

“We’re gonna need a bigger Org chart”

Regulating for Globalization

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Some readers will recall the final scenes of the original Jaws movie when the captain of the shark hunting vessel (Robert Shaw) finally sees the size of the monster shark and loudly announces “You’re gonna need a bigger boat” (and is then eaten by the shark).

Much of Government and its agencies are explained by reference to an Organisational (**Org**) chart which has been a vital tool in explaining the machinery of Government and its agencies. This has been especially beneficial to those in the customs and trade industry which in recent time has seen a rapid evolution from the Australian Customs Service to the Australian Customs and Border Protection Service (with additional Australian Border Force (**ABF**)) through to the Department of Home Affairs (**DoHA**) (including the ABF).

Indeed, the new DoHA and its elements were announced and described in some detail at last year’s Industry Summit convened by the Federal Government leading relatively shortly afterwards, to the DoHA being “stood up” in December 2017. Of course it did not entail the simple expedience of a name, logo and uniform change but also substantial internal restructure and changes to resources and role even with the ABF being said to retain its traditional role as “Australian Customs Service”.

The process of standing up the DoHA was once described as the largest administrative task of the Commonwealth (with which I would disagree as Federation itself and both World Wars presumably presented even larger challenges). Even so, there was a significant period of some uncertainty, especially around some of the less mainstream aspects of the regime around the work being done on trade facilitation initiatives and the future of the associated entities established around Australia’s obligations under the WTO Trade Facilitation Agreement, primarily the National Committee on Trade Facilitation (**NCTF**) and its various committees such as the Compliance Advisory Group (**CAG**), the Regulatory Reform Group, the Legislation Review Group and the much-loved Trade Facilitation and Initiatives Working Group with responsibility for the Australian Trusted Trader Group and the Single-Window Initiative.

Of course the various changes led to the issue of many successive “Org Charts” with different names, colours and titles to those we had seen before, which, of themselves, caused some concerns in trying to contact those

officers with whom industry had developed relationships. The main constant at the top was, of course, the relevant Minister. All seemed to be getting into some sort of order including recent news on meetings of the CAG and some direct discussions on work to be done at NCTF.

That was all fine until 21 August 2018 when former Minister Dutton, one of the originators of the DoHA, resigned his position and moved to the back bench among a series of moves that defied even the most sophisticated Org Chart. So we have a new DoHA Minister (at least today) who is also our Treasurer which makes him a busy man hopefully with more than one office. Yet even with all the turmoil, other good news was released by the appointment of two new Deputy Commissioners by the ABF.

Politics aside, I know that no-one in the industry takes any joy in developments which adversely affected our border agencies and we hope that our colleagues and friends in the agencies are being well supported. We also fervently hope that the signs of life in good hands on the modernisation and facilitation agenda continue apace and that we can all work together at NCTF and its other committees to advance the important work of facilitation and innovation.

Of course, all could be different later this week!

If confused, contact your friendly neighbourhood trade lawyer.