



Christopher Peadon

NEW/CHAMBERS

LLB / BSc (UTS), LLM (Syd)

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Admitted to the legal profession	2001
Admitted as a barrister in NSW	2011
Also entitled to practise in	All Australian jurisdictions (Commonwealth, State and Territory)

Principal areas of practice

Taxation and Revenue
Commercial Law
Insurance and Reinsurance

Awards and Professional Recognition

Chambers & Partners – Asia-Pacific Guide: Australian Tax Bar (2017, 2018)
Best Lawyers in Australia: Tax Law (2017)
International Tax Review: Tax Controversy Leaders (2016, 2017)
Who's Who Legal – Australia (Tax) (2017)
Doyle's Guide: Leading Tax Barristers (2016, 2017)
Corporate LiveWire Tax Lawyer of the Year (2018) – Australia

Previous professional experience

Allens, Solicitor and Senior Associate (2001-2011)

Professional memberships

NSW Bar Association (2011 – present)
Law Council of Australia, Business Law Section, Tax Committee (Sydney) (2011 – present)
Tax Institute of Australia (Fellow) (and member of Dispute Resolution Technical Committee)

Additional Information

Chris practises in commercial law, with a focus on tax, regulatory actions, and insurance.

Chris is recognized as a leading member of the junior tax bar, with an extensive practice acting for both the revenue and taxpayers. He has extensive experience advising on transactions, audits and appeal proceedings, including in relation to international tax issues, anti-avoidance provisions and TARP. He also regularly acts for high net worth family groups. He has a broad commercial practice acting for insureds and insurers, in class actions, and in regulatory examinations and penalty proceedings (ASIC and ATO).

Current and recent clients include News Corporation, John Holland, Clear Channel International, the liquidators of the Bell Group, Octaviar and ABC Learning, London market insurers, and the Salvation Army.

Professional profiles

au.linkedin.com/in/chrispeadon

(*) denotes unled:-

Commercial & regulatory matters

- Babcock & Brown Claims: acting for underwriters in \$80m+ claims (settled, with Stuart Donaldson SC).
- Dominion WFS P/L v Phillpot & Andrews (NSWSC)*: acting for former Chairman of Trio Capital in claim for breach of duties.
- Acting for liquidators of ABC Learning Centres in defence of \$400m misleading and deceptive conduct claim (resolved, with J Lockhart SC).
- Sliteris v Ljubic [2014] NSWSC 1632* - corporate insolvency: successful defence of validity of administrator's appointment.
- Proposed \$50m class action (NSWSC, resolved, with Ian Jackman SC and Tom Thawley SC)
- ZYX Learning Centres (in liq) v CBA, Westpac, ANZ & NAB – (FCA, settled, with Ian Jackman SC and Mark Richmond SC) – corporate insolvency: acting for liquidators of former ABC Learning Centres in \$80 million unfair preference claim against secured lenders.

Tax law (Federal)

- Resource Capital Fund IV LP v FCT [2018] FCA 41 (with Mark Richmond SC and M O'Meara) – TARP – corporate limited partnerships (Div SA) – income/capital source application of US convention against Double Taxation.
- Newmont Canada FN Holdings VLC v FCT (with Mark Richmond SC) – TARP – application of US/Canadian conventions.
- News Australia Holdings Pty Ltd v FCT [2017] FCA 645 – derivation of interest income on receipts or accruals basis.
- The Bell Group Ltd (in liq.) v FCT (FCA, ongoing, with Mark Richmond SC) – \$260m tax dispute arising from settlement of litigation with banks.
- Corporate Taxpayer v FCT (pre-litigation, resolved, with M Richmond SC) – acting for taxpayer – \$800m disputed deduction for bad debts of group treasury entity.
- Corporate Taxpayer v FCT (AAT, resolved, with Mark Richmond SC): acting for taxpayer – derivation of interest income/Part IVA.
- Corporate Taxpayer v FCT (AAT, resolved, with Mark Richmond SC): acting for Commissioner in \$110 million dispute – TARP.
- MNWA Pty Ltd v DFCT [2016] FCAFC 154 (with Mark Robertson QC) – setting aside statutory demand for tax debt (1st instance: (2015) 109 ACSR 265)
- Whitby Land Company P/L v DFCT [2017] FCA 28 (with Mark Robertson QC) – application to quash assessments as tentative or provisional (“Stokes”).
- Bell Group Ltd (in liq.) v DFCT (2015) 339 ALR 348 (with Mark Richmond SC): taxation – successful application to set aside garnishee notice.
- Oswal v FCT [2015] FCA 1366 (with Tom Thawley SC) and [2015] FCA 1394: income tax – interlocutory applications.*
- John Holland v FCT (2015) 232 FCR 59 (FCAFC, with Brendan Sullivan SC): successful appeal by taxpayer re deductibility of travel costs for “fly-in fly-out” employees (First instance: [2014] FCA 1332).
- Davies v FCT (2015) 234 FCR 93 (with Mark Richmond SC) – income tax: successful appeal by taxpayer in relation to employee share scheme.
- Charter Hall v FCT (FCA, settled, with David Russell QC) – income tax: acting for taxpayer in dispute re whether loss on loan to employee share trust on revenue or capital account.
- FCT v Messenger Press (2013) 212 FCR 298 (FCAFC) - income tax: successful appeal by News Corp re foreign exchange loss deductions resulting in \$880m refund (with Neil Young QC and Mark Richmond SC) (1st instance: (2012) 90 ATR 69).
- Macquarie Bank v FCT [2011] FCA 1076 (with A Slater QC and J Hmelnitsky) - income tax: Part IVA / consolidation.

Tax law (State)

- Salvation Army (NSW) v CCSR [2018] NSWSC 128 (leading decision on exemption for charitable bodies).
- Winston-Smith v CCSR (pre-litigation, with J Hmelnitsky SC) – “just and reasonable” exemption from landholder duty (s163H).
- Taxpayer v CCSR (pre-litigation, with J Hmelnitsky SC) – \$50m assessments: declaration of trust.
- Tay v CCSR (2017) 105 ATR 583 [2017] NSWSC 338 (with Mark Richmond SC) – landholder duty (\$30 million): deceased estate exemption.
- Gloucester Coal v CCSR (NSWSC, resolved, with Mark Richmond SC): acting for corporate taxpayer in \$30m dispute concerning landholder duty on acquisition of mining company.
- Temporary Holding Clubs (No. 1 and 2) v CCSR (NSWSC, resolved, with Mark Richmond SC) – acting for “Panthers” Group of licenced clubs in relation to club amalgamation / de-amalgamation exemptions.
- Milstern Nominees Pty Ltd v CCSR (NSW) (2015) 89 NSWLR 43 (with James Hmelnitsky SC) - landholder duty: successful application for partial exemption from liability to duty on the grounds that it is “just and reasonable” (s163H).
- CTI Joint Venture Company Pty Ltd v CCSR (NSW) (2013) 87 ATR 709; [2013] NSWSC 20 (with Mark Richmond SC) - stamp duty: successful appeal in respect of whether options to acquire land were dutiable transfers or non-dutiable novations.
- CCSR (Vic) v Snowy Hydro (2012) 43 VR 109 (VSCA) (with John de Wijn QC and Mark Richmond SC) - land rich stamp duty: acting for taxpayer concerning acquisition of shares in entity that owned a power station.

Publications

Chris regularly presents papers to professional associations (including the NSW Law Society and the Tax Institute) and to individual professional services firms and clients. Recent seminar topics concerned appeal rights from the AAT to the Federal Court (see Haritos), the importance of credibility in regulatory proceedings, and legal professional privilege in the context of providing tax advice.

- Chair of panel session at Law Council (BLS) National Tax Workshop (September 2016), “Foreign investment”.
- Presentation, Tax Institute National Infrastructure Conference (27 May 2016), “Division 6C Property Funds: land in the context of infrastructure”. Paper presented subsequently published in *The Tax Specialist*, Vol 20(1) August 2016, p11.
- Presentation (Ethical obligations of tax advisors), NSW Law Society Continuing Education Program, “Practising the Dark Arts in the Age of Enlightenment” (September 2016).
- Co-author of Submissions for LCA to Treasury and House of Representatives & Senate Committees in relation to reforms of client legal privilege, Part IVA and transfer pricing; LCA representative on ATO consultation in relation to Commissioner’s remedial powers.
- “Scope for Future Development of Constitutional and Administrative Law Aspects of Tax Appeals”, paper presented to NSW Bar Association Constitutional and Administrative Law Section (27 February 2014) (Chair: Neil Williams SC).
- “‘Shareholder’ lost in Cross City Tunnel” (2014) 32 *Companies & Securities LJ* 145.
- “The importance of being earnest ... when recording oral advice” (2013) 48(3) *Taxation in Australia* 143 (paper presented in March 2014 at Tax Institute seminar).
- Presentation, “The Importance of Credibility in Regulatory Proceedings” (2013) (presented at NSW Law Society CLE session with Jacqueline Gleeson SC); subsequently published in 2 parts in *Taxation in Australia*, Vol 50(7), p388 (Feb 2016) and Vol 50(8), p467 (March 2016)
- “Part IVA and loss of privilege” (2011) 46(4) *Taxation in Australia* 142
- “Withholding tax on partial assignments of copyright” (2011) 15(2) *The Tax Specialist* 88.
- “Dividend stripping: the life and times of s177E” (2011) 26(1) *Aust. Tax Forum* 51.
- “NSW stamp duty anti-avoidance measure” (2011) 40 *Aust. Tax Review* 52.