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### 1. YIFFYA Award Finalists

The Club is the proud supporter and co-sponsor of the Young International Freight Forwarder of the Year Award ("YIFFYA"), together with FIATA, IATA and ITJ. Last year, the following young professionals were nominated for the final round, in which the overall winner, Marlena Goldberger, a young lady from the UK, was selected.

|                              |                    |
|------------------------------|--------------------|
| Region Europe:               | Marlena Goldberger |
| Region Africa / Middle East: | Vishal Joshi       |
| Region Asia / Pacific:       | Lin Yisong         |
| Region Americas:             | Pamela Rooney      |

Marlena Goldberger was the candidate from British International Freight Association and is an employee of Eagle Global Logistics in Birmingham. Marlena received her award during the Gala Dinner at the FIATA World Congress in Shanghai on Wednesday, 20th September 2006.


Sincere congratulations go to all four regional winners for their excellent work. Entrants wrote on the subject of door-to-door international movement of personal and very expensive consignments subject to documentation, customs and legal requirements as well as a critical time constraint. The high quality of the dissertations made the judging process difficult. All four winners attended the FIATA World Congress in Shanghai to receive their certificates and trophies.

In addition to the week she just spent in London in September on Millers' An Insight into Transport Insurance and Law Course, Marlena can select one of the Club's regional centres London, Hong Kong or New Jersey as the venue for her two week's practical experience. The Club's offices look forward to welcoming Marlena.

You can view Marlena's paper "Exporting Culture and Class" on the TT Club website:

[http://www.ttclub.com/TTClub/ttclub.nsf/70970a8273cf412080256c800003b110/65839595c2a533b5802571fb004cfc7e/\\$FILE/YIFFA%202006%20Winning%20Paper.pdf](http://www.ttclub.com/TTClub/ttclub.nsf/70970a8273cf412080256c800003b110/65839595c2a533b5802571fb004cfc7e/$FILE/YIFFA%202006%20Winning%20Paper.pdf).

The contest for the "Young International Freight Forwarder of the Year" is open to freight forwarders aged under 30 in the competition year, and who have been working full-time in freight forwarding for at least two years.


The National Associations have already distributed the Documentation for the 2007 YIFFYA award; the deadline for nominating candidates is 15th January 2007. We sincerely hope that we will receive many nominations for the 2007 award. Each of the FIATA National Association is entitled to present one candidate. We hope all candidates will make every effort to take part in this contest. 

## 2. Friendly Competition for Best Practice

Just two weeks before the Christmas, in Hong Kong, the International Forklift and Pallet Building Competition took place at the HACTL's Super Terminal 1. The event was a joint effort of the Hong Kong Air Cargo Terminal Ltd (the "Hactl") and the Airport Authority of Hong Kong, to exchange and promote operational skills and safety practices on fork lifting and pallet build-up.

International contenders included Air China, British Airways, Japan Airlines, and KLM Royal Dutch Airlines. The home teams were from Hactl and Multi Express.

Japan Airlines was the winner of the Pallet Building category, while KLM won the "safety award" under the Forklift Operation category. Hactl, winner in the forklift operation competition, also became the overall champion.

"This industry competition is a very meaningful event which helps foster a safety culture in the trade and strengthen the awareness of both the employers and employees," said Pang Kwok-lam, chief occupational safety officer, Hong Kong Labour Department. 

## 3. "Without prejudice" and "privileged" correspondence

The words "without prejudice", which are sometimes marked on business correspondence, are not new to those of you who have worked with insurance and claims cases.

"Without prejudice" is used to earmark documents relating to all negotiations genuinely aimed at a settlement between the parties. The effect of the remark is to make the document "privileged". This means that a party cannot be required to disclose it in the relevant stages of the litigation. The rule protects a party from being embarrassed by any admission of fact or contentious statements made purely in an attempt to achieve an amicable settlement.


Therefore, any communication intended to be part of a settlement attempt must be clearly marked "without prejudice" at the top of the letter, fax, or e-mail.

However, it would be a mistake to think that once the correspondence is marked "without prejudice", the writer can always go back on what he has said. "Without prejudice" correspondence containing a valid offer and acceptance can form a binding contract or settlement agreement. Evidence of the agreement (even "without prejudice" documents) can be shown to the court by the party who wishes to enforce it (if, say, the other side does not comply with the terms of the settlement).

As said above, a privileged document can be protected from being disclosed in the court proceedings. The doctrine of privilege in respect of civil litigation exists to enable a legal advisor to investigate a case without the fear of prejudicing a client's interest. All correspondence between a legal advisor and his client is privileged, provided that the communication is for the purpose of giving legal advice or assistance, or is a matter that may be litigated. An incident report, for example, may be privileged if it is prepared after an incident likely to give rise to litigation proceedings solely for the purpose of obtaining legal advice and is addressed to the sender's legal advisors or insurers.

We therefore recommend that accident reports be endorsed with the following words:

"Confidential report for the information only of the company's legal advisors prepared solely for the purpose of obtaining professional advice in proceedings pending, threatened or anticipated."

Alternatively, even the words, "Privileged report" would be helpful to demonstrate the true purpose of the correspondence. 


#### 4. Make your valuable cargoes less vulnerable

Cargo, like computer parts, mobile phones, electronic equipment, and spirits in road transit are a target for criminals. A member of the Club recently experienced two expensive thefts involving electronic equipment within the space of two months. One of the incidents happened in the Northampton industrial area of the UK, and in this case, the driver was subjected to some sort of gas being sprayed through the cab's ventilation system to ensure that he stayed asleep during the course of the theft.


Whist methods used to steal cargo from vehicles have become more sophisticated, we continue to see many forms of theft which could have been avoided. For example, successful old tricks like "round-the-corner" (or "jump up") thefts and drivers being lured from cabs by a "problem" with the vehicle, are still being used.

It is almost common knowledge among truck thieves that vehicles waiting in industrial areas may contain valuable cargo and are rich pickings. In transporting valuable cargo, the Club recommends the following simple but fundamental security tips:

- A carefully planned delivery time so as to keep parking time to a minimum;
- If overnight parking is inevitable, all drivers should be directed to park their vehicles in a secure area;
- Under no circumstances should the doors or windows be opened in an unsecured location.

Safe journey and security does not necessarily require a lot of capital investment. Good planning and procedures can be enough to discourage many criminals. 

#### 5. Conclusion

We hope that you will have found the above items interesting. If you would like to have further information about any of them, or have any comments you would like to make, please email the editor at [tt.talk@ttclub.com](mailto:tt.talk@ttclub.com). We look forward to hearing from you. 

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