

Andrew Hudson

Partner

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Andrew Hudson is a Partner in our Customs & Trade team, with significant expertise across international trade law and customs.

Andrew is a trusted, highly regarded adviser to businesses, industry associations, 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, operators of premises licensed by the ABF, freight forwarders, insurers and other industry parties with procedural and legal advice, including reviews and litigious matters. Andrew has provided these services in Australia and other jurisdictions around the world including New Zealand, China, Korea, Singapore, Thailand, the EU, the UK and the US.

Andrew specialises in all areas of trade including international trade conventions, dispute resolution with border agencies operating at the border 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, breaches of licence conditions by service providers, biosecurity and defence control issues along with any associated litigation.

Andrew is regularly recognised for his expertise in international legal guides, including the Lexology Index (formerly Who's Who Legal) and Best Lawyers.

Andrew is a Director and Life Member of the International Forwarders & Customs Brokers Association Australia (IFCBA), a Director of the Export Council of Australia (ECA), and an Executive of the Management Committee of the Food and Beverage Importers of Australia (FBIA). In these capacities, he is actively involved and regularly engages with government agencies and peak industry bodies operating across Australian borders as well as in overseas jurisdictions.

In addition, Andrew holds various advisory positions, including for the National Committee on Trade Facilitation (NCTF) and its advisory groups, the International Trade Remedies Forum (ITRF) and all sub-committees, the Australian Border Force (ABF) Advisory Committee to assist implementation of the Australian Trusted Trader Programme, the Australian Law Reform Commission's former Reference on Civil and Administrative Penalties', the Stakeholder Advisory Committee to the development of the *New Zealand Customs and Excise Act 2018* and the *Australian Biosecurity Act 2018*, the Business at OECD (BIAC) Trade Committee and various customs committees at the International Chamber of Commerce. He is also Chairperson of the NCTF Private Sector Group, established by the ABF to implement the WTO Trade Facilitation Agreement, and is a member of the Department of Foreign Affairs and Trade Rules of Origin consultative group.

Further, Andrew has held leadership positions with the Law Council of Australia and the Law Institute of Victoria.

Expertise

Customs & Trade

Litigation &
Dispute Resolution

Specialisation

Customs regulations

International relations

International trade law

Sectors

International Business

Manufacturing

Transport & Logistics

Significant experience

- Judicial and administrative review of the actions of various government agencies, including the Department of Home Affairs, Australian Border Force (**ABF**), Department of Agriculture Fisheries and Forestry (**DAFF**), Office of Transport Security (**OTS**), Australian Sanctions Office (**ASO**), Department of Export Controls, Australian Taxation Office (**ATO**) and Anti-Dumping Commission (**ADC**).
- Representing a significant Australian manufacturer in a number of Administrative Appeals Tribunal (**AAT**) and the Administrative Review Tribunal (**ART**) 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.
- Successfully representing importers of goods in findings by the AAT and the Federal Court of Australia that anti-dumping and countervailing products did not apply to the goods they were importing.
- Representing overseas exporters of various products and their Australian importers in relation to investigations and other matters before the ADC including chemicals, power transformers, canned mushrooms, aluminium road sheets, aluminium extrusions and steel of different types. This has included appeals before the Anti-Dumping Review Panel and the Federal Court.
- Successfully representing freight forwarders and licensed customs brokers in litigation regarding their provision of services.
- Acting for several Australian companies to review tariff classifications adopted by the and the alleged incorrect use of concessional items leading to a reduction of duty payable and 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 Federal and State legislation including submissions to the 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.
- Representing parties in investigations by other government agencies operating at the border such as the DAFF including defending prosecutions by those agencies and actions to protect import and export permits.
- Representing major Australian food manufacturers, exporters and other companies trading in Australia and overseas including defending investigations by overseas governments and their agencies.
- 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 restrictions on the exports of goods to Iran and other countries subject to sanctions, including significant advice to overseas parties on the scope of Australia's sanctions and import and export controls arising from the Russian conflict with the Ukraine.

Qualifications

Bachelor of Arts,
The University of Melbourne

Bachelor of Laws,
The University of Melbourne

Memberships

ECA, Director and Trade Policy Committee

IFCBA, Director, Victorian Advisory Committee and Life Member

FBIA, Executive Committee

ICC, Global Customs and Trade Facilitation Commission and Australia National Policy Committee

International Federation of Freight Forwarders Associations (**FIATA**), Member of the Advisory Body on Legal Matters (**ABLM**)

Customs and International Trade Bar Association of New York City

International Law Section of the American Bar Association

Business at OECD (**BIAC**) Trade Committee

Significant experience, cont.

- Advising on the export and import of controlled goods including securing all necessary approvals for their movement.
- Advising on restrictions on the import of prawns and other pests such as the Brown Marmorated Stink Bug and the Khapra Beetle.
- Advice on the import of goods which may contain asbestos or engineered goods as well as defending actions by the ABF against possible imports of those goods.
- Extensive involvement in providing education to industry groups and associations, including delivery of several presentations to the IFCBAA CPD program.
- Presentations at industry conferences in Australia and overseas, such as those conducted by the American Bar Association, the International Federation of Customs Brokers Associations, the Customs Brokers and Freight Forwarders Association of New Zealand and the International Chamber of Commerce (ICC).
- Presentations to students undertaking Master of Laws and visiting judicial delegations at The University of Melbourne on International Trade issues.