its life in a container at sea. The unimpeded, efficient movement of goods by sea directly impacts Australia's economy and social wellbeing.

Our highest ranked mainland container port, however, ranked in the bottom 22 per cent of more than 350 international ports reviewed by the World Bank in 2022.

As our nation faces unprecedented uncertainties, the role of Australian Peak Shipping Association (APSA) is more important than ever. In relentlessly advocating for a sustainable ocean freight industry, APSA Secretariat, Paul Zalai and team present a united and consistent voice for our industry. Harnessing the contribution and support of APSA members, we are coordinating to unlock the full potential of Australia's ports.

APSA's calculation of administrative costs from port access charges and container detention fees alone, exceeded \$1 billion a year in direct impact on our trade sector, for the past three years of the pandemic. APSA urges the Federal Government to implement targeted legislative change to enhance port efficiencies, with a mandatory code on landside charges enforceable by the ACCC – enabling the regulator to sanction fee increases. Regulation of landside charges is a step toward supporting a sustainably thriving ocean freight supply chain as a lifeblood to Australia's economic recovery and national wealth.

At APSA, we greatly appreciate the dedication and support of all individuals working together toward strengthening our ports – the economic engines of our great nation – for our shared success.

We remain hopeful and resolute.

Advance your career with the Diploma of Customs Broking

WiseTech Academy's TLI50822 Diploma of Customs Broking is the course of study required to obtain your Australian customs broker licence and can also generate credits toward a Bachelor or Masters degree at Charles Sturt University. Students can now start the Diploma anytime, giving you the flexibility to study at your own pace.

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WiseTech Academy's fully accredited, online TLI50822 Diploma of Customs Broking ensures professionals can continue to work in the industry whilst pursuing studies.

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- Nationally recognised training
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- Webinars with experts



TLI50822 - Diploma of Customs Broking | Online

TLI50822 - Diploma of Customs Broking | 100% Online

\$2,576

What you'll learn

The Diploma of Customs Broking will provide you with the skills and knowledge to apply to be a licensed Customs Broker in Australia. The program features 14 study units, including topics on border clearance fundamentals, biosecurity, tariff classification of goods, customs valuation, managing goods under customs control, indirect taxes, import/export prohibitions/restrictions, anti-dumping and countervailing measures, and more.

This Diploma is recognised by the National Customs Brokers Licensing Advisory Committee (NCBLAC) and is the pre-requisite course for professionals seeking to get their Australian customs broker licence.

www.wisetechacademy.com

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BIOSECURITY PROTECTION LEVY – FTA / APSA Three Point Plan Proposal

By SAL MILICI, General Manager Trade Policy & Operations - FTA / APSA

During the Senate Hearing (Rural and Regional Affairs and Transport Legislation Committee) on 13 February 2024, The Hon. Murray Watt (Minister for Agriculture, Fisheries and Forestry) announced a revised model of agricultural commodity contributions to be paid towards the broader Biosecurity Protection Levy (BPL).

Public statements from most producer groups have been highly critical in terms of the complexity and lack of meaningful engagement of the changes that now spreads the contribution base across all industry sectors (in contrast to the previous model that added a 10% fee on existing statutory 2020-21 levy rates).

So what is the Biosecurity Protection Levy?

As announced in the 2023-24 Federal Budget, a need was identified for “sustainable funding” that goes directly to strengthening Australia’s biosecurity system - this will be paid for on a “shared responsibility” basis taking total revenue from \$536.2m to \$804.6m.

The “new and permanently increased funding” will contribute towards:

- providing \$845m over four years from 2023-24, and \$255m per year ongoing from 2027-28, to maintain biosecurity policy, operational and technical functions on a sustainable basis;
- \$40.6m over four years from 2023-24, and \$12m per year ongoing from 2027-28, for the Indigenous Ranger Biosecurity Program; and

- **\$145.2m over three years from 2023/24 for the Simplified Targeting and Enhanced Processing System (STEPS) being a modern digital system to improve the effectiveness and efficiency of biosecurity clearance in cargo pathways.**

Importers (including a new cost recovery fee on low value goods)

In line with the above budget announcements, members will recall that the Department of Agriculture, Fisheries and Forestry (DAFF) adjusted Approved fees and charges for biosecurity and imported food regulatory activity on 1 July 2023. This included a \$5 increase in both air and sea Full Import Declarations (FIDs).

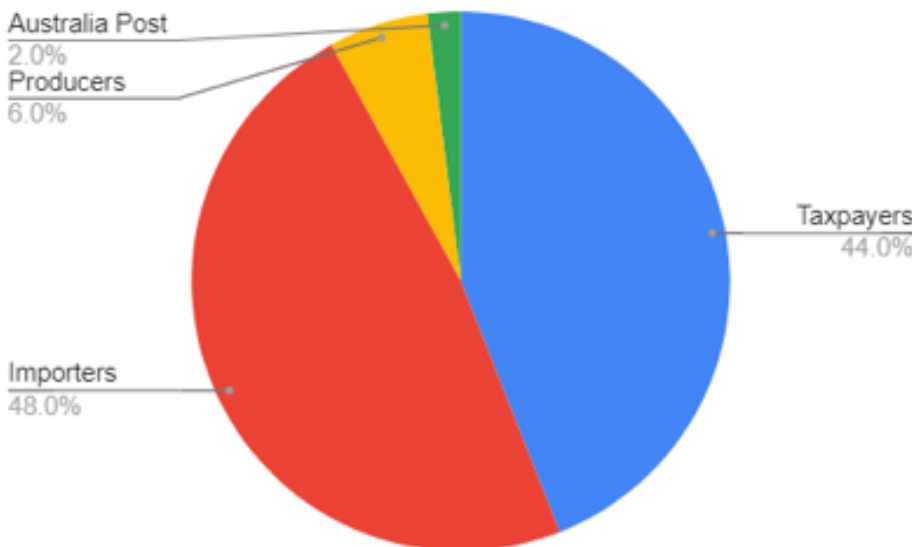
The other significant announcement was the introduction of a new cost recovery charge on low value (\$1,000 or less) goods imported into Australia by air and sea, effective 1 July 2024.

It is anticipated that the new low value import charge will raise \$27.1m in addition to the existing \$363.6m fees and charges, hence contributing 48% of the total BPL as outlined above.

A need for improved service levels for importers

As members will recall, Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) representatives met with Minister Watt in Canberra on 18 October 2023, referencing detail from the FTA 2022 submission to the *Senate Inquiry into the Adequacy of Australia’s Biosecurity Measures*.

By 2024-25, contributions will be made as follows:





(L to R) Paul Zalai (FTA/APSA), Minister Watt, Sal Milici and Bianca Flint (FTA/APSA)

FTA and APSA three-point plan

As a part of the FTA / APSA approach to the Minister, the following 3 point plan was provided:

1. Do not proceed with the complex levy against producers (\$47.5m being 6% of the budgeted BPL);
2. Recover this shortfall from importers (risk creators) via a further increase in FIDs (equates to an extra \$11.50 per FID) - importers could absorb this and potentially more (perhaps round up to \$15 per FID) to provide extra funds for DAFF officer overtime until additional resources and benefits of the STEPS initiative are realised; and
3. to offset the increased impost on importers, the federal government to regulate against the scourge of the incontestable Terminal Access Charge (TAC) regime costing importers and exporters an estimated \$850m per annum by either forcing stevedores and empty container parks to recover all costs from their commercial client shipping lines OR introduce a "Mandatory Code" as proposed by the Productivity Commission to control and justify any TAC adjustments with oversight by the Australian Competition and Consumer Commission (ACCC).

FTA is continuing to liaise with peak commodity industry groups forming an alliance of key stakeholders advocating for essential reform to provide long term sustainable funding to strengthen biosecurity safeguards and address supply chain costs that are adding to the 'cost of living' crisis faced by all Australians.

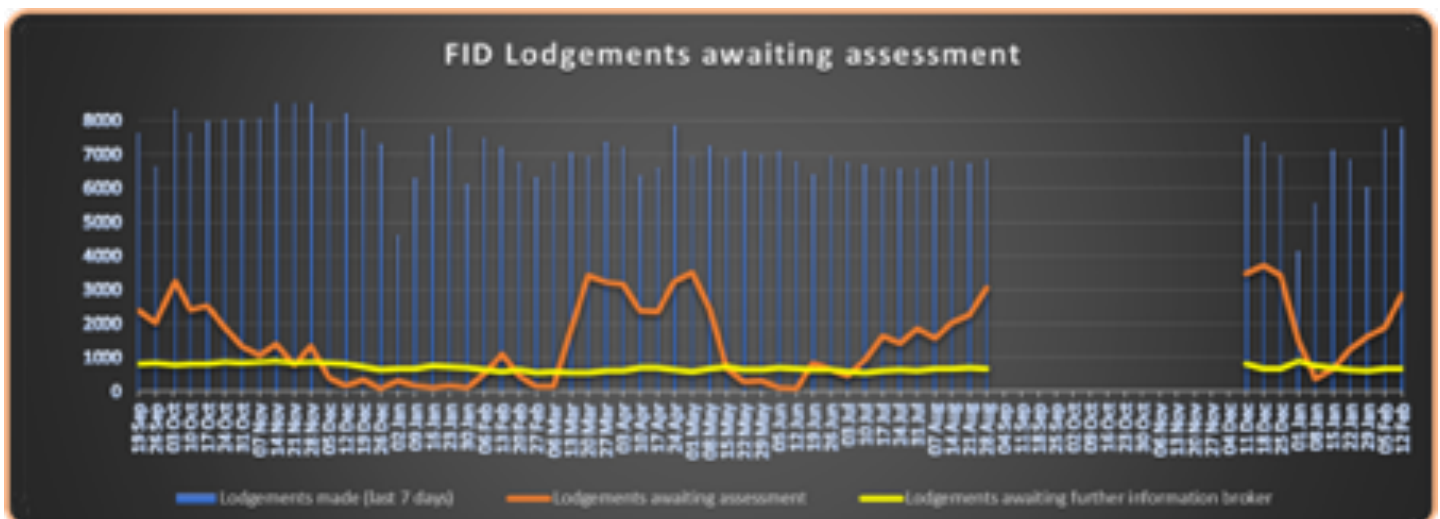
Discussion specifically focussed on ongoing fluctuating document assessment and inspection levels that significantly adversely impact importers in terms of delays with cargo release, increased storage charges, logistics costs and shipping line imposed container detention fees.

As well as the direct financial implications, the delays are causing confusion and angst amongst supply chain participants and is leaving customs brokers in the

unenviable position of communicating the outcomes to frustrated client importers.

Some five months later and of serious concern, Senate Estimates revealed that DAFF have had difficulty in their recruitment of assessment officers resulting in service levels not being met.

This prompted FTA / APSA to reinforce to the Minister our concerns with the below chart highlighting the recent spike in quantum of FIDs awaiting assessment.



SOURCE: data provided by DAFF and compiled by Freight & Trade Alliance (FTA)

NOTE: between September and December 2023 was a period whereby DAFF did not provide performance data



Interview

Collaboration between industry and Swinburne University to deliver the next generation of international trade professionals.

Following the breakthrough in gaining recognition of customs broker and freight forwarder occupations through the Australia and New Zealand Standard Classification of Occupations (ANZSCO) section within Australian Bureau of Statistics, Freight & Trade Alliance (FTA) is embarking on the next steps in addressing a shortage of entrants into the international trade sector.



Caroline Zalai (Director FTA) recently spoke with Dr Jill Bamforth (Academic Director Work Integrated Learning, Swinburne University) about a collaborative approach between FTA and one of Australia's most respected universities to introduce well-credentialed students to the industry.

1. Caroline Zalai - It is evident that Swinburne University does more than educate its students and importantly help them start a career using their practical and academic qualifications. Can you please explain the goals of the university?

Yes, two of Swinburne's four strategic goals focus on ensuring we prepare our students for the workforce through industry experience and helping them position themselves to secure ongoing employment. This means helping students build core discipline knowledge and industry relevant transferable skills to help them successfully transition into industry.

2. Caroline Zalai - Do your workplace programs focus on undergraduate students or postgraduate students?

The School of Business, Law and Entrepreneurship, of which I am a part, are committed and passionate about providing work focused programs and opportunities to engage with industry for both our undergraduate and postgraduate students.

3. Caroline Zalai - How do you support your students to ensure they are equipped to take on a workplace program?

Our courses are co-created with industry partners and provide multiple opportunities for students to apply their

learning to industry-based problems, opportunities and projects. In addition, our Careers and Employability team provide a range of resources and support to ensure students understand what it means to be a professional and how to present their best professional self. For example, in the post graduate space we work closely with industry hosts and post graduate students prior to industry engagement. This allows us to better align student and industry needs and expectations.

4. Caroline Zalai - What courses and disciplines complement the supply chain and can these skills assist in placing students having these disciplines within an industry placement program?

Our degree courses cover a range of discipline areas that directly support the supply chain industry such as project and operations management, strategy and change management, people management, financial management and data management. We develop students' capabilities in key areas such as analytical and critical thinking, innovation, creativity, resilience and problem-solving. We also help students develop their professional skills in communication, teamwork, and digital literacies. This helps us to easily place our students in industry placement programs requiring Accounting, Finance, Marketing, Business and Management, Business analytics and analysis, Supply Chain, Business information systems and Innovation & Entrepreneurship capabilities thereby benefitting their organisation.

5. Caroline Zalai - In practical terms, how do industry provided projects and internships work and what time period applies?

Potential industry hosts (i.e. your members) have the opportunity to provide students with either class-based projects or industry work experience on a particular project during our semesters, which last for 12 weeks.

- Class based projects allow industry to develop a project brief covering an opportunity they want to explore or a problem they want to solve. The students then work on this in class, presenting their findings to the industry sponsor at the end of the semester. This carries no cost to the industry.

- The internship program offers part time project-based industry experience to students in their study (discipline) area (e.g. supply chain). The industry host may offer a paid or unpaid industry experience.

Potential industry hosts are then matched to students (individually or groups).

6. Caroline Zalai - Does the university assist in making full-time placements?

Yes, Swinburne University offers the opportunity to recruit and provide full time paid employment to an undergraduate student for a year in their study (discipline) area. Our experience shows most of these students are offered ongoing employment opportunities upon placement completion.

7. Caroline Zalai - Are these placements available for both domestic and international students?

Yes, we recognise staff shortages in many industries and the necessity to provide a rich and diverse student group. A focus on just domestic students would deprive our industry hosts of access to students with multilingual skills, prior international work experience, and knowledge of different cultures and ways of doing business.

8. Caroline Zalai - What has been your experience and advantages in placing international students?

International students invest heavily, both financially and personally, to come to Australia to study. This makes them ‘more hungry’ for the Australian work experience than domestic students who have more choice. This often translates to greater commitment to industry hosts that provide enriching experiences. In addition,

the Australian Government provides graduating Masters students with a 3 year work visa removing that cost to industry.

9. Caroline Zalai - Have you had any organisations from our industry take on a student before and what was the feedback?

Many of our undergraduate and postgraduate students have found their career through our extensive industry network. For example, Swinburne University has partnered with a leading international logistics and freight management company, CEVA, to co-create and co-deliver its Master of Supply Chain Innovation course in an Australian-first collaboration. Swinburne University and CEVA have also recently established a formal scholarship and graduate program for students graduating with a Bachelor of Business in Logistics & Supply Chain Management. This shows that industry leaders have the appetite to work with Swinburne to co-design and co-deliver educational programs that best support industry.

10. Caroline Zalai - How does industry collaboration in co-creating and co-delivering educational programs or courses work?

Industry collaboration involves working with Swinburne University and our students to ensure our offerings align with what is happening in industry. Industry collaboration can take many forms. For example, it could be as simple as designing a class-based project of organisational interest for our students. Or it could be sharing your experience and expertise on a topic being studied e.g. what types of operational problems do you regularly face and how you resolve them. At the other end you could be invited to sit on advisory boards helping to guide the content and approach specific courses take. To find out more please contact me.

11. Caroline Zalai - How do prospective employers apply to be part of the program and where can members find further information?

Prospective employers can lodge their interest in the program by contacting me (Jill Bamforth) at cbamforth@swin.edu.au.

Thank you for giving Swinburne the opportunity to deepen our relationship by connecting your members with our students so we can collaborate to build a meaningful pipeline of talent and opportunities.

FTA is excited to be working with Swinburne University in piloting these programs via focus groups and communicating opportunities via a broader member function which will be announced soon. We encourage members to support this important initiative.

“ We develop students’ capabilities in key areas such as analytical and critical thinking, innovation, creativity, resilience and problem-solving. ”





Unlocking Fair Play: The US Federal Maritime Commission's Final Rule on Demurrage and Detention – A New Opportunity for Forwarders in Australia

By FRAZER HUNT, partner and THOMAS MONNOX, graduate lawyer
– Mills Oakley, Sydney

On 23 February 2024, the United States Federal Maritime Commission (FMC) heralded a significant regulatory advancement in the shipping industry with publication of its Final Rule on Demurrage and Detention Billing Requirements under the Ocean Shipping Reform Act 2022 (**'Final Rule'**) – a reform that arrives in a wake of industry complaints about the unfair levying of demurrage charges by ocean carriers, especially from freight forwarders who frequently find themselves ensnared by unwarranted fees.

Key outcome of the Final Rule

Importantly, the Final Rule introduces strict rules about who ocean carriers can charge for demurrage in the United States. Specifically, s 541.4(a) states:

A properly issued invoice is a demurrage or detention invoice issued by a billing party to:

- (1) the person for whose account the billing party provide ocean transportation or storage of cargo and who contracted with the billing party for the ocean transportation or storage of cargo; or
- (2) the consignee [defined as 'the ultimate recipient of the cargo; the person to whom final delivery of the cargo is to be made'].

Essentially, this means that ocean carriers can only charge demurrage to those with whom they have contractual relations, i.e. the shipper, ensuring that it cannot be levied against third parties. Additionally, where a carrier invoices the shipper, they cannot also invoice the consignee.

The position in Australia

Ordinarily, the doctrine of privity would render s 541.4(a) an established legal norm. Yet in Australia, following the outcome of *Cosco Container Lines Co Ltd v Unity Int'l Cargo Pty Ltd* [2012] NSWDC 122, it has been common practice for ocean carriers to charge demurrage to anyone listed on a bill of lading meeting the definition of a 'merchant' – a term which is often very broad, capturing parties far removed from the physical movement of containers. However, the Final Rule of the FMC supports an increasingly solid argument that this practice should now be abolished in Australia.

Arguments against the existing practice

While demurrage is theoretically designed to encourage the efficient turnover of containers by incentivising the timely collection, unpacking and return of containers, it cannot possibly serve this purpose to the extent that it is directed towards actors who play no part in the physical movement of the containers. Additionally, recent events highlight that demurrage is becoming more and more of a windfall gain for ocean carriers as opposed to a mechanism to incentivise container recirculation, boosting their annual profits while simultaneously adding to inflationary pressures across the country. This is reflected by the fact that demurrage is frequently charged as a result of the action, or inaction, of the ocean carriers themselves. In this connection, the Australian Competition & Consumer Commission has noted that this commonly occurs when ocean carriers fail to make adequate arrangements for the return of containers, e.g. because the stipulated return location cannot accept the return within the free time period due to congestion, and when ocean carriers cause delays which mean that packed containers cannot be loaded onto their

intended vessels and exported. Container Transport Alliance Australia has also cited ocean carrier practices including vessel bunching, commencing the free-time period when the container is physically unavailable for collection, and redirecting containers to different return locations as further examples of profiteering. Further undermining any argument in support of ocean carriers levying of demurrage against third parties is also the fact that one of the largest exports in this country is empty containers, and that container parks are often at full capacity. Accordingly, there are readily available container replacements for those returned beyond the free-time period, so there is currently no material opportunity cost that ocean carriers can rely on to justify such demurrage charges.

The future of demurrage in Australia

In conclusion, there is a strong argument for government to consider stronger regulatory measures in Australia, ensuring that demurrage charges are levied in a manner that is both fair and reflective of the services provided by ocean carriers. In this connection, the **'Final Rule'** shines as a beacon of regulatory progress, presenting an opportunity for international cooperation towards fairer and more economically sustainable shipping practices. However, noting the historical reluctance of government to weigh in on the issue, it may be the case that industry stakeholders themselves must become catalysts for change.

As ocean carriage are international, it will be interesting to see how ocean carriers adapt their demurrage procedures to comply with the **'Final Rule'** for US shipments and whether they will then apply those same procedures across the board for all shipments, if for no other reason than to avoid inconsistencies. Regardless, it would appear that change may be on the horizon.

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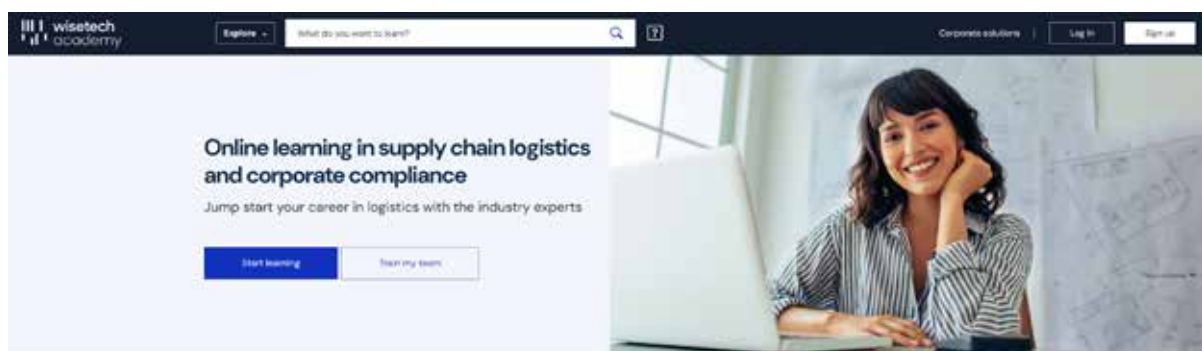
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GLOBAL SHIPPER

News and activities from the Global Shippers Forum

Speaking up for cargo owners in international trade

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RED SEA SITUATION

Red Sea diversions are an expensive detour not an existential crisis, says GSF

The unprecedented attacks on merchant ships navigating international waters in the Red Sea triggered renewed disruption in container shipping services and a spike in spot shipping rates in the closing weeks of 2023.

GSF provided member associations with weekly briefings on the situation, as shipping lines at first hesitated then diverted ships to the south of Africa to reach ports in the Mediterranean, northern Europe and the east coast of North America. Return sailings were similarly affected.

Carriers also announced new surcharges to recover the additional costs of diversion. Marked increases in spot rates on services from Far Eastern ports suggested an expected repeat of the Covid 19-type disruption seen three years previously, and there was a detectable ‘talking-up’ of the likely length of disruption ahead of annual contract negotiations in the first quarter of 2024.

GSF’s Policy Council was briefed on the situation on 13 February and endorsed a five-point plan for shippers affected by the disruption:

1. Separate actual disruption from speculative escalation scenarios: “it’s a Detour not a Crisis”.
2. Don’t pay for disruption that has not yet happened: make sure your box was actually diverted.
3. Expect services to stabilize, albeit at a higher cost base and longer sailing time.
4. Negotiate a ‘Return to Suez’ rate in any contract covering the next 12 months.
5. Challenge the surcharges: GSF modelling suggests over-recovery of additional costs (see next story).



Source: iStock.com/beyhanyazar

SHIPPING SURCHARGES

New modeling reveals surcharge impacts

The diversion of shipping services away from the Red Sea area triggered a range of new surcharge announcements from carriers to cover the additional costs of the longer time at sea. To help shippers assess the reasonableness of these charges GSF worked with its logistics data partner MDS Transmodal to produce a Surcharge Assessment Tool, which models the average expected costs for the typical sizes of vessel used on the main trade routes.

The model provides values for the key variables, such as additional time, distance and the costs of fuel, charter and container hire. The savings made in Suez Canal transit fees are deducted and the net

additional cost estimates compared to the advertised surcharge.

The model is available as a downloadable file and individual business can input data to reflect their own costs and charges for use in assessments and discussions with carriers.

The model also estimates the effects of the spot rate increases announced during January 2024 and calculates the impacts on profit margins expected from sale of the goods being shipped, given that surcharges are paid out of cash-flow. Further details of the GSF/MDST Surcharge Assessment Tool are available from your national shippers’ association.



LINER SHIPPING COMPETITION

Commission cans consortia competition concessions

In a decision that has stunned the container shipping world, the European Commission has decided to end its Consortia Block Exemption competition regulation that protects shipping lines when they exchange commercially sensitive information in consortia or alliances. Shippers had long voiced concerns that the legislation was outdated, open to unintended interpretation and difficult to enforce.

The Commission based its decision on an argument submitted by GSF, that the benefits of consortia operations had not been shared with shippers since 2020, when the Block Exemption was last renewed. This was the key test applied by the Commission in previous evaluations of the CBER.

The evaluation period coincided with the Covid 19 health pandemic, which triggered a spike in demand for goods, and shipping rates to move them. Despite the huge profits made by shipping lines the reliability of their services



iStock/jorisvo

dropped to historic lows and the benefits to carriers of consortia operations were demonstrably not shared with their customers.

The CBER expires on 25 April 2024. After that date shipping lines can continue to cooperate in vessel sharing agreements but must test the legality of their data exchanges using the same

guidelines that applies to the rest of European commerce.

GSF welcomed the decision as removing a key obstacle to the re-building of trust in the container shipping sector, which is essential if the twin mega-challenges of decarbonization and digitalization were to be successfully tackled.

SHIPPING ALLIANCES

“Consortia are dead ... long live consortia!”

In its arguments to retain the EU Consortia Block Exemption Regulation the container shipping industry had suggested that the loss of sector-specific competition rules would jeopardize the future of liner shipping consortia and alliances. But in a further surprise for the sector, two of Europe's largest shipping lines announced their intention to form a brand-new consortia, with a stated intention of improving service reliability and a focus on customer service.

Named the ‘Gemini Co-operation’, the new alliance will see Hapag Lloyd leave THE Alliance and enter into a new vessel sharing agreement (VSA) with Maersk from April 2025. Maersk had previously announced the ending of its 2M Alliance with MSC by the same date.

GSF said the move showed that VSAs can evidently still be made to work without the block exemption regulation being in place, and that the stated aim of winning customers based on service and performance levels marked a welcome change of approach in the sector that traditionally had measured its success purely on market share.



Source: shutterstock/topae

EU IMPORT CONTROL SYSTEM

More shipment details needed for exports to Europe

Shippers of goods to the European Union by sea, road or rail will need to provide more detailed information about themselves and the goods they are shipping once new EU requirements become effective over the next 12 months.

The new demands are part of a major upgrade to the EU's Import Control System, known as ‘ICS2’, that requires advance cargo information to be submitted to EU Customs authorities ahead of shipments arriving at the EU border. The new requirements were implemented for air cargo during 2023 and are being extended to the other transport modes under ‘Release 3’ of ICS2 from June 2024, for sea transport, and for road and rail shipments from April 2025.

Shippers of goods to or transiting the countries in the EU Customs Territory will be expected to provide the required information to their forwarder or carrier so the required Customs filings can be made on their behalf. This will include full names and postal addresses for

the consignor and consignee of the goods, as well as clear and acceptable descriptions of all the goods in each consignment. An ‘HS Code’ for the goods is also required, consisting of the first six digits of the code assigned under the ‘Harmonized System’ of Customs classifications.

Failure to provide these details is likely to result in goods being refused for shipment by carriers or in delays upon arrival at the EU border. Fines and other sanctions may be levied for incorrect or imprecise information.

GSF has produced a guidance note with international forwarders’ association FIATA to help their respective members understand the new requirements. These include Checklists of actions to help shippers and forwarders prepare for ICS2. A new on-line training course has also been released by the Wisetech Academy aimed at shippers and forwarders exporting to the EU.



Source: European Commission

CONTAINER DESTUFFING

GSF's checklist is 'out of the box' thinking

GSF has produced a new guide and checklist to the principles and practices of unpacking cargoes from intermodal containers following their transport by sea.

Aimed at importers and deconsolidators, the guide summarizes recommended practices from a range of official and industry sources on the precautions to be adopted when opening and removing cargo from a newly landed container. These include the risks of cargo shifting and collapsing, the checking for and removal of fumigation agents, and the condition in which an emptied container should be returned to its operator. The recommended actions to take in the event of discovering pest contamination are also featured.

The guide references advice in the Code of Practice for Packing of Cargo Transport Units, (the CTU Code) and guidance issued under the International Plant Protection Convention on avoidance of pest contamination in containers. The purpose of the *GSF Guide to Unpacking Intermodal Freight Containers* is to provide a convenient briefing to those supervising container unpacking operations of their safety, environmental and contractual responsibilities.



Source: iStock.com/1933bkk

ILLEGAL WILDLIFE TRADE

Watch out for illegal wildlife shipments!

GSF members have overwhelmingly backed calls for a clampdown on the growing volumes of illicit trade in protected wildlife by endorsing a new cross-industry public awareness campaign.

Illicit wildlife trade involves the shipment of live and dead animals or endangered plants that are protected under the Convention on International Trade in Endangered Species (CITES). Such shipments are illegal and would normally be stopped at international borders. Those involved in such trade therefore need to disguise, conceal or mis-declare consignments to evade detection and interception by Customs and other national authorities, by infiltrating prohibited items into legitimate shipments or mis-describing them to

forwarders, carriers and Customs authorities.

GSF has joined the World Shipping Council, representing global container shipping lines, marine insurer TT Club, and the Bureau International de Containers (BIC) in endorsing two new documents published by wildlife campaigners, including the World Wildlife Fund (WWF). One document provides guidance on the techniques and forms illegal wildlife trafficking can take and the steps businesses can implement to combat this trade. The second lists 'Red Flags' to watch out for that may signal that your operations are being used for this illicit trade that is posing significant threats to the survival of many endangered plant and animal species.

Red flags for suspicious illegal wildlife trade

Many indications of suspicious cargo are common to all forms of container, including trafficked wildlife. High levels of corruption in countries or in ports should be considered a major overarching red flag, since traffickers will look to exploit these weaknesses.

Questions you should ask yourself to spot possible red flags:

- Are origin and destination countries compatible with the geographical and country's historical reputation of natural resources?
 - Example: Is there a credible reason for a country to export a large volume of a specific commodity?
- Do the commodities obtained involve high-risk countries and routes?
 - Check if the route trafficked wildlife originates in a small number of the countries in Africa, with concentrations in any community appear in a land and distribution hotspot?
- Are weight and cargo appearance inconsistent?
 - For example, actual weight is different from those listed in the bill of lading or packing list. Actual weight is not reasonable or realistic for the declared commodity and/or the nature and condition of the commodity and/or the nature of the commodity in the import declaration or other documentation.
- Are cargo descriptions identical, vague or misleading?
 - Examples of vague or misleading descriptions for wildlife shipments include 'bird', 'shell', 'bone' and 'meat' or 'skin' or 'parts' of mammals, only some of which may be trafficked.
- Does the value of cargo tally with the description and what?
 - The value of cargo can help authorities determine whether the shipment is consistent with the declared commodity.
- Is the paperwork questionable?
 - For example, an inconsistent description of original documents, an unclear origin, unclear or inconsistent dates, a mismatch of port of origin or destination, or a mismatch of port of origin or destination with the commodity code, should be a red flag. The documents required in the official container manifest may be the same as those required for the shipment of other goods, including many that are not and protected species.

Logos: GSF, TRAFFIC, WWF, and other partners.

CONTAINER CLEANLINESS

Shippers shocked by surprise sanitary signature suggestion

GSF has reacted angrily to plans hatched by global plant protection experts that could make shippers liable for containers contaminated by invasive pests.

In a shock development, the Commission on Phytosanitary Measures (CPM) has



proposed that importers be required to make a signed declaration to Customs authorities that containers and their cargoes are free of contamination by pests or other biological material. This is despite the importer being the last party in the supply chain to handle the container.

The proposed wording of the declaration reads: "The container(s) and their cargoes covered by this declaration are free from any visible material of animal and/or plant origin, soil and insects".

The proposals were developed by a working group of government experts, in which only the container shipping industry was allowed to be represented and are expected to be rubber-stamped at a CPM summit meeting in Rome this April.

According to the CPM report, the next step is for the proposals to be presented to the World Customs Organisation for incorporation into its global recommendations for national border procedures.

GSF has already raised grave concerns at the principle of importers being made exclusively liable for the sanitary condition of containers. In a strongly worded statement GSF told the CPM that it is unacceptable that governments and the shipping industry have seemingly contrived to transfer liability for the cleanliness of a container to the shipper. GSF made clear that continued exclusion of shippers from the work of CPM is no longer tolerable and that it should stop negotiating solely with shipping lines to the detriment of their customers.



NEGOTIABLE CARGO DOCUMENTS

“Sell on, sell on, seller”*

The ability of buyers of goods to sell them on to a second buyer during the time they are being shipped has been a longstanding practice in international trade. Such transactions are facilitated during sea transport by shippers using a ‘Negotiable’ Bill of Lading, in which the consignee is not named or a generic instruction ‘To Order’ is shown. The new owners of the cargo are sent the original Bill of Lading, which is then presented as proof of ownership to the shipping line at the point of delivery.

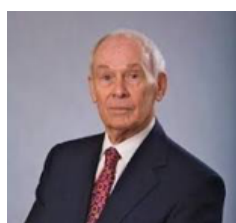
This practice has worked successfully for centuries, but only in the maritime sector. Journey times for air cargo are normally too short for trade to take place *en route* and the international conventions for road and rail transport of goods in Europe and Asia expressly forbid the use of ‘negotiable’ documents.

Nevertheless, the increasing use of overland transport modes to move cargoes between Asia and Europe and the advantages of being able to re-sell goods at times of market volatility has prompted the UN Commission on International Trade Law (UNCITRAL) to develop a new convention that would establish a common legal framework in which negotiable cargo documents could be issued, used and recognized by all parties to a shipment and by the banking and legal systems that underpin international trade.

GSF was invited to participate in a recent meeting of the UNCITRAL committee developing the convention to ensure the needs and views of global shippers were understood and their interests incorporated. GSF provided detailed explanations of the workings of international logistics and contributed to a joint presentation with the global freight forwarders association FIATA and the International Chamber of Commerce on how global trade is transacted.

Shippers interested in the possible use of negotiable cargo documents in international road and rail shipments are invited to contact the GSF Secretariat for more information on UNCITRAL’s work. secretariat@globalshippersforum.com

* with apologies to the Beach Boys



GSF NEWS

Bob Ballantyne, GSF’s first Chairman, retires

Robert Ballantyne, one of GSF’s founding directors and Chairman between 2011 and 2018 is to retire from the governing Board of the Association at its annual general meeting on 27 March. Bob served as President of the Freight Management Association of Canada until 2020 but

GHG EMISSIONS REDUCTION

Carbon taxes heading for shipping ... and on to shippers?

Plans for a new tax on bunker fuels to reflect the amount of carbon dioxide ships generate are being further developed by the International Maritime Organisation (IMO). In meetings this March, the global shipping regulator will be assessing a wide range of potential schemes that aim to charge ship owners or operators for harmful greenhouse gas emissions that contribute to climate change and incentivize them to switch to ‘greener’ fuels.

The IMO adopted a revised greenhouse gas (GHG) reduction strategy last year and now faces the task of developing measures that will achieve close to net-zero emissions from world shipping by mid-century. The meetings in March are expected to produce a short-list of candidate schemes that will then be further developed at future meetings. The target implementation date is 2027.

Shipping services arriving and leaving ports in the European Union became subject to the EU’s own Emission Trading Scheme from the beginning of 2024. The ETS requires shipping lines to purchase ‘carbon credits’ for every tonne of GHG emission they make over a specified allowance. Many shipping lines have introduced surcharges on their EU services to recover these costs from shippers, effectively leaving ship owners no worse off.

GSF is concerned that the ease with which carriers can pass on new carbon taxes and credits to customers will remove the incentive for them to change their fuels to less polluting, lower taxed alternatives. By surcharging shippers, carriers will effectively ‘dodge the carbon tax bullet’.

GSF is establishing a new members’ working group to focus on these and other GHG reduction proposals likely to affect shippers and cargo owners in international trade and logistics. Shippers interested in participating in GSF’s ‘Scope 3 Emissions’ working group can contact the GSF Secretariat at secretariat@globalshippersforum.com

continued to represent FMA at GSF meetings.

During his time as Chairman Bob guided GSF through the dramatic changes in the structure of the container shipping market as it emerged from the global financial crisis and the introduction of the Alliance structure.

GSF Secretary General, James Hookham, said “We are indebted to Bob for his dedication to GSF and his support of

Global Shipper is the news briefing for cargo owners and shippers in international trade produced by the Global Shippers Forum.

Editor & publisher: James Hookham

Production: Sarah Abrahams

Published by: Global Shippers Forum Association Ltd

GSF is grateful for the support of Freight and Trade Alliance in the production of this Newsletter.

Global Shippers Forum is a global trade body of national shippers’ associations, working together to achieve safe, competitively efficient, and sustainable international movement of goods. GSF works to ensure the customer’s voice is heard in the development of international transport policy and regulation and trade procedures.

To find out more about any of the items in Global Shipper please email the GSF secretariat at secretariat@globalshippersforum.com

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NEWS IN BRIEF

- GSF is supporting the first UNCTAD Global Supply Chain Forum hosted by the government of Barbados taking place in Bridgetown on 21-24 May 2024: <https://unctad.org/meeting/global-supply-chain-forum-2024>
- The US Federal Maritime Commission has published its final rulemaking on surcharges for the Detention and Demurrage of containers in US ports. The guidance has been welcomed by GSF’s US member the National Industrial Transportation League. <https://www.federalregister.gov/documents/2024/02/26/2024-02926/demurrage-and-detention-billing-requirements>

the Association’s aims and mission during its formative years. His wisdom, vast knowledge and extensive experience has guided GSF through some challenging times and inspired some remarkable outcomes for the benefit of shippers. We wish him a happy and well-deserved retirement”.

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Interview Menzies Aviation

John Park, Head of Business Operations | Freight & Trade Alliance recently sat down with Kayla Moa, Vice President Cargo Operations Australia & General Manager NSW & ACT | Menzies Aviation after her recent trip to Hong Kong for Air Cargo Week.

“ *Menzies is focused on digitizing transactions and providing industry with standardised levels of service across our global network of 75 cargo locations.* ”



1. John Park – Menzies has a strong global presence – how do you ensure consistent efficiency standards across all your ground handling locations?

Air cargo demands the open sharing of trusted and secure information. To ensure we are meeting industry standards for exceptional cargo ground handling, we will ensure all our primary locations have Cargo iQ certification. This demonstrates our commitment to improve the efficiency of the air cargo industry while enhancing customer service, and we encourage industry partners to do the same.

In addition, by the end of 2024 every Menzies cargo location will accurately share location details on Validaide. This means that the global network, along with Menzies customers and stakeholders, will have access to information surrounding our facility details, credentials, and handling capabilities driving transparency and visibility across our network.

2. John Park – In Menzies Aviation’s experience, what are the efficiency trends currently driving the need for improved cargo handling efficiency?

Reliance on a truly integrated ground handling relationship is crucial as airlines are increasingly operating with leaner structures, resulting in varied and more specific service requests. We have always been an extension of our airline customers but now more than ever, there is a stronger need to provide agile and responsive services. The same can be said of our freight forwarding partners; we have extended our sphere of influence in many locations by providing first and/or last mile trucking services, labour services, off site quality checks and more.

We are also committed to ensuring we have highly trained staff working both in our own facilities and providing services to our customers at different locations. Our people are our biggest asset, and essential in ensuring that we are effectively adapting to changing customer expectations.

3. John Park - Can you share any specific examples of how Menzies’ focus on efficiency has translated into quantifiable benefits for its airline partners?

We were proud to unveil Menzies Aviation Cargo Handling (**MACH**) system in 2023. Launching in Bucharest, we will continue to roll out the new cargo management system across our network in 2024.

MACH represents a significant enhancement on Menzies’ current cargo management system, boasting a modern user interface (UI) with easy-to-use navigation, making it exceptionally user friendly for all stakeholders. Its cloud-based architecture ensures accessibility from anywhere, anytime and on any device, providing real-time insights and data. Operating from a ‘single source of truth,’ **MACH** seamlessly integrates with other systems helping to simplify and standardise all processes. An integral part of the cargo management ecosystem, it improves data accuracy as all electronic information is populated automatically across the system.

MACH’s drive to standardise is matched by its ability to generate bespoke solutions where necessary.

In addition to **MACH**, we are investing in further innovative technology solutions such as our award-winning robot inventory solution named **Mimi**, cargo dimension assessment tools and wildlife tracking solutions.





Influenced by a generational change in thinking, a general acceptance to change jobs frequently and with further economic cost of living pressures across the globe, we have found staff retention and development to be a significant priority for our business and the aviation sector in general.

6. John Park - What role will new and emerging technologies play?

Technology underpins air cargo solutions now and will grow further in the future. We are exploring facility design to allow for robotics and autonomous vehicles to assist and support our people and customers. Whether it be in ULD build up, dangerous goods acceptance or security screening algorithms – technology plays an important role in mitigating risk to keep our industry safe and secure.

We are also acutely aware of the need to embrace technology to be an attractive employer of choice for our people and to use technology to engage with our teams.

Waste is also a top priority for many of our stakeholders. In 2023, we partnered with BioNatur Plastics to help make our cargo operations more sustainable, but also ensure we are working in partnership with our customers to meet their own ESG goals. Our cargo operations use various packaging materials and replacing our cargo-use plastic products with BioNatur Plastics will not only dramatically reduce waste levels but supports our long-term sustainability targets.

4. John Park - What are your expectations about how 2024 is likely to develop – e.g. for the air cargo sector and your organisation’s role or area of activity within the sector?

After a strong end to 2023, with air cargo tonnages getting close to 2019 comparable levels, 2024 forecast is optimistic for a return to pre COVID trading in most countries. Regions such as the Middle East, Asia and Oceania have seen particularly strong volumes – Oceania in particular aided by challenges with sea freight and port volatility.

Menzies is focused on digitizing transactions and providing industry with standardised levels of service across our global network of 75 cargo locations. We have five cargo locations now accredited with IATA’s CEIV Pharma certification and look to bolster our network with further accreditations in Oceania and Africa.

5. John Park - What are the biggest challenges currently to meeting customers’ requirements and expectations?

Our people are our biggest asset and their passion and pride help us deliver our best-in-class air cargo solutions,

making Menzies Aviation the chosen air cargo terminal operator across the global logistics supply chain. They are also our biggest challenge in the current market.

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Aviation Green Paper – Towards 2050

By TOM JENSEN, Head of International Freight & Logistics | Freight & Trade Alliance

Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) sees the Aviation Green Paper as a crucial step in developing the roadmap for the transformation of Australia’s aviation sector into a more sustainable, efficient, and forward-looking industry.

FTA / APSA calls for collaborative efforts among government bodies, industry stakeholders, and the community to achieve these ambitious but essential goals towards 2050 with a more sustainable and innovative future for the Australian aviation sector.

Through ongoing engagement with key stakeholders, the government will craft an Aviation White Paper that embodies a thorough and cooperative strategy for the advancement of the sector. The Aviation White Paper is expected to be released mid-2024.

FTA / APSA in collaboration with our members, have contributed to providing feedback to the Department’s Aviation Green Paper. FTA / APSA prepared a submission with twenty-one (21) recommendations in response to the specific questions as outlined in the Aviation Green Paper – Towards 2050.

RECOMMENDATION 1 – The Australian Government is to prioritise environmental sustainability within the aviation sector by implementing goals and targets aimed at achieving net zero emissions by 2050.

RECOMMENDATION 2 – Government to explore cabotage to facilitate competition in the shipping industry, potentially leading to more competitive freight rates and improved efficiency in domestic transport.

RECOMMENDATION 3 – Government to review Demand Management Schemes to assist in facilitating growth.

RECOMMENDATION 4 – Implementation of mandatory performance standards applicable between both CTOs and landside transport operators.

RECOMMENDATION 5 – Implementation of a mandatory industry code administered against CTOs to safeguard against any unjustifiable rate increases imposed on landside operators.

RECOMMENDATION 6 – Implementation of a mandatory industry code administered against CTOs to safeguard against stoppages.



RECOMMENDATION 7 – Government to provide support and incentives to industry focusing on sustainability and sustainable aviation fuels (SAF).

RECOMMENDATION 8 – Government to establish regulatory frameworks that mandate emission reductions and encourage sustainable practices across all aviation subsectors.

RECOMMENDATION 9 – Government to engage with industry as a stakeholder on the framework for airport development.

RECOMMENDATION 10 – Incentivise the adoption of green technologies in airport development and operations.

RECOMMENDATION 11 – Government to engage with cargo sector as a stakeholder in the master planning phase.

RECOMMENDATION 12 – Government to focus on enhanced stakeholder engagement, ensuring reforms are data-driven and evidence-based.

RECOMMENDATION 13 – Government to ensure that the cost burden is fairly distributed across different stakeholders and engage with industry stakeholders to develop funding models that are viable and consider the industry’s perspectives and capabilities.

RECOMMENDATION 14 – Consideration to be made for screening of cargo to certain Australian territories (e.g., Norfolk Islands) to ensure that the cost burden is reduced.

RECOMMENDATION 15 – As per previous recommendation in FTA / APSA submission to Simplified Trade System Implementation Taskforce, the Australian Border Force to engage with industry on implementation of a pre-load cargo reporting regulatory model and systems implementation.

RECOMMENDATION 16 – Government to invest in targeted education and training programs, collaborating with industry stakeholders to develop clear and adaptable training pathways and qualifications.

RECOMMENDATION 17 – Government need to invest in targeted inclusion programs, collaborating with industry stakeholders to fund and facilitate events aimed at addressing diversity. 6 | FTA/APSA – AVIATION GREEN PAPER TOWARDS 2050

RECOMMENDATION 18 – Government to prioritise career pathways for young Australians in the aviation sector, focusing on education and training initiatives that target domestic talent, especially among youth.

RECOMMENDATION 19 – A need for more flexible and transparent negotiation framework is required, with a more inclusive process that considers the interests of a diverse range of stakeholders, including both Australian and foreign carriers, as well as tourism and trade sectors.

RECOMMENDATION 20 – Government to support exporters on key trade routes as a priority.

RECOMMENDATION 21 – Government to ensure efficient allocation of resources for new or redeveloping ports, leveraging technology for border processing, and cost-sharing models between government and airport operators which are crucial.

Full details of the submission can be found at <https://ftalliance.com.au/reports-and-submissions/3220>



Electronic delivery orders slash truck arrival queues

CONTAINERCHAIN
WISETECH GLOBAL GROUP

Faster truck arrival processing with Containerchain EDO notifications in CDMS

Containerchain uses digital processing to improve productivity by eliminating time-wasting information gaps and errors for truck drivers and container yards.

Road transport fleet controllers can now slash the queuing time for their truck arrivals at container yards by simply attaching the shipping line's electronic delivery order (EDO) to their booking in the notification function within Containerchain's vehicle booking system (VBS), making the information readily available to the container yard's gate controller on the truck's arrival.

The EDO can be attached when the fleet controller creates the notification to book a slot at the container yard and allocates the job to a driver. Or it can be attached after the booking is made while the truck is enroute to the yard.

The container yard gate controller can then quickly and easily access the EDO associated with a truck's booking in Containerchain's VBS. This eliminates time wasted searching for emailed EDOs or rekeying information from a paper copy, reducing queues and bottlenecks into the container yard.

Container yard gate controllers can either access the EDO in advance to have all information ready before the truck arrives, or quickly pull up the information on arrival, to prevent unnecessary delays.

Andrew Smith, general manager of Containerchain says there is a huge opportunity for fleet controllers to cut queuing delays for trucks in container yards by adopting this digital process. "Fleet controllers have a copy of the EDO for all goods they are to pick up. Even if a shipping line has not uploaded their EDO into Containerchain, the fleet controller can simply attach a copy of the EDO to their notification so that it is readily accessible by the container yard gate controller. Container facility managers can even opt to mandate that EDOs be attached for bookings at their facility."

The EDO can be attached in a wide range of file types: PDF, Microsoft Word, Office Open XML, all image formats, CSV or plain text.

The EDO attachment function is available now.



Containerchain users are able to access attached EDOs in the following ways:

- ✓ TRANSPORT USERS VIA MY NOTIFICATIONS
- ✓ FACILITIES USERS VIA VIEW NOTIFICATIONS
- ✓ CONTAINERCHAIN ADMINISTRATION USERS VIA **MANAGE NOTIFICATIONS**

For more information refer to the **Containerchain update note** on WiseTech Academy

<https://wisetechacademy.com/search?quickstart=9b22bff8-0447-479a-bad7-7fd7d8d7c2d0>

"KEEPING AUSTRALIA'S INTERNATIONAL TRADE MOVING"



Australian Peak Shippers Association Inc. (APSA)

JOIN THE ALLIANCE

2024 Membership Benefits

ADVOCACY - Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) are the leading industry bodies representing the international trade and logistics sector. This is achieved by bringing together importers, exporters and logistics providers to form an influential advocacy body. Importantly, we also ensure that members are at the forefront of all emerging supply chain issues through our responsive operational support, professional development training, industry updates, commercial services and corporate events.

REAL TIME SUPPORT – FTA Corporate Members have real-time access to our support services as an extension of your operational team – through our extensive network and access to key personnel across government and commerce, we can assist businesses with operational matters.

LEGAL SUPPORT – Providing legal counsel to FTA is Customs Global Trade Law (CGT Law) and Mills Oakley for APSA. FTA members are eligible to receive up to 30 minutes free legal support per issue from CGT Law.

TERMS & CONDITIONS – Exclusive to FTA Corporate Members, for the one off payment of \$880 (incl GST) receive from CGT Law a clear, concise and legally robust set of trading terms and conditions designed specifically for customs brokers and forwarders; a letter explaining the Terms & Conditions; a template credit application; a letter of authority; a credit application and guarantee; letter for use to customers introducing the new terms and conditions; ACCC Court Action Trading Terms Case; and updates to the documents due to legal developments (all proforma documents are provided in Word format).

INSURANCE SUPPORT – FTA Corporate members receive free insurance review & support from Logical Insurance Brokers.

WORKPLACE / HR CONSULTANCY – FTA Corporate Members receive hotline support via EmploySure.



ACROSS BORDERS MAGAZINE –

we supply members a FREE member magazine providing expert commentaries on emerging trade and government reforms (both in hard copy and electronically).

ALERTS – our webinars, podcasts, daily notices (some content password protected) and weekly report keep members at the cutting edge of operational matters, reforms and advocacy activity.

SHIPPING REPORT - regular updates and consolidated monthly reports

CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

FTA provides online training packages and CPD Border Compliance Programs for customs brokers to complete their mandatory CPD training obligations to maintain their customs broker license. The customs broker licensing period runs from 1 April to 31 March annually.

2024-2025 CPD BORDER COMPLIANCE PROGRAM

- Friday 3 May 2024 - Novotel Brighton Beach Hotel, Brighton Le-Sands
- Saturday 4 May 2024 - Novotel Brighton Beach Hotel, Brighton Le-Sands
- Saturday 11 May 2024 - Hyatt Regency, Perth
- Friday 31 May 2024- Hyatt Place, Essendon Fields
- Saturday 1 June 2024- Hyatt Place, Essendon Fields
- Wednesday 12 June 2024 - Brisbane Airport Conference Centre

EARLY BIRD REGISTRATION SPECIAL PACKAGE

Member Early Bird Registration provides you with a unique 30+ CPD points including Continued Biosecurity Competency (CBC) as prescribed by the Department of Agriculture, Fisheries & Forestry.

- attendance at one of the above listed CPD Border Compliance Program events – minimum of 21 CPD points
- complimentary access to mandatory Continued Biosecurity Competency (CBC) online via ComplianceNetFTA.com.au ; and
- complimentary access to additional CPD points via our online training platform

REGISTER NOW at www.ftalliance.com.au/upcoming-events

NOTE: The Department of Agriculture, Fisheries & Forestry reserves the right to add additional mandatory CBC sessions during the accreditation.

ONLINE CPD / CBC – Further discounts are offered for online CPD / CBC registrations to businesses with six (6) or more registrations, with the option for an all-inclusive invoice for membership and training – price on application to czalai@FTAlliance.com.au.

We offer extensive material via our online training platform with courses, resources and assessments available at listed prices. FTA members are offered unlimited CPD and CBC content for \$165 (incl GST) per person per accreditation period (1 April to 31 March).

SECTION 77G DEPOT AND APPROVED ARRANGEMENT FORUMS

FTA will be hosting forums where you will hear from Department of Agriculture, Fisheries and Forestry (DAFF) and the Australian Border Force (ABF) senior officers in terms of current compliance activity and emerging reforms in managing Sec 77G Depot and Approved Arrangement facilities.

Wednesday 1 May 2024 – St George Motor Boat Club, Sans Souci, NSW
 Friday 10 May 2024 – Tompkins Park, Alfred Cove, WA
 Wednesday 15 May 2024, Mantra Hotel, Tullamarine, VIC
 Tuesday 11 June 2024 – Port of Brisbane, QLD

WISETECH ACADEMY –

FTA company member discounts apply for a wide range of high quality, cost effective courses provided by the WiseTech Academy, including:

- Approved Arrangement accredited training to manage onsite biosecurity risks.
- Section 77G Depot training to ensure all staff understand and meet licensing conditions.
- Safe Container Loading Practices and Chain of Responsibility

As a Registered Training Organisation (RTO 45574), the WiseTech Academy provides:

- TLIX0008 Comply with biosecurity border clearance (pre-requisite training for NCCC and AEPCOMM Approved Arrangements)
- TLI50822 Diploma of Customs Broking

WOMEN IN LOGISTICS – is an initiative to support and facilitate opportunities for networking and professional/personal development for women in the supply chain sector in collaboration with other industry stakeholders with all profits going to charity.



BORDERWISE –

FTA members receive a significant discount on the use of BorderWise – easy access to comprehensive customs reference materials used by trade professionals to correctly classify goods and meet regulatory requirements at the border for import and export declaration reporting.

Note: Member discounts are itemised at our ‘Featured Sponsor’ link available from the FTA home page at www.FTAlliance.com.au

BRANDING – FTA provides members with access to its logo for use on stationery, email signatures & web sites.

DIRECTORY – FTA provides members’ details on a directory listing increasing access to new markets.

FTA Corporate Membership is open to customs brokerages, freight forwarders, Section 77G Depots and Approved Arrangement premises.

- FTA’s Corporate Membership rates are based on a scale of employees within a business / per ABN.
- Annual fee from time of subscription
- Membership pricing effective 1 January 2024 (includes GST)

Less than 10 employees \$970.20

Less than 30 employees \$1,402.65

Less than 50 employees \$1,885.60

Less than 100 employees \$2,317.70

More than 100 employees \$3,036.60

FTA Individual Membership: \$330 (1 April to 31 March) - is available to any licensed customs broker whose company does not hold FTA Corporate Membership providing :

- access to all online CPD / CBC courses
- member discounts to attend our annual one-day conferences
- the discounted use of BorderWise Software
- FTA training & events notices

FTA Importer Membership & APSA Exporter Membership: \$2,420 per annum

Biosecurity Treatment Provider Reference Group (BTPRG) Membership: \$2,200 per annum

Affiliate Membership: \$2,420 per annum - for businesses and regulatory bodies affiliated with the international trade sector. Included as Affiliate Members are transport operators, law firms, software providers and government agencies - a unique opportunity to join the growing alliance as a valued member of the Australian freight and trade community.

Sponsorship – as per our prospectus, FTA and APSA offer a wide range of online media and events which provide unique opportunities for entities wishing to engage with the freight and trade sectors.

Membership forms are available at the JOIN THE ALLIANCE tab from the FTA website at

www.FTAlliance.com.au

**For further detail, please contact us on
 02 9975 1878 or info@FTAlliance.com.au**



Aurizon is revolutionising containerised freight.

Australia's largest rail freight operator is now connecting Australia to the world in new ways – from east to west and north to south.

From retail and supermarket essentials, to refrigerated goods, vehicles, machinery and equipment, Aurizon's new Containerised Freight business is seamlessly transporting vital goods to customers and communities right across Australia.

Aurizon's geographic advantage

Aurizon has an extensive national footprint, with our vast network providing us with a substantial geographic advantage. From major cities and towns to our most remote communities, Aurizon is keeping Australia connected.

Combined with our logistics and supply chain expertise, we're building new and innovative supply chain opportunities in the Australian market.

Direct gateway to and from Asia

We are moving fast to expand our reach and frequency to serve an even broader range of customers. Our investment in new rollingstock, terminals and port services infrastructure is strengthening links between Australia's ports, with our Darwin Port facility providing the most direct access to and from Asia.

Our innovative solution to better utilise the Darwin Port as a gateway delivers major advantages, including reduced transit times, supply chain flexibility and certainty, and greater efficiencies that can boost Australian trade growth.

The Darwin Port connection also allows Aurizon to offer tailored supply chain solutions including warehousing, transportation, and stevedoring services. By also leveraging a network of regional port connections and infrastructure, we're enhancing our capacity to deliver

a diverse range and growing volume of containerised freight to major cities.

What can Aurizon deliver for your business?

The world is moving at a fast pace – and so is Aurizon. In a rapidly evolving era of supply chain optionality, Aurizon's future-focussed solution orientation and investments aim to provide customers greater choice, better service, and improved reliability.

aurizon.com.au/containerised-freight





Aurizon delivers a new era of containerised freight and supply chain efficiency.

Australia's largest rail freight company is now moving containerised freight across Australia, east to west and north to south.

With extensive port access, robust rail and supply chain expertise, and ongoing investments in rollingstock and port handling equipment, Aurizon is committed to delivering freight efficiencies to current and future customers.

For more information and to contact us, visit aurizon.com.au/containerised-freight



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Unlock Enhanced Visibility with OneStop ComTrac

Experience Unparalleled Control and Visibility



Stay Ahead with OneStop ComTrac

Transform Your Operations Today!

OneStop ComTrac transforms the way you manage vessel schedules. Receive consolidated updates every 2 hours by seamlessly integrating our data feed into your management system, ensuring you're always in the loop.

Real-Time Alerts, Real-Time Decisions

Subscribe to alerts and notifications for crucial container and vessel events, delivered in near real-time. Empower your business with heightened visibility on key events that matter.

Tailored to Your Needs

Choose the events that matter to you or opt for all event types. OneStop ComTrac gives you the flexibility to stay informed according to your business needs.

Pricing Tailored to Your Usage

Pricing is based on the individual container or vessel events subscribed to, ensuring you only pay for what you need. Receive alerts as events occur, keeping you informed in real-time.

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Connecting people, goods & technology

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Key Container Events:

- Facility gate-in or gate-out
- Container loaded onto a vessel
- Import pre-advise for containers bound for Australia
- Export pre-advise upon accepted PRA submission
 - Actual vessel arrival
- Container discharge from a vessel
- Import container availability for pickup from the stevedore
- Australian Customs' Import Container Status (CARST Message)
 - The return of an empty container at the container park/depot
 - Stevedore storage start date.

Key Vessel Events:

- New vessel scheduling
- Export receipt start date
- Export cargo cut-off date
 - Reefer cut-off date
- Stevedore storage start date*
- Import container is available for pickup from the stevedore*
- Actual vessel arrival based on the first container discharged.



**Stay Informed, Stay Ahead
with OneStop ComTrac**

**Note: Some Terminals only offer the import availability and storage start dates on a container level.*

**Ready to Elevate Your Operations?
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The Risks and Realities of Foreign-Built Freight Handling Equipment in Australian Ports

By **TRISTAN ANDERSON**, Executive Advisor, Transport & Infrastructure Strategy – GHD Advisory

Australia’s ports are the gateways to our economic prosperity, facilitating the movement of goods essential for trade and commerce. However, the increasing reliance on foreign-built freight handling and vessel loading equipment, particularly notable are the ZPMC (Shanghai Zhenhua Heavy Industries Co., Ltd.) cranes, has raised concerns regarding national security and resilience in times of geopolitical instability or conflict. While the potential for foreign actors to exploit these assets for disruptive purposes is a valid concern, it is crucial to approach the issue with a balanced perspective, acknowledging both the risks and the practicalities involved.

“ *While safeguarding national interests is paramount, succumbing to irrational hysteria or overreaction can have unintended consequences* ”

At the heart of the matter lies the presence of ZPMC cranes, ubiquitous giants dominating the skyline of many of the world’s ports, including most key Australian container terminals. These cranes, renowned for their efficiency and cost-effectiveness, including their ability to be delivered fully assembled, have become indispensable components of modern terminals. However, a **congressional probe of Chinese-built cargo cranes**¹ deployed at ports throughout the US has found communications equipment that doesn’t appear to support normal operations, fuelling concerns that the foreign-built machines may pose a covert national-security risk.

One of the primary concerns associated with foreign-built freight handling equipment, such as ZPMC cranes, is the potential for remote manipulation or sabotage by hostile foreign actors. In times of heightened geopolitical tension or conflict, the fear of supply chain disruptions or port operations being compromised is a genuine concern. Theoretically, a scenario where these cranes are used to halt cargo movements or even damage vessels is not beyond the realm of possibility. Furthermore, the dependence on foreign suppliers for critical infrastructure raises questions about sovereignty and resilience. Should diplomatic relations sour or conflicts escalate, Australia could find itself vulnerable to supply chain disruptions orchestrated by foreign entities with access to or control over these crucial assets.

However, it is essential to temper these concerns with a pragmatic understanding of the broader context. Firstly, the presence of foreign-built

equipment does not automatically equate to susceptibility to hostile takeover. Ports worldwide operate under stringent security protocols, with multiple layers of defence against unauthorised access or manipulation. Additionally, modern technologies, such as encryption, air gapping, and authentication measures, are continuously employed to safeguard against cyber threats.

It is not uncommon for suppliers of equipment or technology to monitor performance, in fact anyone who has a phone would have been asked to share performance data to improve software, it can be part of continuous improvement and innocuous, the key is understanding what the entity can and can’t do remotely to the equipment.

Moreover, the economic and operational realities cannot be overlooked. Replacing existing infrastructure with domestically manufactured alternatives would be a massive if not impossible undertaking, both logistically and financially. The cost implications, coupled with the time required for procurement and installation, make such a transition impractical in the short-medium term.

Furthermore, promoting fear of foreign-built equipment risks exacerbating geopolitical tensions rather than mitigating them. Engaging in knee-jerk reactions or protectionist measures may escalate existing disputes, ultimately leading to a more unstable environment. Instead, fostering open dialogue and cooperation with all stakeholders, including foreign suppliers, is crucial for ensuring the security and resilience of Australia’s ports.

1 https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fworld%2Fespionage-probe-finds-communications-device-on-chinese-cargo-cranes%2Fnews-story%2Ffab7b107694abb593d4d2e88d6b7b5e56&memtype=anonymous&mode=premium&v21=GROUPB-Segment-2-NOSCORE&V21spcbehaviour=append



In the case of ZPMC cranes, their widespread adoption globally underscores their reliability and effectiveness. While acknowledging the associated risks, it is essential to recognise the value they bring to port operations in terms of efficiency and productivity. Furthermore, engaging with the manufacturer to understand the equipment, and implementing additional security measures, such as regular inspections, risk and cyber-security assessments, and audits, can mitigate potential vulnerabilities.

Ultimately, the key lies in striking a balance between security imperatives and economic realities. While safeguarding national interests is paramount,

succumbing to irrational hysteria or overreaction can have unintended consequences. Instead, a nuanced approach that acknowledges the risks while leveraging the benefits of foreign-built infrastructure is essential.

In conclusion, the presence of foreign-built freight handling and vessel loading equipment, including ZPMC cranes, at Australian ports presents legitimate security concerns in times of geopolitical instability. However, these risks can be managed through proactive measures, including enhanced security protocols and open dialogue with foreign suppliers. Importantly, avoiding knee-jerk reactions or protectionist policies is crucial to

maintaining stability and fostering productive international relations. By addressing these challenges with pragmatism and foresight, Australia can ensure the continued resilience of its port infrastructure without losing the benefits globalisation has provided us.

Tristan Anderson is a GHD Associate – Critical Infrastructure and Supply-Chain Strategy and frequently engages in national debates ranging from decarbonisation, supply-chain resilience, and adoption of new technology. The opinions expressed are his own and should not be interpreted as GHD opinions.

Opening of new WCO Regional Intelligence Liaison Office in Tokyo

Wendy Stanton & Kit Hickey from the WCO Regional Private Sector Group - Asia Pacific were recently invited to attend the opening of the WCO Regional Intelligence Liaison Office (RILO) in Tokyo (relocating from Korea). This event was attended by Heads of Customs from across the WCO Asia Pacific region and is the first time the Private Sector Group has been asked to participate in such an event.

RILO's role is to exchange intelligence at national, regional, and international levels and is a critical mechanism employed by Customs authorities to create conditions for more efficient enforcement actions and controls, and to secure the optimum use of available resources.

At the strategic level, the WCO has incorporated the aim of intelligence exchange among all stakeholders, recognising the contribution this objective has in furthering the protection of society, public health, and safety. Therefore, in 1987, the first Regional Intelligence Liaison Office (RILO) was established with the intention of creating a Global Intelligence Network. Today the RILO network has grown to 12 offices, providing effective coverage throughout all six WCO regions.

In addition to responding to intelligence-related requests, the RILO network supports its WCO Member administrations by providing them with operational support, designing and implementing target-oriented intelligence analysis projects and regional intelligence-led operations, facilitating mutual administrative assistance, and promoting and maintaining regional co-operation with other law enforcement agencies and organisations. The RILO network reports to the WCO Enforcement Committee.

This event was addressed by.

Mr. Fumio Kishida, Prime Minister of Japan

Mr. Ian Saunders, Secretary General of the WCO

Mr. Katsuo Uakura, State Minister, Ministry of Finance, Japan

Mr. Michael Outram, Australian Border Force & WCO Asia Pacific Regional Vice Chair

Ms. Ivonne Higuero, Secretary General of the CITES

Dr Kunio Mikuriya, Former Secretary General of the WCO.

The RPSG-AP is appreciative of the WCO Regional Vice Chair (Australia) and Japan Customs for extending the invitation to attend this important event.



Optimise your workforce: The Benefits of Outsourcing in the Australian Freight Space

After what could be considered as some golden years in the Freight Space, we are now experiencing a drop in demand – but salaries and costs remain high. When you add the difficulties in sourcing quality talent in AU and NZ, there's never been a better time to consider outsourcing to complement your local operations.

Let's dive into why considering outsourcing might be the key to success, especially when there's a shortage of experienced, cost-effective operators.

Cost Efficiency

The outsourcing of your logistics operations enables the utilisation of a pool of skilled professionals without the complexities (and associated risks) of recruitment and training costs. In Australia's fiercely competitive job market, acquiring experienced staff can be both challenging and expensive. Through outsourcing, not only are recruitment expenditures saved, but access to experts who can optimise logistics processes is gained, ultimately reducing overall operational costs.

Focus on Core Competencies

Internal resources can be freed up, allowing your local team to concentrate on their strengths and focus on your clients, by outsourcing menial and repetitive tasks that cost you money. This ensures that your in-house staff focuses on core business functions, thereby enhancing productivity and innovation. This strategic decision positions your company to maintain a competitive edge in the dynamic and stay ahead of the curve.

Access to Global Expertise

Your business is introduced to a vast pool of global talent with specialised knowledge in freight forwarding & logistics through outsourcing. CBP has more than 400 years of combined experience in the International Freight

& Logistics space – At CBP we really do speak your language! Collaborating with experienced professionals from around the world can bring fresh perspectives and innovative solutions to your operations – CBP has considerable expertise in CW1, Expedient and Tradewindow to name a few. This influx of expertise can be a game-changer, particularly when facing challenges unique to the Australian Freight Forwarding landscape.

Flexibility and Scalability

In the Freight industry, where demands can fluctuate unexpectedly, adaptability is crucial. Outsourcing provides the flexibility to scale operations up or down based on business needs. This agility is essential in meeting the ever-changing demands of the Australian market, ensuring that your operations remain efficient and responsive.

Technology Integration

State-of-the-art technology and tools are often brought to the table by outsourcing partners. This can significantly enhance logistics operations, from real-time

tracking to advanced analytics. By leveraging the latest technologies through outsourcing, your business can stay ahead of the curve and optimise processes for maximum efficiency.

Mitigating Staff Shortages

Australia currently faces a shortage of experienced logistics professionals & soaring salary demands. Outsourcing provides a strategic solution by allowing you to tap into a previously inaccessible talent pool, overcoming the local scarcity of qualified staff and also relieving pressure on your P&L. Outsourcing with CBP will provide you with a seamless and uninterrupted flow of operations (24/7) with realised savings of at least 60-70% when compared to the local labor market costs.

For a confidential discussion to find out how partnering with CBP could help your business – contact Matt Brown at 0407280155.

Logistics Outsourcing has never been easier – At CBP we speak your language.

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Solutions that Enhance the Australian Logistics Trade

Today's landscape is underpinned by the unique market problems importers and exports are facing in the industry. Notwithstanding challenges such as Covid and Industrial Disputes, customers have voiced their need to see their logistics partners develop a strategic roadmap to drive operational efficiency, reduce costs and reduce emissions.

ACFS Port Logistics (ACFS) is one organisation that has continued to invest heavily in technology as a way to combat these needs. The latest solution ACFS has brought to market to meet these client needs, has translated into a material reduction in time at our sites for importers and exporters. As the metaphor goes "time is money" so the delivery of a paperless receipt with Camco Kiosk at our Sydney empty depots, has meant drivers can arrive, be recognised, and immediately proceed for unloading/loading for an efficient and smooth user experience at ACFS and Tyne ACFS Port Botany Depots.

Over the years, ACFS has driven many positive environmental initiatives to help meet sustainability goals. With a very large fleet of 300+ trucks, a key objective has always been to improve utilisation by maximising each load and expediting the truck turnaround time within ACFS sites. Both initiatives have a direct benefit in reducing the ACFS carbon footprint but also now extends to other logistics providers that use these facilities. This has formed a long-term vision/mission of CEO, Arthur Tzaneros to maximise yield and reduce time on tasks.

To see this vision/mission come to life, the ACFS executive team have introduced and implemented the "100% Paperless Truck Entry" project and automating the truck processing operation at the ACFS Empty Container Depots. This has seen

the end-to-end processing time decrease by a whopping 30%, furthermore carriers no longer need to deviate back to base to collect documentation and thus remove route deviation to collect paper to perform a task which is an archaic way of doing business.

What was involved in the project?

ACFS have partnered with 1Stop and CAMCO Technology for the end-to-end processing of containers at our Sydney facilities. This involved automating the container dehire/collection process by the introduction of Optical Camera Recognition (OCR) which is the process that converts an image of text into a machine-readable text format that is then sent to an operating system to process entry and arrival, in parallel 1Stops EDI container information is connected and weaves together a state-of-the-art truck processing. This occurs extremely quickly by identifying, registering, processing, and allocating task to fork mounted tablets. The quick connect processing seamlessly communicates and directs users for unloading/loading and thus ensures the user experiences are enhanced and provide certainty in time for the next task in the supply chain.

Often technology is introduced which offer no benefit to a user other than passing tasks down the supply chain, ACFS approach was to introduce change that supports both ACFS and its clients/users at our empty depots in Port Botany. The realisation of this system has seen processing times reduced from an average of 5 – 10min at the gate to just 30 seconds.

What does this mean for the Industry?

In the logistics sector, every minute counts. Every minute truck time is reduced, there is a direct correlation to carbon emissions reduction. To achieve the key objective of speed and efficiency, ACFS is excited to announce the following benefits of this project:

- 1. Increased Security** - The camera technology will scan and read the truck registration on arrival and match it against a valid slot booking, while the CAMCO screen will confirm the job and issue the driver with a ticket indicating the depot location for drop-off or pick up of containers.
- 2. Increased Productivity** – The new technology will see the truck turnaround times (TTT) reduced by as much as 30%.
- 3. Improved Operational Flow** – Under the 24hrs / 5-day operation, the site will have the capability to process trucks faster (between 5 to 10 minutes per truck visit), thus being able to take on more volume without disruption. This also means that clients will be better serviced while mitigating detention.
- 4. Emissions Reduction** – The benefit of reduced idling and driving time will have a positive effect on reduced emissions.

These improvements will have a noticeable and immediate positive impact in the industry, and many benefits to all customers and transport operators.

This news and advancement in technology is most welcome, as carriers are generally not paid for delays at empty parks. The advanced technology implemented into the ACFS ecosystem will assist in getting trucks processed more efficiently and consistently, having the truck back on the road for its next job in a timely manner.

ACFS prides itself on being at the forefront of the latest industry technological enhancements. With the newly redeveloped 7.04 hectare "ACFS e- Depot" at Port Botany which has increased capacity of 11,538TEU, a mega wash bay (284 TEU) that allows for PTI in the one process as the wash, this most recent project completed and implemented is another jewel in our "Better Way" program list of initiatives and investment.

What's next for ACFS Port Logistics?

CEO, Arthur Tzaneros says, "ACFS will continue to heavily invest to ensure all our facilities model the best-in-class benchmark over the next 12 months, with another major development about to commence at ACFS Melbourne e-Rail". Congratulations to the team at ACFS for the success of these projects in Sydney, and roll out of other projects they embark on nationally.



Have global economies survived the inflation crises?

By PAUL BETTANY, Collinson FX

This year has seen a change in sentiment, from Central Banks, as the war on inflation appears to be all but done and dusted. The Federal Reserve Chairman appeared before the US Congress in early March and confirmed that interest rates had likely peaked, and that interest rate cuts were on the way. The European Central Bank (ECB) met and came to the same conclusion. Interest rates are likely to move lower in Q2, 2024, which will be a much-needed stimulus to the badly recession hit Europe.

Economic Conditions

European nations, including the UK, have suffered severe recessionary economic conditions for the past year, and are desperately looking for some relief. The ECB and the Federal Reserve have kept interest rates 'higher for longer' to ensure the inflation cancer has been thoroughly eradicated. The rate cuts are likely to come into effect in the second half of 2024, which should lead to improved economic conditions, in Europe and the USA.

Equity markets have anticipated the fall in interest rates, and are surging to record highs across Europe, Asia and the USA. These predicted economic conditions, were they to eventuate, will ensure an economic environment more conducive to growth and productivity.



The root of the inflation crises, in Europe and the US, was the massive expansion of the money supply (printing money and monetising debt). This was done to satisfy the enormous expansion of deficit and debt spending, in Western economies. Energy inflation was also a big contributor to the inflation crises, and these problems remain today. The war in the Middle East has created supply and price constraints, from threats to Suez shipping. Supply restrictions from sanctions emanating from the Ukraine war, also remain a clear and present danger.

Australian Economy

The Australian economy has remained remarkably resilient and avoided technical recession, unlike many European Countries. The surge in income derived from increasing volumes of commodity exports, have offset price falls in leading commodities, in 2024. This has allowed the Australian economy to avoid a technical recession, with an additional massive boost from record breaking immigration, enabling GDP growth.

Australia does have severe problems, with extreme strains on housing and infrastructure, while high interest rates have hit the heavily indebted Australia consumer. Inflation has been an issue for the Government and the Reserve Bank of Australia (RBA). The Government replacing the RBA Governor, has not stopped the rate rises. The RBA must become far more direct and certain in their outlook, providing certainty on interest rates, inflation and growth.

The AUD reached a low of 0.6320, in October 2023, but climbed steadily to peak at 0.6850, early January 2024. The 'higher for longer' mantra from the Federal Reserve in early 2024, resulted in the reserve strength, forcing the AUD lower. The Fed appear to be relenting, citing peak interest rates, which may afford some short term recovery in the AUD, courtesy of a softer US Dollar. Any reversal in tumbling global inflation remain a threat to this recovery.

Conclusion

The global inflation crises appears to be in the past for most global economies, having reached 'peak interest rates', in Europe and the USA. The issues that triggered the inflation crises remain, in the form of record deficits/debt and extremely high energy costs. The origins of the energy crises remain in 2024, and in fact, have deteriorated due to increasing Geo-Political risks. The war in the Ukraine continues, while the Middle East has also suffered the catastrophe of war. These crises could trigger economic adversity in 2024, along with other Geo-Political events, such as elections. Falling interest rates, in 2024, should alleviate tight economic conditions and enable growth. Be sure to utilise short term hedging for protection short-term volatility in the currency markets.





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Cybersecurity: A Critical Component for Business Resilience

By JONATHAN SHARROCK, Chief Executive Officer – Cyber Citadel

The cyber threat landscape continues to evolve, and **the logistics sector continues to be a prime target** due to its size, complexity, and market value. A perfect combination for threat actors.

Despite what is often reported, attacks are not increasing in sophistication, but they are increasing in frequency. **Cyber criminals now pursue simple, cost-effective tactics**, such as encryption-less ransomware attacks in which data is stolen and companies are extorted by demanding payment to maintain privacy.

True ransom via encryption is unnecessary when **the fear of negative publicity and regulatory consequence is enough**. The average cost of dealing with a data breach reached 4.45 million USD in 2023, and negative publicity is having real financial consequences: on average, the shares of publicly traded companies fall 7.5% following a breach. These are just short-term costs. **Breaches erode trust** and drive customers to competitors, impacting revenue for years.

Attacks don't need to be sophisticated. **Most data breaches result from basic security oversights** or social engineering rather than advanced hacking, seen as recently as in the DP World breach last year.

Cybersecurity oversight results from poor perception.

There is an asymmetry to cybersecurity: **defenders must be flawless** at all times to succeed; **attackers need only win once** to cause chaos. Claiming to have patched 98% of software may sound impressive, but any percentage point conceded is an invitation for attackers, and one survey reported that 37% of cyber crime victims were even aware of patch-related vulnerabilities prior to a breach but didn't address them.

Cybersecurity oversight is driven by neglect.

Many companies have neglected cybersecurity for years, leaving them uncertain as to where to start. Neglect can be **a passive disregard for cybersecurity as integral to business operations** with a lack of time or money invested. It can also be active, such as not committing to event logging, not rolling out security patches,

and leaving vulnerable end-of-life systems connected to the network. Comprehensive vulnerability and penetration testing is crucial for assessing security posture, because **you can't protect what you haven't seen**.

Addressing years of neglect can sound daunting, but frameworks are available to guide evaluating and enhancing security measures. The ACSC Essential 8 framework facilitates compliance with the Australian Trusted Traders scheme, and **Cyber Citadel and the Freight Trade Alliance (FTA) actively encourage alignment with the Essential 8**. The collective advocacy of this framework by government, industry, and cyber specialists underpins the importance of cybersecurity within the broader context of national and economic security.

Access to mitigation tools has never been easier. The majority of ACSC Essential 8 measures can be implemented with existing Microsoft 365 licenses, minimising technical barriers. Nevertheless, tailored guidance from security experts such as Cyber Citadel make the adoption of new cybersecurity seamless and aligned with company needs. Cyber Citadel helps businesses with **risk assessment, identifying vulnerabilities and proactive patch management** where these are not always automatically prompted. They will also help to build a more holistic cybersecurity programme including processes such as response plans and addressing social engineering vulnerabilities by standardising the security build of mobile and remote devices.

Investing in cybersecurity also means actively engaging with the wider community and helping to build a better cyber ecosystem. **Cyber Citadel works closely with the FTA to provide regular articles and webinars** in response to incidents involving companies like Toll and DP World. Increased participation in such initiatives will foster a collective resilience against cyber threats in the logistics and trade sectors.

Cybersecurity oversight is compounded by lack of preparation.

Most organisations are unprepared for a data breach, despite its inevitability. An Incident Response Plan is central, and new strategies such as **Gold Teaming** which simulate attacks are improving preparedness.

A robust response is dependent on **meticulous logging, secure backups, and comprehensive people and process planning**. Logs should be retained and stored in at least two locations, and all **backups should follow the 3-2-1-1 rule**: 3 copies, on 2 media types, 1 copy offsite, 1 copy offline. If you have a managed security service provider (MSSP) then this will be taken care of, and incident responses will be accelerated by continuous monitoring.

A response plan must include **protocols for disseminating information** to both internal and external staff, as well as address how to inform clients, stakeholders, and regulatory authorities. In Australia and New Zealand, organisations are required by law to inform the ACSC within **72 hours** of a data breach, leaving little time to contain the situation and implement damage control, and that is assuming there are no leaks to the press or to online forums.

Everyone in an organisation should be aware of what is expected of them in the event of an attack.

Don't wait for a breach to realise the importance of cybersecurity. Reach out to Cyber Citadel today and let us help you transform your security posture from **reactive to proactive**, building a more secure and resilient future for your business in the logistics sector.





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Is Life Fair for the Logistics Industry when dealing with the new Unfair Contract Terms?

By JAMES COTIS, Principal – Logical Insurance Brokers

During the last 12 months, much has been said and written about recent changes to the provisions under the Australian Consumer Law (ACL) protecting consumers and small businesses against unfair terms in standard form contracts, called Unfair Contract Terms.

“ *Logistics businesses should be mindful that high liability caps within proposed amended STCs will be carefully scrutinised by liability insurance underwriters* ”

From 10th November 2023, there have been numerous changes to these laws, including:

- the prohibition of unfair terms.
- the definition of a small business has been broadened.
 - o Previously a small business was defined as an entity with less than 20 employees, that number has increased to 100.
 - o Further, any business with a turnover of less than \$10 million will also be included in the definition, regardless of the number of employees.

- introduction of civil penalties where a contract contains unfair terms or relies on unfair terms.

We suggest that most importers and exporters will fall within the definition of a small business.

The penalty regime has also changed. The maximum penalties are the greater of:

- AUD50 million;
- Three times the value of “reasonably attributable” benefit derived from the contravention (if the Court can make a determination in that regard); or
 - o If the Court cannot make a determination as to the benefit, 30% of adjusted turnover during the breach period;
- AUD2.5 million for an individual.

What do these changes mean for the logistics industry?

The logistics industry generally uses standard form contracts when commencing and continuing to trade with their customers, usually under Standard Terms and Conditions (STCs). The STCs are usually prepared in advance, without any negotiation between logistics businesses and their customers and are often offered on a “take it or leave it” basis. STCs contain exclusions & liability limitations in favour of the logistics business, which, until the Unfair Contract Law changes, were considered reasonable.

Therefore, given that most logistics business’s customers will fit the definition of a small business, they will need to review their current STCs and related procedures to consider whether they may be unfair.

Unfortunately, there is very little in the way of guidance as to what constitutes Unfair Contract Terms in relation to logistics operations, particularly around the movement of cargo.

There have been some analogies drawn with case law in other industries, such as the waste collection case of JJ Richards⁽¹⁾ where 26,000 standard form contracts were signed by small business customers of JJ Richards. Eight key terms, including exclusion & indemnity clauses, were considered void for unfairness. Another case involved Servcorp⁽²⁾ who are one of the largest suppliers of serviced office space, co-working spaces and meeting rooms in Australia. It was considered that 12 terms in their standard form contract were unfair and therefore voided.

Perhaps the most relatable case to the logistics industry is GrainCorp⁽³⁾ which involved warehousing. GrainCorp’s standard warehousing contract contained terms which were considered to be unfair, most notably, a term which limited their dollar liability to warehouse customers (growers), even if loss or damage was caused by GrainCorp’s negligent acts or omissions. It was considered that the dollar limitation was unfair where the loss was caused by GrainCorp’s negligent acts or omissions. The ACCC considered this term created a significant imbalance between GrainCorp and the growers. Whilst not admitting any of their terms were unfair, GrainCorp agreed to amend 19 terms in its warehousing contract terms, including the dollar limitation, which they doubled. The ACCC welcomed these changes.

In response to the new Unfair Contract Terms regime, we are aware there are several templated STCs available, drafted by skilled logistics industry lawyers which consider Unfair Contract Terms. This is to be commended and will certainly assist logistics businesses comply with their



obligations, however, logistics businesses should bear in mind that the templates are generic in nature and not customised for specific businesses.

Understandably, given the considerable uncertainty, STC templates are being drafted very carefully, with an eye on, inter alia, the potential for large civil penalties of up to AUD50 million if the terms contained within them are found to be unfair.

As part of the drafting process, we are noticing that dollar liability caps are being significantly increased, from say one hundred dollars, which was probably too low, to hundreds of thousands of dollars, which may be too high.

We understand that numerous Judgements and /or ACCC determinations will be required before there is any clarity as what is considered unfair. This could take years to unfold. In the meantime, due the current uncertainty and ambiguity, there is much conjecture as to whether any proposed liability dollar caps may be too high or too low.

As many readers would be aware, specialist logistics liability insurers require logistics businesses to submit their STCs to them for review and approval. Further, liability insurer's insurance policies require that logistics businesses will only trade with an insurer approved set of STCs.

Logistics businesses should be mindful that high liability caps within proposed amended STCs will be carefully scrutinised by liability insurance underwriters. Should liability underwriters find the STCs acceptable, and where there are large increases in liability caps, it follows that logistics businesses will have an increased exposure. That exposure requires appropriate underwriting. In these circumstances, there is a high probability the increased exposure will attract significant additional premiums and / or the application of increased deductibles. This has come as quite a shock to some logistics businesses.

Against this background, we recommend that logistics businesses undertake a full legal review of their STCs with the assistance of an appropriate lawyer (for example, the drafters of templated STCs), with a view to appropriate tailoring and attempting to find a balance between what is reasonably necessary to protect the legitimate interests of logistics businesses vs any detriment to customers. This may include logistics businesses accepting limited liability for cargo loss or damage, such as an amount per kilo, or package, or event, and reasonable time limits for claims notifications and time bars.

We expect that at some future point, logistics businesses' STCs will be challenged. Make sure you have robust processes and a strong set of STCs,

customised and suitable for your business, approved by your liability insurers.

Don't allow your logistics business to become the test case for others to learn from!

1. ACCC v JJ Richards & Sons Pty Ltd [2017] FCA 1224
2. ACCC v Servcorp Ltd [2018] FCA 1044
3. ACCC v GrainCorp Operations Ltd [2021]

Who we are:

James and the team at Insurance Logic Pty Ltd t/as Logical Insurance Brokers (ABN: 44 002 859 252; AFSL #: 237633) provide specialist risk management and insurance solutions to the logistics industry. Logical is delighted to be associated with the Freight and Trade Alliance (FTA) and is proud to be their appointed insurance adviser since its inception in 2012. James is also a regular presenter at FTA professional development events.

If you would like more information about how a carefully constructed insurance program can help protect your business, please feel free to contact James on 02 9328-3322, email jamesc@FTAlliance.com.au or visit the Logical Insurance Brokers website at www.logicalinsurance.com.au/logistics.

Disclaimer:

This article is designed to provide helpful general guidance on some key issues relevant to this topic. It should not be relied on as legal advice. It does not cover everything that may be relevant to you and does not take into account your particular circumstances. It is only current as at the date of release. You must ensure that you seek appropriate professional advice in relation to this topic as well as to the currency, accuracy and relevance of this material for you.

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Managing currency risk with OFX

Ever wonder how a seemingly small shift in currency rates can send your business's profits down the drain? It's a phenomenon known as currency volatility which can affect a company's bottom line, creating foreign exchange (FX) risk. FX risk is a reality for any company that makes international transfers.

But fear not, this blog explores the world of FX risk, from its causes to the most effective strategies to protect your profits, even in stormy economic waters. It's time to dive in and learn how to navigate the ever-changing currency landscape and conquer FX risk for your business.

What is FX risk?

In today's interconnected world, international trade is a powerful engine for growth. But with every foreign transaction comes a hidden hazard: **FX risk**. So *what is FX risk?* Sometimes called currency risk or forex risk, FX risk refers to the profit and losses you could incur when making an international financial transaction, due to currency fluctuations.

What causes FX risk?

We've established that FX risk can have a huge impact on your business if you're not prepared for currency volatility. So, what are the causes behind that volatility?

Economic Policy– Economic mandates like monetary or fiscal policies, interest rate decisions by a central bank are among the biggest influencers of FX risk.

Current Events– Significant events like wars, civil unrest, and high demand for certain resources can also influence the rate of foreign exchange.

Politics– Political factors such as political party economic stances, elections, and geopolitical tensions can create volatility in the FX space.

Data Reports– Data releases heavily influence currency exchange, with currencies often adjusting even before data is released as the market awaits reporting for past time.

While these are not all of the causes of currency risk, they are some of the most prominent ones. Being aware of these factors and arming your business with a risk management strategy could help protect your profits.

How OFX can help protect your business from FX risk

While these causes of FX risk may seem daunting, our OFXperts are prepared to help you develop a risk management strategy. This involves developing a bespoke strategy for your business using risk mitigation tools like Forward Contracts and Limit Orders to help manage your company's FX risk and save you time and money. Let's explore some of those tools more in-depth:

Forward Contracts– If the current exchange rate isn't ideal for your company, work with an OFXpert to create a forward contract that identifies a period in the future that makes sense for your exchange needs.

Currency Outlook– Our weekly and monthly currency outlook compiles our treasury expert's outlook in combination with key currency shifts and global news, like politics, to lay out a comprehensive look into projected currency fluctuations. **Stay in the loop.** <https://www.ofx.com/en-au/blog/currency-outlook/>

Risk Calculator– Have you ever experienced exchange rates shifting between the time you receive an invoice and its due date? Use our risk calculator to determine the impact shifting market exchange rates could have on an example invoice. This is not a quote; it's designed to help you understand the impact of currency fluctuations. <https://www.ofx.com/clp/content/currency-exposure-calculator/>

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By MANNY CANTSILIERIS, BDM - Gilmores (part of the UBEECO Group)

UBEECO and Gilmores (part of the UBEECO Group) have a long-standing reputation in the packaging industry and support a range of businesses with their packaging needs.

We pride ourselves in being a *single source supplier* specifically to the Transport, Logistics and Warehouse Industries. Simply put, our team understands industry needs and expectations and commit ourselves to providing exceptional customer service.

UBEECO is unique. We are well-positioned to offer our customers more than any other packaging competitor, handling every aspect from sourcing to delivery, start to finish.

“Our single-source supplier model saves clients time and money by reducing overhead across their operating line.”
— Eric Miller, Managing Director UBEECO

Our company supplies a comprehensive range of products from stretch wrap, packaging & speciality tapes, cardboard boxes, timber pallets and custom timber items, also strapping (i.e. load restraints, ratchet straps), pallet angles, shoring bars and more.



All these products play a critical role in protecting goods while being transported. Whatever an industry requires, we consistently provide suitable and effective packaging solutions. At the UBEECO Group, our close collaboration with clients is crucial as we prioritise maintaining strong client relationships.

UNPACKING LOGISTICS

Now to the world of logistics and supply chain. While the terms “logistics” and “supply chain” are sometimes used interchangeably, logistics is an element or one link of the overall supply chain.

Logistics refers to the movement of goods from Point A to Point B, which entails two functions: transportation and warehousing. Whereas, the overall supply chain is a network of businesses and organisations working in a sequence of processes, which includes logistics, to produce and distribute goods.

Let’s zoom-in more closely to the specifics of logistics: the “7” Rs of logistics, are *“getting the right product, in the right quantity, in the right condition, at the right place, at the right time, to the right customer, at the right price.”* And in truth, this is how we operate in the UBEECO Group – the “7” Rs of logistics is what we provide to each and every one of our customers.

1. Right product:

Requires delivering the product that was ordered according to specifications such as: colour, size, brand, quantity. The main aim is to ensure buyers receive products that are right for them and/or their situation.

2. Right quantity:

An item can be either purchased as a single unit or in packs of 12, with the latter also considered a unit. On a larger scale, a manufacturer may sell parts in a box containing a few products or as a pallet with multiple boxes. Getting the quantity right demands clarity in how inventory is listed, as well as proper picking and packing processes and systems.

3. Right condition:

Condition can be either new, used or refurbished. Customers expect a product to be functioning properly and useable as originally designed. Products should therefore be thoroughly inspected to draw out flaws and/or damage prior to shipping. In situations where customers need to return goods, return shipping processes should be simple, easy and convenient for both customers and staff handling such requests.

4. Right place:

An essential part of logistics management is tracking shipped items to ensure receipt and delivery to the right address. If a package is never received, it must be replaced, resulting in the company doubling expenses and straining the customer relationship.

5. Right time:

Often, from the customer’s perspective, timing is everything. Whether it’s a consumer ordering a birthday gift or a manufacturer that needs a raw material to meet tight schedules, late arrivals may add costs to the customer, with goods returned as they are no longer needed.

6. Right customer:

Order mix-ups, incorrect address details and other mishaps, communicate a lack of respect for the customer and attention to detail. An ERP system that automates outbound logistics can minimise errors and maximise a company’s supply chain execution.

7. Right price:

It’s important that your pricing is competitive for the geographic area and the industry, in order to move your inventory regularly and at a good margin. It is also imperative to adjust pricing—up or down—according to demand. To succeed here, companies need continuous insights into profitability ratios and unit margins.

As the Business Development Manager – and having been part of the transport, logistics and warehouse industry for over 13 years – I know what is expected from the industry and draw upon this experience, my networks and extensive professional relationships. Let us discuss how we can support your business moving forward.

For next steps in understanding how the UBEECO Group can help your industry succeed, get in touch with myself directly via 1800 147 977 or via email at sales@ubeeco.com.au





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2024 sustainability trends for freight forwarders

By DAVID de PICCIOTTO, CEO and Co-founder - Pledge

Global logistics is responsible for 11% of the world's emissions¹, but the industry has been slow to take the big strides necessary to reduce this margin. This now seems to be shifting, mainly driven by shippers' demand for sustainable supply chains off the back of consumer demand carbon reporting regulations. The recently published HFW & Panattoni European Logistics & Supply Chain Sustainability Report 2023² found that 72% of shippers say sustainability targets make up part of their tender process.



But what does this mean for forwarders?

Here are my 3 trends that forwarders should look out for in the remainder of 2024.

Regulations will drive shippers to seek emissions data from their forwarders

In 2022, the International Sustainability Standards Board (ISSB) introduced IFRS S2, marking the first global climate-

related disclosure standard³ which advocates for mandatory disclosure of greenhouse gas emissions across all three emissions scopes⁴ – 1, 2, and 3. Governments around the world are adopting these recommendations into their emissions reporting standards. Scope 3 emissions are mostly made up of supply chain emissions, meaning shippers will look to their forwarders to report them.

The Australian government intends to make scope 3 reporting a mandatory requirement for large businesses⁵, so forwarders operating in the region can expect shippers to start asking them for carbon footprint reports very soon. The EU has already implemented something similar with its CSRD regulation⁶, and the UK, US and Brazil are expected to follow suit with similar regulations⁷.

Increasing importance of industry emissions reporting frameworks

Global logistics is one of the few industries with a specialised emissions reporting framework⁸ – the Smart Freight Centre's GLEC Framework. This, coupled with the newly published ISO 14083 for the quantification and reporting of greenhouse gas emissions arising from transport chain operations⁹, are paving the way for the industry's transition to net zero.

The adoption of these two key standards within the industry will continue to gain momentum in 2024, promising a unified global approach to calculating and communicating logistics emissions.

Key developments in the formation of an inseting framework

Inseting involves investing in carbon reduction projects within a company's

1 <https://climate.mit.edu/explainers/freight-transportation>

2 <https://www.hfw.com/downloads/005185-HFW-European-Logistics-and-Supply-Chain-Sustainability-Report-2023.pdf>

3 <https://www.ifrs.org/issued-standards/ifrs-sustainability-standards-navigator/ifrs-s2-climate-related-disclosures/>

4 <https://www.pledge.io/resources/blog/scope-3-emissions-freight-forwarders>

5 <https://www.argusmedia.com/en/news-and-insights/latest-market-news/2527650-australia-eyes-mandatory-scope-3-emissions-reporting>

6 <https://www.pledge.io/resources/blog/navigating-csrd-freight-forwarders-preparing-emissions-reporting/>

7 <https://www.pledge.io/resources/knowledge-base/making-sense-of-climate-disclosure-regulations-in-the-uk/>

8 <https://www.smartfreightcentre.org/en/our-programs/global-logistics-emissions-council/calculate-report-glec-framework/>

9 <https://www.iso.org/standard/78864.html>

own supply chain, directly addressing emissions from its operations and activities. This differs from offsetting¹⁰, which involves purchasing carbon credits from external third-party verified projects.

The complex network of suppliers, distributors and transportation providers in the logistics supply chain presents an ideal opportunity to utilise the benefits of insetting. By investing in emission-reducing initiatives within the supply chain network, such as funding the use of sustainable fuels, companies can directly impact their own carbon footprint while encouraging broader adoption of sustainable practices within the industry.

However, insetting in logistics requires further development. The lack of standardised methodologies, globally

agreed verification procedures and claims for insetting projects is currently a major barrier that's hindering its broader adoption.

Setting the scene for things to come

While 2024 won't see hydrogen planes and electric cargo ships becoming a mainstay of the industry, there will be significant steps towards creating an environment for emissions reductions.

Critically, the first step forwarders of any size can take is to help their customers meet current and impending climate disclosure obligations with accredited supply chain emissions reporting¹¹ as standard. Getting the baseline right will help pave the way for the implementation of robust initiatives as the industry and businesses decarbonise.



David de Picciotto is the CEO and Co-founder of Pledge. Pledge provides software solutions to enable freight forwarders to calculate and report their customers' carbon emissions. It brings accessibility and transparency to freight emissions measurement, reporting and offsetting, allowing businesses to offer these services without increasing their operational costs.

¹⁰ <https://www.pledge.io/resources/blog/how-carbon-offsetting-can-help-brands-address-residual-emissions/>

¹¹ <https://www.pledge.io/>



Here They Come! Australia's Sustainability Reporting Standards

By KAI LINCOLN, Vice President – SEKO Logistics – Global Sustainability

In recent years, the global community has intensified its focus on sustainability, recognising the urgent need to address environmental challenges such as climate change, resource depletion, and biodiversity loss. As one of the world's most ecologically diverse nations, Australia finds itself playing catchup to many other developed countries, but is now poised to implement new sustainability standards that many Australian businesses, regardless of their size, will be impacted by.

For the non-sustainability folks reading this, there are three levels of emissions, commonly referred to as Scope 1, 2 and 3 and defined by the United Nations as:

- **Scope 1 emissions:** direct emissions from owned or controlled sources.
- **Scope 2 emissions:** indirect emissions from the generation of purchased energy.
- **Scope 3 emissions:** all indirect emissions (not included in Scope 2) that occur in the value chain of the reporting company, including both upstream and downstream emissions.

For the purposes of our industry, most of what we do for our customers falls under Scope 3, as we are the ones moving both raw and finished materials to and from factories and on to their point of consumption. Many freight forwarders are seeing an increase in requests from clients needing to know the emissions related to the freight moved for them. Similar to my last article in this publication, small companies who may not have the resources to become invested in the corporate sustainability movement, may find themselves being dragged into reporting requirements by their clients. While this concept of a forced cost to comply with a trend is not new (think OH&S several decades



ago), once it becomes embedded in law, it gradually becomes part of the norm.

In June 2023, we saw the introduction of two global standards providing a global framework for reporting on a range of sustainability related topics¹. Driven by the International Financial Reporting Standards (IFRS), more specifically its supplement, the International Sustainability Standards Board (ISSB), the global standards were effective from 1 January 2024, though individual jurisdictions are able to decide whether and when to adopt.²

Following the lead of the IFRS, the Australian Accounting Standards Board (AASB) released an exposure draft of their own, the Australian Sustainability Reporting Standards (ASRS), in October 2023.³ While both the ISSB Global Sustainability Standards and the ASRS share the common goal of improving sustainability reporting practices, they differ in terms of scope, geographical focus, regulatory framework, stakeholder engagement, and implementation timelines.

Public submissions relating to the ASRS were due on 1 March 2024 and the AASB is proposing that annual reporting will commence as soon as 1 July 2024 for Australia's largest companies. While it is possible that this may be deferred, it is important that all companies keep an eye on these requirements as the impact of the ASRS extends well beyond public companies and large multinationals. Based on the exposure draft, reporting obligations will be phased based on company size as follows:

- **Group 1, 1 July 24 Proposed Start:**

Companies satisfying 2 of the three thresholds – 1. Over 500 employees, 2. \$1B in controlled gross assets and 3. \$500M in revenue

- **Group 2, 1 July 26 Proposed Start:**

Companies satisfying 2 of the three thresholds – 1. Over 250 employees, 2. \$500M in controlled gross assets and 3. \$200M in revenue

- **Group 3, 1 July 27 Proposed Start:**

Companies satisfying 2 of the three thresholds – 1. Over 100 employees, 2. \$25M in controlled gross assets and 3. \$50M in revenue

Many of you reading this may be asking – “what does this matter to me? We will not need to report prior to 2027, we’ve got plenty of time!” And for your company, you might be correct. However, as logisticians, the work we perform will often form a material component of a company’s Scope 3 emissions.

For companies who may be asked to begin reporting as early as July 2024, if they do not already, they will need to establish their accounting baseline. Imagine that you have never produced a balance sheet for your company, despite having been operating for many years. Now, from only a 9 month notice period, you need to take stock of all your assets and liabilities and get all of them valued. You have hardware, rolling stock, vehicles, office buildings, warehouses and a vast collection of “stuff” that need to be assigned a value, but you have not had to follow any accounting standard since the creation of your company. It is almost a laughable task.

Creating a baseline for a company’s carbon emissions is much the same. A fashion retailer sources raw materials from a supplier of fabric in Eastern Europe. These fabrics are moved to factories in China, Vietnam and Mexico. The factories all use various power sources to operate – Coal, Diesel and a tiny bit of solar. The finished products are picked up and trucked to ports before being shipped and flown to their various destinations. Old trucks, new planes, retrofitted vessels, EV’s, who knows how, have helped move these goods along the way so I can buy that new shirt I’ve had my eye on (said me never). As companies move towards mandatory (and some voluntary) reporting, we, the logistics and freight providers, will be asked to help them establish their baseline and then provide information ongoing so they can maintain their emissions “balance sheet”.

The reality for us is that emissions reporting is still in its infancy and because of this, is a challenge. While there are a few tools that have been around for a decade or so and some newer options now coming into play, it is far from a perfect science and lacks the historical experience of traditional financial accounting. As an example, CargoWise has been working on an in-built carbon reporting module, which is powered by an integration with the third-party tool EcoTransIT, who also offer their

software to the public through various integration options. Other companies, such as the industry body Smart Freight Centre, are working to find a solution to access primary carrier data and deliver a more accurate carbon calculation tool. However, a silver-bullet solution that suits businesses large and small with accurate carbon reporting that accounts for the numerous variables that determine CO2 emissions does not exist.

Despite this fact, carbon reporting requirements are coming, and I guarantee that if they haven’t already, every Australian logistics and freight company, be they ocean, air, road, rail or warehousing, will be asked to either report directly themselves or provide emission data to their clients in the near future.

The silver lining in all of this is that we are demanding companies to be better. Though we have a long way to go, the ISSB is clearly adopting Winston Churchill’s approach that we cannot let perfection be the enemy of progress. As reporting becomes a requirement and audits begin to tighten up the information, I have confidence that the majority of companies will do the right thing. While there will always be bad actors in this world, if we can make better decisions based on data and intelligence, hopefully the majority will have done their part to leave this world in a better place than we had inherited it.



1 <https://www.ifrs.org/projects/completed-projects/2023/general-sustainability-related-disclosures/>

2 <https://kpmg.com/au/en/home/insights/2022/04/issb-sustainability-reporting-disclosures-guide.html>

3 <https://aasb.gov.au/news/exposure-draft-ed-sr1-australian-sustainability-reporting-standards-disclosure-of-climate-related-financial-information/>

INTERNATIONAL WOMEN’S DAY – EMBRACING DIVERSE TALENT

By CAROLINE ZALAI, Director & Co-Founder – Freight & Trade Alliance (FTA)

At this year’s International Women’s Day (IWD) I was fortunate to join Freight & Trade Alliance (FTA) members and key industry stakeholders at the Supply Chain & Logistics Association Australia (SCLAA) annual industry breakfast at NSW Parliament House. FTA continues to bring industry together as a partner of Women in Shipping & Trading Association (WISTA) and becoming a proud supporter of SCLAA’s IWD events across the country.

The Sydney panel discussion on workplace equality, diversity and creating a workplace of choice were considered by Kylie Fraser, Area MC, Maersk Oceania, Nicolaj Noes, Executive VP, DP World Oceania and Marianne Perkovic, Non-Executive Director, Fashion Council. The room was touched and engaged by The Leukemia Foundation Ambassador, Cyndy Milan OAM’s inspiring and emotional presentation. The sad reality being that many in the audience had lost family and

friends to blood cancer. The NSW event raised important funds for the Leukemia Foundation with a live auction.

Following the SCLAA event I was delighted to be a guest speaker at Henning Harders, a proud Australian owned freight forwarding business and significantly, the third corporate member to join FTA back in 2012 providing vital early support for our vision. This presentation provided me the opportunity to reflect and share experiences as co-Founder and Director of FTA which turns 12 years old this year. The following captures some of the main points that I was privileged to share with management and their team.

THE EVOLUTION OF FTA

We have grown to represent 513 corporate, affiliate and importer members and hold the Secretariat for the Australian Peak Shippers Association representing many of Australia’s leading exporters.

Paul and I were new to running a business but keen to represent industry to achieve positive outcomes for all stakeholders. It was quite early in the business that we assigned areas of responsibility. This was good for the business and good for our marriage too.



Paul utilised his 30 years of experience to support our member’s operational issues (now 40 plus years) and advocate reforms to state and federal governments and key landside service providers and stakeholders. As our team has grown, Paul now plays a more strategic role as the connector and “influencer” within the industry and continues to do so on areas affecting the supply chain and Australia’s international trade.





One of the important services we provide is our timely and important industry notices. These notices contain vital information that can be shared with your team members, clients and suppliers advising when there is an issue causing processing delays and increased industry-wide costs. Whilst I am sure your clients have great trust in the service they are being provided, it is good to hear from an independent and respected source when something is a “whole of industry issue.”

A PERSONAL REFLECTION AND RESPONSIBILITIES

I took on the role of running the actual business. Having worked across commerce in both large international and small businesses before moving into education, it was the perfect fit to look after training, CPD Border Compliance Events, accounting and business compliance. However, my day touches so many facets of the business from marketing, working on projects, IT and communications to sponsors and members.

I am currently working on two projects. The revamping of our online training system to a more powerful platform, which will be launched in mid-May. Working with developers has been a detailed, intricate and interesting challenge. I am sure the end product is going to be fabulous. All history, data and records will be carried across. We are in the final testing stage, which is exciting having been working on this project for over a year.

The challenge of getting young people into the industry has also been on our radar. It is an enormous challenge for industry and how we can tackle our ageing workforce. We are looking to start a pilot program in collaboration with Melbourne’s Swinburne

University. We have reached out to industry with a focus group to discuss and identify the type of candidates and skills for placement, either as an internship or shorter program with selected students to match an organisation’s needs.

Alternatively specific class-based industry problems to solve as a student cohort will be considered. This is a good fit with problem solving being an important skill used by customs brokers and freight forwarders for navigating the logistics of moving goods in and out of Australia.

Undergraduate and postgraduates from many disciplines will be considered. We will look at skill sets that would be of value to a business and at the same time expose bright young minds to the opportunities of a career pathway in the supply chain and international trade sector.

SUCCESS ACHIEVED BY EMBRACING DIVERSE TALENT

Paul and I recently pulled out our original Business plan and reflected that we had reached our initial 5-10 year plan. I am extremely proud of Paul and what we have achieved. We are also proud of the extremely dedicated and talented team we have put together who hold a high level of industry expertise and definitely have a “service” mentality. Excuse the language – but we hold a “no dickhead” policy in our organisation. Hence, we are a very happy team. We work together on projects to achieve FTA’s strategic goals.

Every person in our team has a voice and is given the opportunity to be heard in our weekly team meetings. Meetings are divided into two areas operational and general business and projects. We set an agenda which all can contribute towards. We have the philosophy that we all have different perspectives and talents, and we should utilise these for the best outcomes of FTA and our members.

By having a voice, it creates respect and a feeling of belonging. We encourage free thinking and new ideas and initiatives. At one of these meetings Bianca Flint recommended we create a “Customs Broker Toolbox” as an information resource with a series of fact sheets written by customs brokers for customs brokers. Bianca led the project and the team collaborated to develop these resources.

Maybe introduce a suggestion box in your organisation. Not just to suggest donuts for morning tea!

We are mindful of having diversity in our team of 4 men and 4 women. In addition, Sue Danks holds a consultancy role with FTA utilising her technical expertise.

WOMEN IN LOGISTICS AND PROFESSIONAL DEVELOPMENT

I am proud to have also brought “Women in Logistics” into the industry’s mindset. Many organisations now hold events supporting diversity and ladies in our sector. I have personally worked closely with Joyce Campbell, Next Leap Training who presented at one of our first half day forums. I will always be grateful to Joyce for the support and encouragement she has given me. The industry is not always easy for women and there are ongoing challenges to be heard and to have workplace advancement opportunities. It is up to the ladies to put their hands up when there is a project to lead, take on a new work challenge, find your voice and the courage to ask for more engagement. Don’t give up and believe in yourself. Learn from the mistakes you make along the way. To be honest this really applies to everyone, not just women.

I am also proud that FTA has helped spread the word about mental health in the workplace and will continue to get this message out to our members. Congratulations also to Joyce Campbell for facilitating the program in many workplaces. I can’t tell you how many calls I took over covid of stressed and mentally exhausted customs brokers. Often just listening with empathy is the first step for someone in crisis.

Having come from an education and learning environment in my previous life, I share enthusiasm and passion for professional development. Your people are your greatest asset and represent your brand to your clients. Equipping them for success is a duty and honour. Setting the culture and portrayal of your brand is everyone’s responsibility.

Here at FTA, we understand that we are a trusted adviser within the industry. You could say that we are the “canary in the coal mine” on behalf of our members. Our brand is built on integrity, industry expertise and passion. We are an extension of all our members’ businesses. Our original tag line was “your business partner.” We then moved to “keeping Australia’s International Trade Moving” – both being important statements that still remain relevant.

We don’t have a widget to sell. We therefore must continually review our offerings to ensure we meet and surpass our members’ needs. It is essential that we engage with our members to achieve this. Our goal is to always provide the ultimate service and continue to set the benchmark to industry.

I think it may be time to sit down and write the next 10-year business plan.

International Women's Day (IWD), WISTA Australia

In celebration of International Women's Day (IWD), WISTA Australia, a leading association for women in the maritime and logistics industries shines a spotlight on their impactful events across Western Australia, Queensland, New South Wales and Victoria.

WISTA Australia knows how critical it can be for women to access a supportive community and a safe platform to openly discuss difficult and sensitive issues and, collectively, navigate the complexities of their personal and professional journeys.

Through a series of industry events, networking opportunities, panel discussions and informal coffee catch ups, WISTA Australia celebrates IWD, and the invaluable contributions made by women in what is still a male dominated industry.

IWD is truly about bringing a sense of safety to not only nurture trust and empathy, but also to provide a valuable opportunity for women to share their insights, build connections and inspire the next generation of female leaders particularly in the maritime and logistics sectors.

WISTA Western Australia celebrated IWD with a panel of exceptional, authentic, and incredible women thanks to our hosts MMA Offshore. Rachel Green of Women in Maritime WA, Jacqueline Graham of the Australian Gender Equality Council and Liz Buckley, MMA Executive General Manager Corporate Development participated in a rich discussion around the value of mentors, how to attract our future



Kendall Messer (WISTA WA State Rep) facilitating discussion with Rachel Green (Women in Maritime), Jacqueline Graham (Australian Gender Equality Council) and Liz Buckley (MMA Executive General Manager)



Dane O'Brien (Svitzer Australia), Ainsley Smith (Allianz Marine Services), Sangeeta Chandra (Proteus Marine Services), Amy Rowland (Sedgwick), Margot De Villiers (Sedgwick), Shanon Barrett (Svitzer), Kim Jenkins (Pacific Tug Group), Lana Gray (AM&T), Emma Campbell (Wotton + Kearney), Laura Keenan (AM&T)

female seafarers, technical managers and leaders, as well as how to make an invisible industry visible again.

WISTA Queensland celebrated IWD with a trip to the Port of Brisbane and a tour of Patrick Terminals, checking out the automated straddle container

carriers in full operation. Patricks are strong advocates for diversity and the WISTA QLD team got to hear all about Patricks WILpower Cadetship - a program targeted at equipping women with the skills to enter operational management roles in stevedoring operations.





Elva Zhang (WISTA VIC State Rep)

WISTA Victoria celebrated IWD in partnership with Maritime Industry Australia Ltd where the personal story was shared by legend and champion Captain Wendy Tuck, who in 2018 became the world's first female skipper ever to win a Round the World yacht race. Reflecting on IWD, and the achievements and resilience of women, WISTA Australia continues to stand as a beacon for gender diversity and the advancement of women across the maritime and logistics sectors.

WISTA Australia also acknowledges the strong contributions and ongoing efforts made by its Sponsors and Association Partners including Swire Shipping, Braemar, P&O, VICT, Squire Patton Boggs, MSC, AAL, Port Phillip Sea Pilots, WW Ocean; and Freight & Trade Alliance, The Nautical Institute and the Australian Trade & Logistics Corporation.

WISTA New South Wales celebrated IWD with an intimate breakfast at the Grounds Café in Sydney, sharing conversation and celebrating each other. All topics were on the table and anything from movie nights and puzzle competitions, to leadership programs and book launches were shared. WISTA Australia President Monika Lemajic also supported and attended the SCLAA Annual Industry Networking Breakfast and heard from other amazing women and keynote speakers Jodi McKay, National Chair Australia India Business Council, and Sarah Liu, Founder of The Dream Collective.



Monika Lemajic (WISTA Australia President), Jessie Mahon (WISTA Australia Vice President), Aph Barton (WISTA NSW State Rep), Livija Berzins (WISTA Australia Memberships Officer), Sarah Flood (Crawford & Company Australia)





Selling goods or services to the land down under? Get the facts on Aussie tax.

By ADRIAN PRESTON-LOH, Assistant Commissioner, Public Groups, GST International – Australian Taxation Office (ATO)

What is GST?

GST is similar to Value Added Tax (VAT) or Sales Tax in other countries. The GST rate in Australia is 10% or 1/11th of the amount charged on a sale. This means if you are an international business and you sell goods to consumers who are in Australia, GST may apply to your sales.

What are low value goods?

Low value goods are tangible goods (such as clothing, books, cosmetics, shoes, or sporting equipment, and excluding tobacco products or alcoholic beverages) with a customs value of A\$1,000 or less.

Who charges GST for low value goods?

The responsibility of collecting and paying GST to the ATO depends on what you're selling and how you sell it.

For example, if you are:

- a merchant who sells low value goods to consumers who are in Australia – ato.gov.au/merchant
- a redeliverer that helps to bring low value goods to Australia on behalf of the consumer – ato.gov.au/redeliverer
- an electronic distribution platform operator, such as an online marketplace, that allows merchants to make sales of services, digital products or low value goods to Australian customers – ato.gov.au/EDPoperator.

If you only sell goods through an electronic distribution platform, the operator of the platform is responsible for collecting and paying GST (not you, as the merchant).

Multiple low value goods totalling over \$A1,000

When multiple low value goods are shipped to Australia in one shipment, they will be taxed at the Australian border.

For example, a customer purchased two necklaces from a business in the United Kingdom for A\$750 each, and paid an additional A\$50 for them to be shipped to

Australia in one delivery. As the customs value of these items is \$A1,550, the business does not charge GST since the goods will be taxed at the border.

However, if the necklaces were shipped in two shipments, the business would need to charge the consumer GST on the sale price of the necklaces and the delivery fee.

For more information, visit ato.gov.au/GSTivig.

What about high value goods?

High value goods are goods with a customs value over A\$1,000. If you are shipping high value goods with a customs value over A\$1,000 to Australia, you will need to lodge an Import Declaration with the Australian Border Force (ABF) to have your goods assessed for any relevant duty, taxes and import processing charges prior to delivery. Goods will not be delivered unless an Import Declaration is made and any relevant duty, taxes and charges owing are paid in full.

Find out more at www.abf.gov.au/importing-exporting-and-manufacturing/importing/how-to-import

Next steps

Register for GST if the value of your sales connected to Australia is equal to or more than A\$75,000 in a 12-month period. The quickest and easiest way to register is through simplified GST registration, which allows you to lodge and pay online. Read more at ato.gov.au/SimpGST.

If you're registered for GST, you will also need to:

1. **Charge** GST, if it is your responsibility, by including it in the price when selling goods or services to consumers in Australia.
2. **Report** the GST collected to us – you can do this by lodging a GST return or a business activity statement (BAS).
3. **Pay** the amount of GST to us. Remember to convert it to Australian dollars.

You'll always find the most up-to-date information on the ATO website. Hop onto ato.gov.au/AusGST.

Adrian Preston-Loh is the Assistant Commissioner for International GST the ATO. He is responsible for the administration of the 'Digital Products and Imported Services' and 'Low Value Imported Goods' GST law, ensuring overseas businesses understand and comply with Australian GST obligations, and representing Australia in international GST forums.



Navy veterans build high-tech watercraft for US Marines

NSW-based boat-builder The Whiskey Project Group (Whiskey Project) has created a radical multi-mission design for 8–12 metre tactical watercraft. The boats were devised by two navy veterans Darren Schuback and Ryan Carmichael, who were former navy clearance divers and special operations officers.

“*To be selected out of 34 other vendors around the world is a critical validation point that will aid our expansion and growth into the US and open up other export opportunities for other Australian defence innovators, Schuback told The Australian Financial Review.*”



Australia's Ambassador to the United States, HE Hon Dr Kevin Rudd, AC celebrating The Whiskey Project Group's contract with the US Defense Innovation Unit in Washington, DC.

Pictured L-R: Sarah Cullens, Precision Public Affairs | Aditi Kumar, Defense Innovation Unit | Darren Schuback, The Whiskey Project Group | Kevin Rudd, Australia's Ambassador to the US | Ryan Carmichael, The Whiskey Project Group.

Launched in 2019, the company's carbon fibre composite boats help protect water operators during complex maritime missions. Now, they are making waves in overseas markets. In February 2024, The Whiskey Project shipped its first vessels to California for the US Marine Corps.

A new generation of versatile watercraft

Schuback and Carmichael had careers that spanned a combined 41 years in the Royal Australian Navy and the special operations community. Both served at the sharp end of maritime operations. This required working from small boats in difficult conditions in high-risk environments.

'As the spectrum of maritime operations grew, the boats we used began to constrain our activities and ultimately our mission planning,' says Schuback. 'I saw injuries, I saw damage to sensitive equipment. Those experiences were the motivation to design safe, versatile, fit-for-purpose watercraft for our forces.'

Schuback retired from the Navy in 2019 with the rank of Lieutenant Commander. He founded The Whiskey Project in Sydney, with other military and business specialists. His goal: to design the boat he wished he'd had while he was still serving.

'Our approach was unique because we had the perspective of operational experience,' he says. 'We didn't just

want better performance. We wanted improved safety, better handling, protection for sensitive equipment and craft that would provide a true operational combat advantage.'

Above all, the design had to be completely versatile, allowing for multi-mission modularity.

'Modern navies use anything up to 200 different types of watercraft for a wide array of maritime mission sets,' says Schuback. 'This can be anything from port security and riverine operations to interdiction operations on the open ocean.'

Schuback and his team distilled these maritime operations down to 30–35 mission tasks. Then the team set out to design a family of 2 boats to meet the majority of these mission sets: an 8.5-metre (28ft) model called "Whiskey Alpha" and a 12-metre (39ft) vessel, "Whiskey Bravo".

'Both vessels are made from advanced carbon fibre composites,' says Schuback. 'They are tough and durable. They are also completely adaptable to host sophisticated payloads, including anything up to modern missile systems. This creates a cost effective, high-end warfighting capable vessel on a very small hull.'

The company launched its prototype designs in September 2019. The Company further developed its designs with the help of a A\$7 million grant from the Australian Defence Innovation Hub (one of Defence's innovation entities, prior to the establishment of the Advanced Strategic Capabilities Accelerator).

Setting sights on the US defence market

Having worked alongside US forces, Schuback saw an obvious export opportunity. Australian companies have an advantage because Australia is a close military ally. Both nations train and exercise together, combining capabilities. However, gaining access to US defence procurement can be challenging – especially for startups.

'Members associated with the US Marine Corps reached out to us when they saw our designs,' says Schuback. 'Our concepts were 3 years ahead of their procurement and were already aligned with the US Marine Corps' Force Design 2030 plan. The Marines were extremely interested in the capabilities our boats



delivered. So, we embarked on a campaign to export to the US Department of Defense (DoD).'

The Whiskey Project had one great advantage. In 2015, the US DoD had set up the Defence Innovation Unit (DIU). Its remit was to accelerate the adoption of advanced technologies by the US military. This creates an access point for overseas companies looking to become defence suppliers.

'The DIU gives you the chance to penetrate the US defence ecosystem no matter how big your business is,' says Schuback. 'The DIU is focused primarily on whether you can give US forces a combat advantage.'

'Also, the DIU contracting process is very supportive. They give you a quick "yes" or "no". They appreciate you are a small company and will negotiate appropriate payment terms.'

The Whiskey Project signed a landmark export contract with the US Marines in mid-2023. Delivery has been exceptionally fast. The company's first vessels were handed over to the US Marine Corps in California in February 2024.

'To be selected out of 34 other vendors around the world is a critical validation point that will aid our expansion and growth into the US and open up other export opportunities for other Australian defence innovators,' Schuback told The Australian Financial Review.

Austrade helps defence innovators grow

Schuback credits Austrade with helping promote his designs and business to the US military.

'Austrade's US team have been outstanding through this process,' he says. 'They are there to advocate and support Australian companies, including small companies and startups.'

'It's a very one-on-one relationship,' he adds. 'Austrade advisers are genuinely interested in how you are doing. They work with Team Defence Australia to inform you about upcoming opportunities and help you target them.'

Austrade arranged an official signing ceremony at the Australian Embassy in Washington to celebrate the contract with the US Marines. In attendance was Australia's Ambassador to the US, Dr Kevin Rudd. Schuback says this boosted his company's profile with people within the US Defence ecosystem.

'This official signing was a great event,' says Schuback. 'We were invited to the embassy for the event with the ambassador. This enabled us to host senior US military, government and business officials and dignitaries; while also assisting with conversations back into the Australian Government and Defence.'



The use of drones: Terminal surveillance from above

By RHYS RICHARDS, Senior Underwriter (Grain) – TT Club, Sydney

Where management staff struggle with the protection of cargo and maintenance of property in port terminals and other transport hubs, the use of drones can provide the speed of deployment and improved visibility. In the Australian cargo sector, grain terminals are a pertinent case in point. TT Club’s Senior Underwriter for grain based in Sydney, Rhys Richards, looks in detail at the beneficial use of this developing technology.

“ *The use of drones is expanding quickly, with many industries realising multiple benefits of deployment.* ”



The typical size and layout of port facilities can make monitoring and asset management difficult, since the line of sight at ground level can be obscured by cargo, buildings, and handling equipment. Similarly, the physical distance sometimes required to travel across the facility, compounded by the potential disruption to automated operations, adds to the challenges.

Grain handling facilities in particular use a wide range of handling equipment assets to serve the global supply chain in the movement and storage of bulk grain. There is also the requirement to protect the grain from damage or contamination, an onerous task considering the sheer amount of grain required to fulfil global demand. Conducting regular, thorough inspections of both handling equipment and grain stores is vital. Given the nature of the operations, assets regularly see significant wear and tear over their service life and grain stores are often under attack from both weather and pests. Therefore, to ensure safe and efficient operations, managers must be able to make informed decisions based on the condition of their assets in real time.

With regards to handling equipment, an operator needs to build knowledge of performance, and plan maintenance interventions appropriately, which makes the quality of the data gathered vital. Similarly, should the quality of the grain be compromised, fast action is imperative. However, given the typical location of these assets, together with their sheer size – access can present danger.

The use of drones in these circumstances offers significant benefit in terms of safety by reducing the

requirement to place personnel in high-risk locations. Likewise, there are tangible benefits in terms of the quality of the data that can be gathered through the utilisation of this technology.

For insurers like TT Club, there is a clear benefit to the widespread use of drone technology in the cargo handling industry. Where a claim arises, drones could be used to rapidly assess the severity of the loss or damage, potentially before a surveyor is able to attend. In these instances, much earlier assessments could be made relating to estimated loss values that could enable a claim to progress more quickly.

A well-managed drone operation, adhering to sound industry practice and relevant regulatory controls, can prove beneficial. However, the implementation of in-house or third-party drone capabilities within a grain terminal environment needs to be done carefully to avoid introducing new risks.

Background on drones

Drones, also known as UAVs (uncrewed aerial vehicles), are being developed at a rapid pace for deployment in a wide array of industries across the globe. There is rapid adoption for anything from asset inspection to support for emergency services. It is this growth and development which is unlocking potential for the use of drones within the grain handling industry.

Drones, with the correct equipment, training, and management, can not only reduce risk in your facility – for example avoiding the need to work at height, in grain silos or alongside equipment – but also may improve operational efficiency due to the ease of deployment and the minimal disruption to operations.

However, there are several regulatory requirements that must be fulfilled to get your own drone operation 'off the ground'. Fortunately, as an expanding market, there are many local providers with experience in delivering appropriate training in their respective regions to assist in getting drone operations up and running.

Asset Management Use-cases

As already mentioned, the use of drones can remove the need to place people in these high-risk areas. Nevertheless, care is required to ensure the data collected is of sufficient quality for the asset managers to make decisions over the service life of the asset. Here is a summary of the tools typically able to be deployed by drones.

- Inspection and surveying are pivotal in asset management, preserving and optimising resources. Drones can be employed to monitor asset condition proactively, enhancing safety and reliability.
- Photogrammetry uses the images taken by the drone camera, the global positioning system (GPS) data and using specialist software to produce accurate 3D images and analytics. Where this technology really comes into its own is the

ability to survey large or awkward assets (or cargoes) accurately, such as large grain stocks covered in tarpaulin. • LIDAR (light detection and ranging) produces a similar data output to photogrammetry but uses quite different methods to capture the data. It lends itself to coverage of larger areas.

- Thermal imaging provides an ability to detect possible issues that are not visible to the naked eye. This may give some data enrichment over the use of the regular cameras. This technology can provide insight into possible electrical overheating faults, allowing engineers to investigate and rectify before the issue escalates into an asset fire.

Conclusion

The use of drones is expanding quickly, with many industries realising multiple benefits of deployment. There are three key benefits to using drones in grain handling facilities:

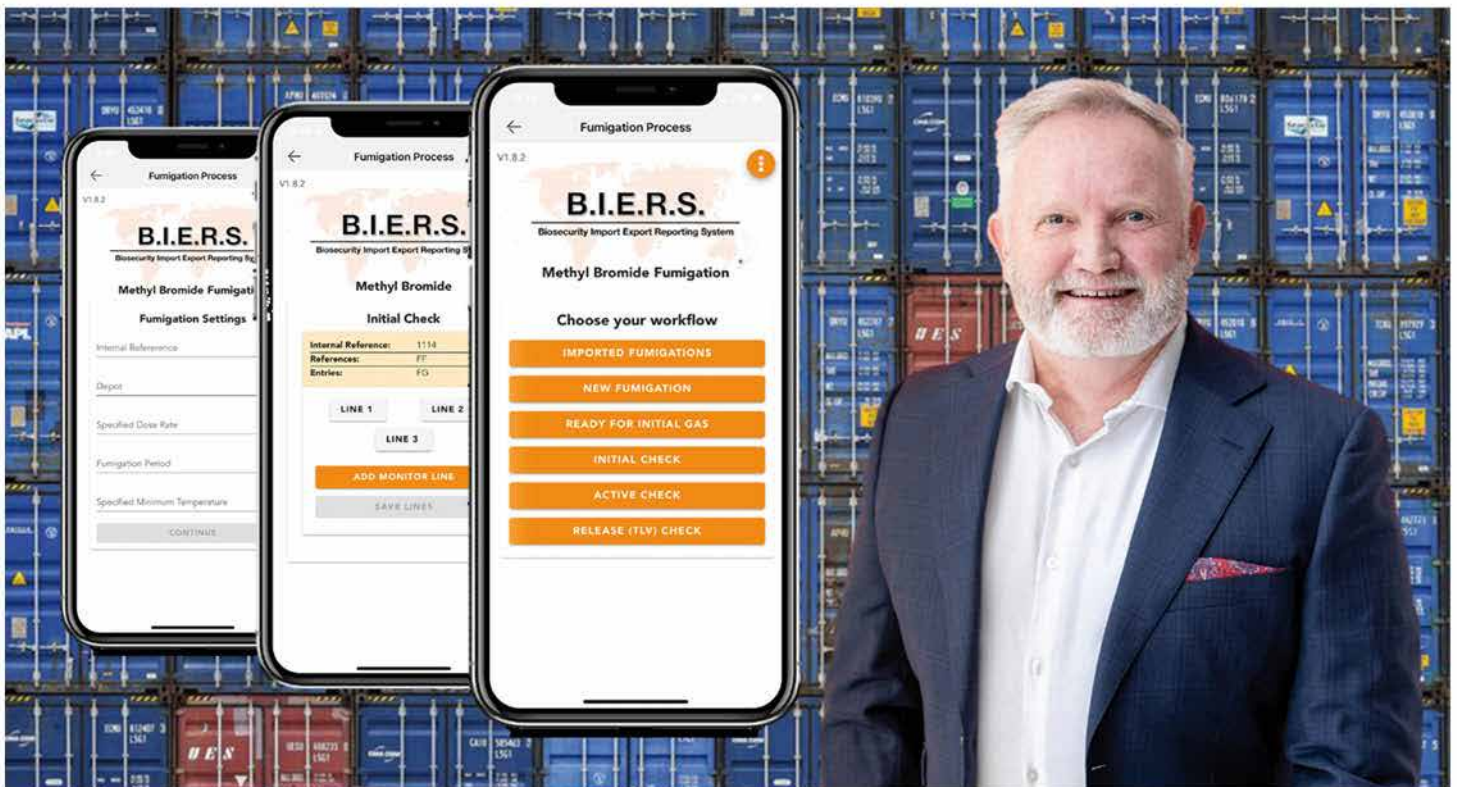
- 1. Safety** - Eliminate the risk to life by removing the need for staff to enter grain bins or work at height.
- 2. Cost** – drone inspections are much cheaper to conduct.

3. Less downtime – a drone inspection takes much less time and can eliminate downtime completely in some instances.

The implementation of the technology can at first sight appear daunting, but with a defined use-case and the support of appropriate drone industry specialists, the deployment of drones within the port and terminal environment can follow a logical roadmap.

The use of drones is expanding across all industries, with a significant amount of research and development underway. Therefore, we are likely to see ever-increasing use-cases and technological advances over the coming years.

Drones can eliminate placing the workforce in dangerous environments, while gathering enhanced data at regular intervals. This technology simply cannot be ignored within the grain handling industry.





Australia's biosecurity system in 2024

By TINA HUTCHISON, First Assistant Secretary, Biosecurity Operations Division, Australian Government – Department of Agriculture, Forestry and Fisheries

Tina Hutchison shared her thoughts on the operation of Australia's biosecurity system in 2024.

As Freight & Trade Alliance members are no doubt aware, the first months of 2024 saw Australia's biosecurity system running at speed with ports and airports around the country reporting trade volumes at pre-COVID levels.

Continued new and irregular supply and value chains into Australia will contribute to increased pest and disease risks already increasing with growing trade. There are also ongoing logistical challenges at Australia's ports that are adding time, cost and frustration to the movement of goods through the border. Further to this is a real threat of increasing deliberate attempts to circumvent biosecurity requirements to secure economic return.

We will need to work together to ensure our approach to biosecurity is both efficient and effective.

To this end, the department is focussed on rebuilding and reskilling its workforce, in realising benefits for industry and our biosecurity officers from the government's \$145m investment in reforming our outdated cargo system, and in working with industry to increase the use of industry arrangements and remove unwarranted regulatory noise and cost from the system.

We will be looking to strong industry partnership and support in these efforts.

Sustainable Biosecurity Funding

This government's priority is to boost agricultural trade while safeguarding Australia against the impact of biosecurity incursions on trade, jobs, regional Australia, health and our way of life.

The 2023-24 Federal Budget delivered on its election commitment to sustainably fund biosecurity with a commitment of over \$1 billion in biosecurity funding over the next four years, and upwards of \$260 million in new, permanent funding each year from 2027-28. This means the department is

in a position to take a long-term lens in its efforts to build and sustain biosecurity policy, operational and technical functions as biosecurity risk management requirements and opportunities change. This year will see the beginning of real improvements in critical areas of our business – not least of which rebuilding our workforce capacity and systems to enable improved border clearance outcomes.

A significant proportion of this funding will come from border fees and charges, along with an increased contribution from Australian taxpayers and through a new biosecurity protection levy on Australian primary producers. This recognises the broad range of beneficiaries to a well-resourced and effective biosecurity system. However, the government has committed to ensuring these arrangements remain appropriate through regular review and through greater transparency and accountability regarding how the funds are used.

To this end, the Minister for Agriculture, Fisheries and Forestry has recently announced the establishment of a new Sustainable Biosecurity Funding Advisory Panel to provide advice to the Department of Agriculture, Fisheries and Forestry about biosecurity priorities. Freight & Trade Alliance has been invited to be a member of this advisory panel.

Biosecurity cost recovery fees and charges will also be a standing item on the Department's Cargo Consultative Committee.

Digital capability for commercial cargo clearance

The Simplified Targeting and Enhanced Processing System, or STEPS, will roll out **\$145.2 million over three years** to improve industry's experience of commercial cargo clearance. These projects offer exciting partnership opportunities with industry to co-design digital platforms to deliver faster, transparent, commercial cargo clearance.

For industry, STEPS will provide greater visibility of consignments referred for biosecurity and imported food clearance at the border; with easier, transparent, digital business-to-government transactions, more efficient biosecurity clearance and throughput.

For government, STEPS will bring together data and information from our regulatory and corporate systems allowing us to work smarter and effectively deploy our resources to the areas of highest risk.

Our conversations with industry have already begun. These will be key to ensuring valued investments are made.

People, partnerships, and strategic industry engagement

Our relationships with industry are central to strengthening the biosecurity system now and into the future. We recognise that our industry partners and stakeholders share the government's objectives to build a prosperous economy and to safeguard Australia's unique assets.

We know our industry participants and stakeholders have valuable, workable ideas and strategies, to achieve this. We are engaging industry in a range of ways to improve voluntary compliance, sustain and improve partnership arrangements and co-design biosecurity initiatives to streamline border management processes.

In 2024 we intend to share our biosecurity priorities and plans, be responsive and accountable as an organisation and genuinely engage with industry in true partnerships on the things that matter to them. Freight & Trade Alliance members will be an important part of this conversation.



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Infringement notices under the Biosecurity Act

By **SUSAN DANKS**, Head of Customs & Regulatory Compliance - Freight & Trade Alliance

On 3 September 2018, the then Department of Agriculture (DAFF) advised it would issue infringement notices under s.523 of the Biosecurity Act for 55 strict liability offences. Some apply to first points of entry such as airports and seaports, while others relate to cargo and ballast water or other areas of biosecurity concern. To be valid they must however be issued within 12 months after the day on which the contravention is alleged to have taken place.

A list of the 55 infringement notices is at s.523 of the Biosecurity Act 2015 and the following link: <https://www.agriculture.gov.au/biosecurity/legislation/compliance/infringement-notice-scheme#how-much-is-my-infringement-notice>

When strict liability applies to an offence, DAFF is only required to prove that the offence was committed. They are not required to prove fault elements such as intent in order for a person to be found guilty. Strict liability is used in circumstances where there is public interest in ensuring that regulatory schemes are observed, and it can reasonably be expected that the person was aware of their duties and obligations so can be expected to deal with less serious and less complex contraventions where proving guilt in a court would be disproportionately costly.

At this time, we do not know if the ability to issue infringement notices is restricted to any particular training, although the DAFF website provides that any Biosecurity Enforcement Officer can issue an infringement notice. I understand that this role is different to that of a Biosecurity Officer but am unaware of the level of training or expertise required to be so appointed, as guidance material has not been issued. DAFF's rationale for this is that this is an update regarding new provisions that are infringeable rather than a new scheme.

DAFF has however advised that any decision to issue a penalty will first consider the following:

- If this is the first occurrence of a breach

- Whether warnings have been issued in the past
- Seriousness of the breach
- Failed audits

The infringement notice provides the amount payable, the time in which it must be paid, and the methods whereby it can be paid. It also explains the process for seeking a withdrawal of a notice and/or requesting an extension of the payment period. Although payment is required within 28 days after the day the notice was given, an extension may be requested provided it is made before the original payment period has ended.

If an extension has already been granted, but additional time is required, this application must be lodged within the extended period, as late payments received outside of the extended payment period cannot be accepted by the department. More than one extension request may be made.

Paying the infringement notice within the payment period specified effectively discharges all guilt or liability regarding the alleged contravention without making any admissions. If it is not paid, DAFF may prosecute for that offence or commence court proceedings for a civil penalty order against that person. The court may impose a financial penalty for the contravention, as specified in the Biosecurity Act for that contravention.

The maximum penalty that a court could impose for each contravention is:

- s 126(2) - 300 penalty units (\$93,900)
- s 128(2) - 300 penalty units (\$93,900)
- s 532(1) - 60 penalty units (\$18,780)
- s 533(1) - 60 penalty units (\$18,780)
- s 186A (1) – 1200 penalty units (\$375,600)

Under Commonwealth law, financial penalties are calculated in 'penalty units'. Section 4AA of the Crimes Act 1914 sets the monetary amount of one penalty unit, which at 1 July 2023 was \$313. This penalty is fixed at the lesser of one fifth of the maximum penalty that a court could impose for that contravention or 60 penalty units for commercial entities or

12 penalty units for individuals. It should be noted that DAFF considers that there is no scope for lower penalties to be issued as the amount of penalty units is legislated. Although the amount payable may vary between offences, generally the amount is 12 penalty units (currently \$3,756) for an individual and 60 penalty units (currently \$18,780) for a company.

The penalty can be paid by credit card, cheque, money order or electronic funds transfer. Payment details are on the back of the infringement notice.

Requests for withdrawal of the infringement notice must be made in writing to the Director of Biosecurity and provide information about the circumstances of the alleged contravention as well as any other relevant information that may assist a decision to be made. A defence of honest and reasonable mistake of fact is available. This means that if a person has considered the relevant facts and is under a mistaken, but reasonable, belief about those facts, he or she is not liable for the offence.

If a broker is seeking withdrawal of an infringement notice on behalf of a client, the application must be accompanied by a signed Authority to Act from the client. A copy of this Authority is on the DAFF website.

When deciding whether or not to withdraw an infringement notice DAFF must take the following into account:

- whether a court has previously imposed a penalty on the person for a contravention of a provision subject to an infringement notice;
- the circumstances of the alleged contravention;
- whether the person has paid an earlier infringement notice, for conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention in this matter;
- any other matter considered relevant.





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AUSTRALIA'S NEW

V A P E

IMPORT LAWS

VAPE PRODUCTS PROHIBITED AT THE AUSTRALIAN BORDER

HOW FTA MEMBERS CAN HELP STEM THE FLOW

In 2024, the Australia Government commenced a series of vape reforms to protect Australians, particularly young Australians, from the harms of vaping and nicotine dependence. The introduction of new border controls for disposable vapes on 1 January 2024 were just the first step in many to support the changes to the laws on vaping products in Australia.

Using a phased approach, all vaping products have become prohibited imports under new regulation 5A of the Customs (Prohibited Imports) Regulations 1956 (Prohibited Imports Regulations).

On 1 January 2024, all disposable vapes became prohibited import imports unless the importer held a licence and permit issued by the Office of Drug Control within the Australian Government Department of Health and Aged Care. Since 1 March, this border control expanded and all other vaping goods became prohibited items unless the importer holds a licence and permit. Vaping goods include devices, vaping accessories, vaping substances and all liquid nicotine (Australian Customs Notice 2023/51 provides further details).

Since 1 January 2024, the ABF has seized more than 358,000 disposable vapes and vaping products. Early positive signs by industry have shown a reduction in vaping goods being sent to Australia, however, we are

seeing attempts to circumvent our border controls through mis-declaration of goods.

How can Freight Trade Alliance Members help?

The ABF is seeking your support as logistics providers and cargo reporters due to the important role you have in the supply chain and the opportunity you have to assist in stemming the flow of vapes into the Australian community. Freight forwarders and Customs Brokers know supply chain behaviour well, and are in a unique position to notice unusual or suspicious cargo reporting early.

If you observe importers who were known to previously import vapes, please keep an eye out for indicators that they are changing descriptions to circumvent our border controls.

If FTA Members find cargo reports or packages suspected of containing vapes or become aware of any suspicious border-related behaviour and activities, please make a report through Border Watch either online at www.abf.gov.au/about-us/what-we-do/borderwatch or via telephone **1800 06 1800** if urgent. All reports can be lodged anonymously.

Alternately, you could consider reporting via ICS utilising the CPSAC/amber line option.





The ABF relaxes Free Trade Agreement Requirements – But will this only make life harder for customs brokers?

By RUSSELL WIESE, Director – CGT Law

About 10 years ago, the use of free trade agreements by Australian importers increased massively, as Australia entered into free trade agreements with China, Japan and Korea in quick succession. Combined with free trade agreements with the US, NZ and ASEAN countries, free trade agreements covered about two thirds of trade, and became the key option to reduce customs duty payable on imported goods. The reach of free trade agreements has only increased since that time.

“ *Given the increased risk with using a COO with errors, there are steps that a customs broker should take to manage that risk.* ”

The Australian Border Force (ABF) has recently provided guidance that shows a more relaxed approach to free trade agreement documentation requirements. It is important that customs brokers and importers understand the risks and opportunities the new approach brings.

Free trade does not equal risk free trade.

Free trade agreements present opportunities to reduce customs duty, but they do not equal risk free trade. Rather, it is the opposite. Generally, any time an importer uses a concession, that import increases in risk. From a regulatory and revenue perspective, there is no risk in paying the maximum rate of duty. The risk only comes when a concession is utilised, and the duty avoided.

From a compliance perspective, I have not, over the past 10 years, seen a heavy ABF emphasis on the use of free trade agreements. In some ways this has seemed surprising, as free trade agreements are used to significantly lower the taxes paid on imported goods. Anecdotally, I have felt that the ABF has spent more time reviewing the use of tariff concession orders (another type of trade concession).

The reason for this seems obvious, it is very hard for the ABF to verify whether or not goods meet the requirements of a free trade agreement. Generally, the requirements to qualify for a lower duty rate under a free trade agreement are:

- The goods must meet the rules of origin (Origin Rule)

- Document requirements, such as a certificate of origin, must be met (Document Rule); and
- The goods must be shipped directly to Australia, or meet an exception to this rule (Consignment Rule).

The Consignment Rule is rarely a compliance issue and where it is breached, it is often obvious.

The Origin Rule is very difficult for the ABF to audit. This rule looks at the connection between the goods and the country with whom Australia has entered into the free trade agreement. There are different rules for goods wholly grown or produced in a country (such as food or minerals) and goods produced in the country from partially (or totally) imported components. For this latter category, to truly assess origin, the ABF would need a bill of materials for the good, understand the origin of all materials and investigate what operations were carried out in the country of export.

Largely the ABF has accepted the assertions regarding origin made in the certificate of origin or declaration of origin. This is especially so where the document has been issued by an official body.

ABF compliance focus has been on free trade agreement documentation.

As origin is difficult to audit and the Consignment Rule is rarely an issue, ABF compliance has largely focused on the Document Rule. The ABF has taken two approaches to this:

- The simple question of – do you have the required document; and
- If you do have the document, does it contain any errors or deficiencies.



Following the introduction of the China Australia Free Trade Agreement, there was a lot of focus on errors in the certificate of origin (COO), such as classification errors. There were times when the use of a COO would be denied due to what may be seen as minor errors. On other occasions, importers had to obtain written permission to use a COO where there was an explainable discrepancy.

The initial approach of the ABF could be categorised as strict and might have reflected initial concerns that other countries may not approach free trade compliance with the same mindset as Australian authorities.

Relaxation of the documentation requirements

However, late last year the ABF released a notice showing a much more relaxed approach to the use of COOs. In Australian Customs Notice No. 2023/43 the ABF set out the circumstances where a COO issued by an official body could be used despite errors such as:

- Tariff classification
- Exporter name and details
- Importer name and details
- Description or quantities of goods

Where there are multiple errors, the ABF suggests that importers should seek a replacement COO. However, where the error does not place in question that the COO is for the actual goods, or that the goods satisfy the Origin Rule, the COO can be used.

Interestingly, the notice seems to suggest that a COO can be used where the importer believes that the goods satisfy a different origin criteria than that recorded on the COO. There are circumstances where this makes sense. For instance, if the goods were pineapple grown in Thailand, the original rule “change in tariff classification” would likely be wrong. However, the importer could still be confident that the pineapples were grown in Thailand by reason of other documents or knowledge of the supplier.

Assessing the risk

Any time an importer uses a concession there is risk. That risk is increased if the importer is using a COO that does not contain information which is 100% correct. In deciding whether to use a COO with incorrect information, importers and customs brokers should consider:

- The nature of the incorrect information – is it a minor error, such as a typo, or is it completely wrong
- The nature of the goods – are they goods where origin may be difficult to assess, and you need a high level of confidence in the COO
- Your knowledge of the supplier and the production of the goods – do you have any reason to doubt the origin of the goods
- The totality of the information on the COO – Leaving aside the incorrect information – what correct information on the COO links the document to the particular import. Usually, a COO will contain shipping details or an invoice number which will be consignment specific
- Can you explain the reason for the incorrect information. For instance, did the name of the importer change after the COO was issued?

Managing the risk

Given the increased risk with using a COO with errors, there are steps that a customs broker should take to manage that risk. These steps include:

- *Informing the importer of the risk.* Depending on the amount of duty saved or if the error is likely to be reoccurring, the importer may wish to obtain an origin ruling from the ABF
- *Making inquiries into the reasons for the error.* This includes documenting your inquiries and the responses that you receive
- *Recording the reasons why you believed that the COO could be used despite the errors.* For instance, why did you consider that the goods met the rules of origin or that the COO was for the relevant imported goods. An ABF audit may happen 3 years from now and you may have won the lottery and retired. However, the broker that replaces you will need to understand why you made the decision to use the COO
- *Consider a backup plan* – Can you obtain a correct retrospectively issued COO. Alternatively, can a different tariff concession be used. Remember that for many free trade agreements, trusted traders do not need to hold COOs. Alternatively, review whether any other free trade agreement is available that has less onerous documentation requirements.

The ABF has taken a step to facilitate trade, and this should be applauded. The ABF will not be denying the use of a free trade agreement when it is clear that the goods meet the requirements of the free trade agreement. However, the relaxed approach creates more uncertainty and places greater responsibility on customs brokers and importers to assess what COO errors are acceptable and what are not. This risk should be recognised and managed.

“ As origin is difficult to audit and the Consignment Rule is rarely an issue, ABF compliance has largely focused on the Document Rule. ”



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SYDNEY

Friday, 3 May 2024 & repeated
Saturday, 4 May 2024
Novotel Brighton Beach Hotel,
Brighton Le-Sands, NSW

PERTH

Saturday, 11 May 2024
Hyatt Regency, Perth, WA

MELBOURNE

Friday, 31 May 2024 & repeated
Saturday, 1 June 2024
Hyatt Place, Essendon Fields, VIC a

BRISBANE

Wednesday, 12 June 2024
Brisbane Airport Conference Centre,
Brisbane Airport, QLD

SECTION 77G DEPOT & APPROVED ARRANGEMENT FORUMS

An important event for management and key operating staff at all licensed and accredited facilities – ensure your organisation is meeting compliance expectations at the forums featuring executives from the Australian Border Force (ABF) and the Department of Agriculture, Fisheries & Forestry (DAFF). CPD Points still to be advised.

SYDNEY

Wednesday 1 May 2024
St George Motor Boat Club,
Waterfront Function Centre
2 Wellington Street, Sans Souci, NSW

PERTH

Friday 10 May 2024
Tompkins Park Functions, Canning Room
Corner Dunkley Avenue & Canning Hwy,
Alfred Cove, WA

BRISBANE

Tuesday 11 June 2024
Port of Brisbane, Level 3 Cinema, 3 Port Central Avenue,
Port of Brisbane, QLD

MELBOURNE

Wednesday 15 June
Mantra Hotel Tullamarine
2 Trade Park Drive, Tullamarine, VIC

Registration from 8am

8.30am to 4.30pm
followed by refreshments

Early Bird Member Rate

(applicable up to 1 month from event date)
\$346.50 (incl GST)

Member Rate

\$401.50 (incl GST)

Non-Member Rate

\$550 (incl GST)

Student Rate

(employed by FTA Corporate Member)
\$99 (incl GST)

Registration from 8am

8.20am to 12pm
followed by networking lunch

Member Rate

\$110 (incl GST)

Non-Member Rate

\$148.50 (incl GST)

Registration at
www.FTAlliance.com.au/events





Licensed depots and warehouses are a key focus of the ABF –

Are you ready?

CGT Law has noticed a sharp increase in ABF audits and infringement notices regarding breach of depot conditions, cargo reporting and movement of goods under customs control. The ABF has also publicised its cancellation of a major Sydney depot. The message is clear, if you want to operate a licensed depot or warehouse you must achieve a high level of compliance.

Don't wait for a suspension or cancellation notice from the ABF – the best strategy is to respond clearly and fully to any identified claim of non-compliance

If you have experienced a negative ABF audit or are concerned about your depot or warehouse compliance, don't hesitate to contact us. As with all areas of customs law, FTA members received 45 minutes complementary advice.

Customs and Global Trade law has helped clients:

- understand their obligations as a license holder
- implement internal quality assurance programs
- review depot and warehouse standard operating procedures
- respond to notices of an intention to suspend or revoke a license
- seek withdrawals of infringement notices
- resolve disputes regarding cargo reporting
- draft warehouse and 3PL terms and conditions



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What is a Regulatory Sandbox?

Article supplied by the Australian Border Force

Reminiscent of childhood ventures where play and creativity were encouraged in a sandbox, the government's use of a regulatory sandbox encourages creativity and innovation to test methods, processes, and technologies in a controlled environment ahead of committing to legislative change. Regulatory sandboxes are an increasingly prevalent mechanism to ensure regulations keeps pace with industry developments, remain fit for purpose and do not become a barrier to innovation and productivity.

Why does the trade industry need a regulatory sandbox?

Professor David Widdowson from Charles Sturt University explains the complexity of trade regulation as follows:

'Members of the international trading community must deal with multiple regulatory authorities when importing or exporting goods. Remarkably, trade-related regulatory requirements are administered and enforced by more than 30 agencies at the federal level in Australia, as well as some at the state and territory level. There is very little administrative coordination among the various agencies and the linkages between them have not been automated,' Professor Widdowson said.

Industry has been supportive of the introduction of new legislation that would allow them to work with the Australian Border Force (ABF) to consider new, more effective approaches to border management.

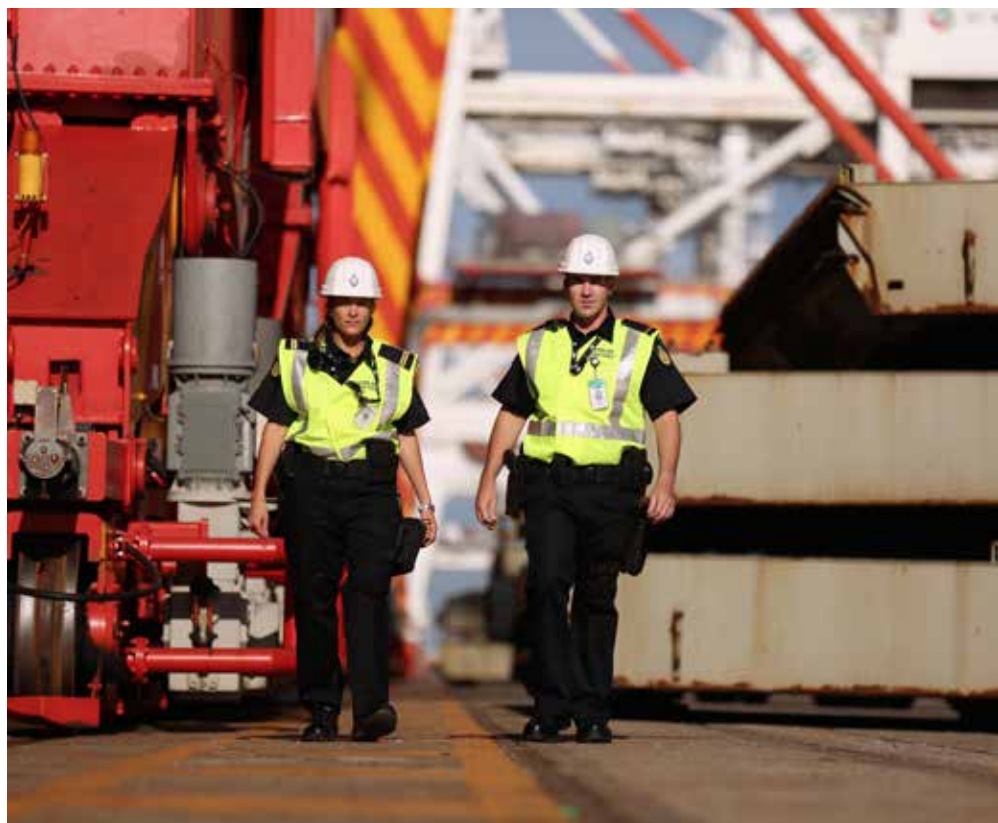
The ABF values the collaborative approach to change in the trade environment, noting collaboration and idea sharing will provide the best mechanism to determine ways to streamline and harmonise regulations, maximise the use of technology, and keep pace with future operating systems to support global trade. The use of a sandbox allows participants to analyse ideas in a safe and energising forum to promote better cross-silo understanding and cooperation.

It is important to know the plan is not to immediately overhaul the existing trade

systems and processes but to initially work out where small, incremental changes can make the biggest difference to the way the ABF manages regulatory reforms and, eventually, trade technology reforms that will assist industry to remain responsive to changing markets and risks through trade modernisation.

What is the ABF Regulatory Sandbox?

The Customs Legislation Amendment (Controlled Trials and Other Measures) Act 2023 amends the Customs Act 1901 to establish a regulatory framework for





conducting controlled trials (also known as a regulatory sandbox). The Bill implements part of the government's Simplified Trade System reform agenda that aims to create a simpler cross-border trade environment to reduce administrative complexity and improve the efficiency of international trade.

This amendment is scheduled to come into effect on 14 March 2024, and will create a tool where ideas can be trialed and tested to discover improvements to the processes, policies and legislation that will enable contemporary trade modernisation reforms. Current users of the ABF trade system will have the opportunity to be involved with the trials, including officers within the Home Affairs portfolio, other government departments and industry.

In the first instance, the intention is to explore low-complexity ideas and approaches to customs and border management that require minimal amendments or change. This might for example include a singular process change, or a streamlined administrative change that saves time, or reduces the resourcing impacts on ABF and industry. The general qualification criteria over the

life of the sandbox does, however, involve a three-phased approach of low, medium and high to determine the complexity of the trials, with high complexity trials reflecting more complex legislative or regulatory waivers or modifications, larger ICT investments and extra resourcing or costs.

Proposals will be assessed by the ABF based on the feasibility of the idea and the legislative requirements. Once a trial has been established, entities may apply or be invited to participate in the trial, which may last between 6 and 12 months, or occasionally up to 18 months depending on the scope and complexity of the trial.

The Regulatory Sandbox is a crucial step towards the broader whole-of-government Trade Modernisation agenda, to create a simpler, more effective and sustainable cross-border trade environment for Australia.

Keep up to date on the ABF regulatory sandbox by visiting <https://www.abf.gov.au/regulatory-sandbox>

References:

D. Widdowson, 'Australia's trade single window of opportunity', 19 November 2021 (an online article citation)

“ *‘the culmination of ideas from within the ABF and from industry, provides the best mechanism to determine ways to streamline and harmonise regulations, maximise the use of technology and keep pace with our future operating systems to support global trade* ”



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Further details and to book your place at FTA & APSA events go to www.FTAlliance.com.au/Upcoming-Events

SECTION 77G DEPOT AND APPROVED ARRANGEMENTS FORUMS

All States - 8.20am to 12.30pm
(Registration from 8.00am)

SYDNEY

Wednesday 1 May 2024
St George Motor Boat Club, Waterfront Function
Centre. 2 Wellington Street, Sans Souci, NSW

PERTH

Friday 10 May 2024 – Tompkins Park Functions,
Canning Room. Corner Dunkley Avenue & Canning
Hwy, Alfred Cove, WA

BRISBANE

Tuesday 11 June 2024 – Port of Brisbane, Level 3
Cinema. 3 Port Central Avenue, Port of Brisbane, QLD

MELBOURNE

Wednesday 15 June, Mantra Hotel Tullamarine
2 Trade Park Drive, Tullamarine, VIC

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clearance (NCCC) and Class 19.2 Automatic entry
processing for commodities (AEPComm) assessment
via www.ComplianceNetFTA.com.au as prescribed by
The Department
- complimentary online access to additional
CPD points via www.ComplianceNetFTA.com.au to
meet your annual requirements.

2024 - 2025 CPD BORDER COMPLIANCE PROGRAM BOOK NOW!

SYDNEY

Friday, 3 May 2024 & repeated
Saturday, 4 May 2024
Novotel Brighton Beach Hotel, Brighton Le-Sands

PERTH

Saturday, 11 May 2024
Hyatt Regency, Perth

MELBOURNE

Friday, 31 May 2024 & repeated
Saturday, 1 June 2024
Hyatt Place, Essendon Fields

BRISBANE

Wednesday, 12 June 2024
Brisbane Airport Conference Centre, Brisbane Airport

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The member package offers unlimited Continuing Professional
Development (CPD) training and the Continued Biosecurity
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Individual topics can also be purchased at prices listed on the
training website - www.ComplianceNetFTA.com.au.

2024 CARE FACTOR INDUSTRY CHARITY TRADE BALL

SYDNEY

Friday 26 July 2024 - Christmas in July
Fullerton House, Martin Place, Sydney

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