

Andrew Hudson

Partner

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Andrew is a Partner in our Litigation team, with significant expertise across international trade law and customs.

Andrew is a trusted and highly-regarded industry adviser to businesses, industry associations, other peak bodies and government, and regularly consults on legal and trade developments that affect Australian and international businesses.

He assists importers, exporters, licensed customs brokers, freight forwarders, shippers, marine insurers and trade financiers, and other industry parties with procedural and legal advice, including reviews and litigious matters. This advice is provided in Australia and overseas, where Andrew works with a network of colleagues at law firms across the world.

Andrew specialises in all areas of trade including international trade conventions, dispute resolution and arbitration, trade financing options, commodity and freight contracts. He represents his clients' best interests during inquiries or prosecutions by government agencies, in matters involving dumping and alleged underpayments of customs duty, alleged breaches of licence conditions by service providers (such as licensed customs brokers), biosecurity and defence control issues along with any associated litigation.

Andrew is a member of the board of directors of the Export Council of Australia (**ECA**) and the Food and Beverage Importers of Australia (**FBIA**), and is regularly engaged in these capacities to engage with the government agencies and peak industry bodies operating across Australian borders.

Expertise

Customs & Trade
Litigation & Dispute Resolution
Manufacturing
International Business
Transport & Logistics

Specialisation

Customs regulations
International relations
International trade law

Significant Experience

- Judicial and administrative review of the actions of various government agencies including the Department of Home Affairs the Australian Border Force (**ABF**), the Department of Agriculture, the Office of Transport Security (**OTS**), the Department of Export Controls, the Australian Taxation Office (**ATO**) and the Anti-Dumping Commission (**ADC**).
- Representing a significant Australian manufacturer in a number of Administrative Appeals Tribunal (**AAT**) matters to oppose applications for Tariff Concession Orders (**TCOs**) by importers of competing products.
- Representing significant Australian importers of bed linen in an AAT action to reinstate TCOs leading to a refund of customs duty and GST in excess of \$70 million.
- Representing parties in AAT matters relating to valuation, tariff classification and TCOs.

Qualifications

Bachelor of Arts,
University of Melbourne

Bachelor of Laws,
University of Melbourne

Memberships

Vice-Chair, Advisory Body on
Legal Matters, International
Federation of Freight Forwarders
Associations

Director, ECA with responsibility
for the Trade Policy Committee

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- Acting for Chinese manufacturers and exporters of chemicals to oppose allegations of dumping of its product in Australia.
 - Acting for a major Australian importer of Asian foodstuffs to oppose the application of anti-dumping measures, including a successful review of customs action to the Trade Measures Review Officer (**TMRO**) as the predecessor to the Anti-Dumping Review Panel
 - Representing major Australian importers of aluminium road wheels to oppose allegations of dumping of the products in Australia, including a successful review of the actions of customs before the TMRO and a subsequent successful Federal Court review of the actions of Customs and the Minister for Home Affairs.
 - Representing Australian importers and Korean exporters of hot rolled coil steel to oppose allegations of dumping of the products in Australia.
 - Representing Australian importers of galvanised steel to oppose allegations of dumping and subsidy of the products imported to Australia.
 - Representing Chinese and Korean exporters of Power Transformers to oppose allegations of dumping of power transformers.
 - Representing major Australian importers of stainless steel and other steel shelving and racking to oppose allegations of dumping and subsidy of the products in Australia.
 - Representing Australian importers of other goods of various types to oppose allegations of dumping and subsidy of the product in Australia.
 - Successfully representing freight forwarders and licensed customs brokers in litigation regarding provision of services.
 - Acting for a number of Australian companies to review tariff classifications adopted by the ABF and the alleged incorrect use of concessional items leading to a reduction of duty payable and a refund of past duty paid.
 - Acting for industry associations, importers and service providers to secure compensation for losses following the introduction of new customs IT systems and in response to incorrect actions by customs and other government agencies.
 - Representing industry during the introduction of new legislation including submissions to government on new legislative and procedural changes, appearances before Parliamentary Inquiries into implementing legislation, appearances before the Productivity Commission, submissions on reviews of Free Trade Agreements and the Australian anti-dumping and subsidy regime.
 - Submissions to the Senate Inquiries on Trade Modernisation Legislation, legislation imposing strict and absolute liability (including for customs offences), new anti-dumping legislation, proposed Free Trade Agreements, proposed World Trade Organization Agreements and other customs reform.
 - Representing parties in investigations by other government agencies including defending prosecutions by those agencies.
 - Representing major Australian food manufacturers, exporters and other companies trading in Australian and overseas including defending investigations by overseas governments and their agencies.
- Chairperson of the Private Sector Group, National Committee on Trade Facilitation (**NCTF**)
- Former Chair, International Law Committee, Law Institute of Victoria
- Former member, Council of the Law Institute of Victoria
- ECA and FBIA Representative, NCTF as well as all advisory groups
- Former deputy Chair, International Trade and Business Committee, International Law Section of the Law Council of Australia
- ECA representative, Cargo Working Group (established by the OTS)
- Former ECA representative, Customs/Treasury/ATO Consultative Working Group on Transfer Pricing
- ECA representative, Advisory Committee to assist implementation of the Australian Trusted Trade Programme (established by the ABF)
- FBIA representative, International Trade Remedies Forum (**ITRF**) (established by the ADC) and all sub-committees of the ITRF
- Member, Victorian Advisory Committee of the CBFA
- Member, Management Committee of the FBIA
- Former Member, Services Export Advisory Committee conducted by DIIRD within Victorian Government
- Member, Advisory Committee, Australian Law Reform Commission's former Reference on 'Civil and Administrative Penalties'
- Member, Customs and International Trade Bar Association
- Member, International Law Section of the American Bar Association

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- Advising freight forwarders and their insurers in relation to the return and recovery of 170 containers of potentially hazardous material from Vietnam and the safe disposal of that material in Australia.
- Advising on regulatory and compliance issues including the focus on licensing of service providers, cargo reporting issues and the customs aspects of Transfer Pricing Arrangements.
- Advising on sanctions restrictions on the exports of goods to Iran and other countries subject to sanction.
- Advising on the export and import of controlled goods including securing all necessary approvals.
- Advising on biosecurity issues and dealing with the Department of Agriculture and Water Resources including restrictions on the import of prawns and other pests.
- Extensive involvement in provisions of education to industry groups by industry associations including delivery of a number of presentations to the Customs Brokers and Forwarders Council of Australia (**CBFCA**) CPD program.
- Presentations at other industry conferences such as those conducted by the American Bar Association.
- Presentations to Masters of Law students at the University of Melbourne on International Trade issues.