



## CHRIS PEADON

*Bachelor of Laws/Bachelor of Science - University of Technology Sydney  
Master of Laws - University of Sydney*

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**in** [chrispeadon](#)

### Admitted to the legal profession

2011

### Admitted as a barrister in NSW

2011

### Also entitled to practise in

Australian jurisdictions (Commonwealth,  
State and Territory)

Chris has over 20 years' commercial and tax law experience.

In Chambers Asia Pacific 2022 Chris is ranked Band 1 (Tax) and is acknowledged as a "very experienced junior" who combines a hands-on approach with 'a similar level of experience and expertise to, and a lot of the softer skills of, a QC'.

Clients say he commands "respect as on one of those barristers 'who live and breathe their profession'" and are comfortable calling him on difficult matters "since he's done it all" - Chambers Asia Pacific 2021.

Chris' recent cases include leading decisions on transfer pricing (SingTel), taxation of gains made by foreign residents (Resource Capital Fund IV), the revenue / capital distinction (Healius), residency (Harding - special leave), fringe benefits (Virgin), use of taxpayer information (La Mancha), and stamp duty exemptions for charities (Salvation Army and YWCA). He is currently involved in several high value audits and appeals concerning transfer pricing, Tax Treaties, R&D, Div 7A, PSI, withholding tax, Part IVA, superannuation, residency and stamp duty. He is commonly briefed to appear unled against Silk.

Chris' career highlights also include acting for:

- News Corporation in its successful claim for an \$850 million refund for foreign exchange losses
- The Bell Group (in liq) in its appeal from a \$260 million assessment following the successful multi-billion claim against its banking syndicate
- John Holland in its successful appeal to the Full Federal Court for deductibility of travel costs for "Fly-in Fly-out" (FIFO) workers

Additional current and recent clients include Aurizon, Bechtel, Mineralogy, Lehman Bros (in liq), Zip (bnpl), Australian Solar, and Lakes Oil. Chris also acts for a number of high net worth (HNW) private groups in a range of advice, audit and litigious matters.

He is regularly instructed by the Big 4, large international and domestic law firms, and boutique legal and accounting practices.

In addition Chris is briefed in a range of matters for both the Australian Taxation Office, and Screen Australia (tax offsets for film / TV productions).

As to general commercial work, Chris acts for underwriters of financial lines insurance, and also individuals subject to regulatory inquiries, and liquidators examinations. He acted for underwriters of Babcock & Brown's D&O Policy in relation to suits brought against B&B directors and officers in respect of unsuccessful investments, and also for the Chairman of Trio in relation to its \$400 million collapse.

#### **Independent client surveys:-**

Chris is ranked as a leading tax junior in all major client surveys: Chambers and Partners (Band 1), Legal 500 (Band 1), Best Lawyers, World Tax (in association with the International Tax Review), Who's Who Legal, Doyle's Guide (Preeminent).

Chris' "broad tax law practice embraces mandates both for taxpayers and for the ATO and incorporates noted expertise in transfer pricing and the taxation of capital and revenue and foreign investments. Interviewees rate him, not only as 'a good sort of person to have on the team for large matters,' but also as a 'very experienced junior barrister' who combines a hands-on approach with 'a similar level of experience and expertise to, and a lot of the softer skills of, a QC.'" - Chambers Asia Pacific 2022.

"One of the best senior-juniors in the tax space at the Sydney bar... approachable and does [a mix of] work for taxpayers and the Commissioner". ... 'an excellent junior, is willing to pull out all the stops' when tackling tax cases." - The Legal 500 Asia Pacific 2021 (Tax Bar).

"Chris [commands] respect as one of those barristers 'who live and breathe their profession' and for his versatility in acting for both taxpayers and the ATO. Able 'to deliver a really good product on really complex matters within the time needed,' he inspires one interviewee to observe: 'If I have a difficult matter, I feel comfortable calling him since he's done it all.'" - Chambers Asia Pacific 2021.

"Chris .. is an increasingly prominent senior junior at the tax Bar who is also accomplished in commercial and insurance law. '[He] is a standout in terms of engaging in current issues in the tax space, including ethics in tax' " - Chambers Asia Pacific 2020 .

"Chris .. is a sought after advocate, with experience appearing at all levels of the Australian court system" - Chambers Asia Pacific 2019.

"Chris ... is considered an 'excellent tax barrister' by clients and wins praise for 'fighting for his clients while providing objective advice' " - Chambers Asia Pacific 2018

## PROFESSIONAL EXPERIENCE

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**2001 -2011:** Solicitor/Senior Associate, Allens + Linklaters.

## AWARDS OR PROFESSIONAL RECOGNITION

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**Chambers & Partners – Asia-Pacific Guide:** Australian Tax Bar (2017 - present) (Band 1)

**Legal 500 Asia Pacific - The Bar (Tax) (inaugural list in 2021)**

**Best Lawyers in Australia:** Tax Law (2017 - present)

**World Tax (in association with the International Tax Review):** Tax Controversy Leaders (2017 - present)

**Who's Who Legal** – Australia (Tax) (2017 - present)

**Doyle's Guide:** Leading Tax Barristers (2016 - present) ('Preeminent')

## PROFESSIONAL MEMBERSHIPS

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**2011 – present:** NSW Bar Association

**2019 – present:** Practice Development Committee

**2011 – present:** Law Council of Australia, Business Law Section, Tax Committee (Sydney)

Tax Institute of Australia (Fellow) (and member of Dispute Resolution Technical Committee)

## PUBLICATIONS

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Chris regularly presents papers to professional associations such as the Tax Institute, and to individual professional services firms and clients. In 2022 he is scheduled to present at TIA forums on recent significant corporate tax cases and legal professional privilege. Previous presentations have included the follows:

- The Year's Key Corporate Tax Cases, NSW TIA Conference, 23 May 2019.

- 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.

## SELECTED CASES

## Tax

(\*) denotes unled

(\*\*) denotes unled against named Silk

*High Court*

- High Court special leave application (2021): *Healius*: capital / revenue: successfully resisted taxpayer's special leave application (led by Greg Davies QC – instructed by AGS)
- High Court special leave application (2019): *Harding's case*: residency: successfully resisted Commissioner's application (led by Brendan Sullivan SC – instructed by PWC)
- High Court special leave application (2019): *RCF IV*: TARP - Tax Treaty (led by Mark Richmond SC – instructed by Minter Ellison)

*Full Federal Court*

- **FCT v Virgin Australia Regional Airlines Pty Ltd** [2021] FCAFC 209: FBT - successful appeal - meaning of “primary place of employment” (led by Brendan Sullivan SC – instructed by ATO Review and Dispute Resolution)
- **FCT v Healius Ltd** (2020) 281 FCR 57; [2020] FCAFC 173: successful appeal by Commissioner on basis that payments made by medical centre operator to medical practitioners to acquire practices and obtain exclusive rights to provide support services were on capital account (led by Greg Davies QC – instructed by AGS)
- **FCT v Resource Capital Fund IV LP** (2019) 266 FCR 1; [2019] FCAFC 51: (5-member bench): TARP – US Tax Treaty; income / capital; source (led by Mark Richmond SC – instructed by Minter Ellison)
- **MNWA Pty Ltd v DFCT** (2016) 250 FCR 381; [2016] FCAFC 154: setting aside statutory demand for tax debt (led by Mark Robertson QC)
- **John Holland v FCT** (2015) 232 FCR 59; [2015] FCAFC 82: deductibility of travel costs for “fly-in fly-out” employees (led by Brendan Sullivan SC – instructed by PWC)
- **Atkinson v FCT** (2015) 318 ALR 585; [2015] FCAFC 18: bills of exchange – payment of tax debt (instructed by AGS) (\*)
- **News Corp FX case (Messenger Press)** (2013) 212 FCR 298: foreign exchange losses (\$2.2 billion) - \$850 million refund (led by Neil Young QC and Mark Richmond SC – instructed by Allens + Linklaters).

*State Courts of Appeal*

- **Winston-Smith v Chief Commissioner of State Revenue** (2019) ATC 20-693; [2019] NSWCA 75: landholder duty - “just and reasonable” exemption led by B Sullivan SC – instructed by Piper Alderman).
- **CCSR (Vic) v Snowy Hydro** (2012) 43 VR 109; [2012] VSCA 145: acquisition of shares in power station owning entity - land rich stamp duty (led by John de Wijn QC and M Richmond SC – instructed by Allens + Linklaters).

#### *Federal Court*

- **Singapore Telecom Australia Investments Pty Ltd v FCT** [2021] FCA 1597: \$230 million transfer pricing dispute concerning disallowance of \$894 million of interest deductions on \$5.2 billion intra-group loan used to fund acquisition of Optus in June 2002 (led by John de Wijn QC – instructed by PWC)
- **La Mancha Africa S.A.R.L v FCT** [2021] FCA 1564: decision confirming the “*Harman* obligation” in respect of documents produced on subpoena yields to the Commissioner’s statutory functions (led by Tim Begbie QC – instructed by AGS for the Commissioner).
- **FCT v Virgin Australia Regional Airlines Pty Ltd** 2021 ATC 20-793; [2021] FCA 523: FBT exemption on car parking for airline flight crew – meaning of “*primary place of employment*” for employees working at multiple business premises each day (reversed on appeal) (led by Brendan Sullivan SC – instructed by HWL Ebsworth)
- **Healius Ltd v FCT** 2019 ATC 20-722; [2019] FCA 2011: capital / revenue (led by G Davies QC - instructed by AGS) (reversed on appeal).
- **Resource Capital Fund IV LP v FCT** (2018) 355 ALR 273; [2018] FCA 41: TARP – corporate limited partnerships (Div 5A) – income/capital - source - application of US Tax Treaty (led by Mark Richmond SC – instructed by Minter Ellison)
- **Newmont Canada FN Holdings LLC v FCT** (ongoing): foreign investment – corporate reorganization – US / Canadian Tax Treaties - TARP (led by Mark Richmond SC - instructed by AGS) | interlocutory applications re strike-out and stay applications (\*\* John de Wijn QC) [2018] FCA 958 (\*\*)
- **News Australia Holdings Pty Ltd v FCT** (2017) 105 ATR 874; [2017] FCA 645 – derivation of interest income on receipts or accruals basis (Carden’s case) (led by M Richmond SC – instructed by Allens + Linklaters)
- **Whitby Land Company P/L v DFCT** (2017) 104 ATR 784; [2017] FCA 28: application to quash assessments as tentative or provisional (“Stokes”) (led by M Robertson QC)

- **DFCT v King** [2016] FCA 1281: personal tax debts – bankruptcy – setting aside personal insolvency agreement (instructed by Hunt & Hunt) (\*)
- **Oswal v FCT** [2015] FCA 1366: leave to appeal interlocutory order (led by Tom Thawley SC – instructed by Minter Ellison)
- **Bell Group Ltd (in liq.) v DFCT** (2015) 339 ALR 348: successful application to set aside garnishee notice (\$298 million) (led by Mark Richmond SC – instructed by Ashurst)
- **Oswal v FCT** [2015] FCA 1394: income tax – interlocutory application (instructed by Minter Ellison) (\*)
- **Davies v FCT** (2015) 234 FCR 93; [2015] FCA 773: taxation of employee share schemes – transitional provisions (led by Mark Richmond SC – instructed by McCullough Robertson).
- **News Corp FX case (Messenger Press)** (2012) 90 ATR 69: foreign exchange losses (\$2.2 billion) (led by Neil Young QC and Mark Richmond SC – instructed by Allens + Linklaters).
- **Macquarie Bank v FCT** (2011) 85 ATR 409; [2011] FCA 1076: income tax – consolidation – Part IVA (led by A Slater QC and J Hmelnitsky – instructed by Clayton Utz).

#### *State & Territory Supreme Courts*

- **YWCA v Chief Commissioner of State Revenue** 2020 ATC 20-774; [2020] NSWSC 1798 and **(No 2)** [2021] NSWSC 102 (costs): successful appeal for application of charitable exemption to YWCA merger of regional organisations (led by M Richmond SC - instructed by Norton Rose Fulbright)
- **Deputy Commissioner of Taxation v Malone** [2020] ACTSC 44: Directors Penalty Notice - privilege against exposure to penalties (\*)
- **Salvation Army (NSW) Property Trust v Chief Commissioner of State Revenue** (2018) 96 NSWLR 119; [2018] NSWSC 128: charitable exemption from duty – relief of poverty (led by M Richmond SC - instructed by Dentons).
- **Winston-Smith v Chief Commissioner of State Revenue** [2018] NSWSC 773: landholder duty – “just and reasonable” exemption (led by B Sullivan SC at hearing (previously T Thawley SC) – instructed by Piper Alderman).
- **Tay v CCSR (No 2)** [2017] NSWSC 504: application to vary or set aside orders - \$30 million duty dispute (instructed by Allens + Linklaters) (\*).
- **Tay v CCSR** (2017) 105 ATR 583; [2017] NSWSC 338: landholder duty (\$30 million) - deceased estate exemption (with Mark Richmond SC – instructed by Allens + Linklaters)

- **DFCT v Caudle** [2017] ACTSC 216: directors' penalty notices for unremitted withheld amounts (instructed by McInnes Wilson) (\*)
- **Milstern Nominees Pty Ltd v CCSR (NSW)** (2015) 89 NSWLR 43: landholder duty - "just and reasonable" exemption (with J Hmelnitsky SC - instructed by JMA Legal)
- **CTI Joint Venture Company Pty Ltd v CCSR** (NSW) (2013) 87 ATR 709; [2013] NSWSC 20: stamp duty – whether options to acquire land were dutiable transfers or non-dutiable novations (led by Mark Richmond SC – instructed by King & Wood Mallesons)

#### *Tribunals (Administrative Appeals Tribunal / NCAT)*

- **Lakes Oil Ltd v Innovation Australia** (AAT, decision reserved): R&D claim for activities to develop fracking technologies to exploit tight gas reserves in Victoria (instructed by Piper Alderman) (\*\* Tiffany Wong SC)
- **BSRJ v FCT** [2021] AATA 333: GST – attribution of input tax credits; remission of penalties (\*\* Kristen Deards SC)
- **Ariss v FCT** [2019] AAT 2958: personal services income – Part IVA (instructed by AGS) (\*)
- **Racing NSW v Chief Commissioner of State Revenue** [2019] NSWCATAD 172: charitable exemption for land acquisitions (\*)
- **GST Gold Case (ACN 154 520 199)** [2018] AATA 2404: Interlocutory application – Summons to Produce Documents – instructed by Minter Ellison for WA State-owned Gold Corporation) (\*)
- **Mall v FCT** [2018] AATA 1621: unexplained income (instructed by ATO Review and Dispute Resolution) (\*)
- **Fowler (dec'd) v FCT** (2016) 103 ATR 243; [2016] AATA 416: income / capital – profit making purpose - small business capital gains tax concessions – active assets – rent (instructed by ATO Legal) (\*)

#### **Commercial & regulatory matters (NSW Supreme Court and Federal Court)**

- **Re Century Sunshine Investment (Australia) Pty Ltd** [2020] NSWSC 548: directors' duties - successful opposition to application for leave to bring derivative action (instructed by Danny Simmons, PWC) and [2020] NSWSC 671 (costs) (\*\* E Peden SC)
- **Re Tiaro Coal** (resolved, NSWSC): acting for D&O underwriters - insolvency exclusion (led by Stuart Donaldson SC - instructed by CBP)



- **Babcock & Brown litigation (“Coinmach”)** [2019] NSWSC 527 – Breach of Directors Duties – D&O Insurance – Notification (*Insurance Contracts Act 1984* (Cth), s54) – Professional Indemnity Exclusion (led by **Stuart** Donaldson SC – instructed by Moray & Agnew and CBP)
- **Feldspar v Presidio Partners** (NSWSC, resolved): acting for defendants to professional negligence claim re tax advice (instructed by CBP) (\*)
- **Sutherland v GHR** (NSWSC, finalised): acting for defendants to professional negligence claim re financial advice (instructed by CBP) (\*)
- **Dominion WFS P/L v Phillipot & Andrews** (NSWSC, resolved 2018): acting for former Chairman of Trio Capital in claim for breach of duties – \$400 million fraud (instructed by HWL Ebsworth) (\*\* Andrew Coleman SC)
- **Re NSW Surf Lifesaving** (NSWSC, resolved): acting for insured defendant in relation to claim arising out of fraud at NSW Surf Lifesaving (instructed by HWL Ebsworth) (\*)
- **Narromine Irrigation Board v Pauci Pty Ltd** (NSWSC, finalised): dispute concerning unpaid rates for cotton farm irrigation (instructed by HWL Ebsworth) – interlocutory application [2017] NSWSC 1103 (\*)
- 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 (instructed by Lander & Rogers) (\*)
- **ABC 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.

Chris has acted in numerous other proceedings in the Federal Court, the NSW Supreme Court, the NSW District Court, the Federal Magistrates Court and various Tribunals. He also regularly acts pro bono in applications by persons claiming refugee status (e.g. CVS16 v Minister for Immigration [2018] FCA 951)

## PRINCIPAL AREAS OF PRACTICE

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### COMMERCIAL LAW

Administrative Law	Conflict of laws	Mining resources and energy
Alternative Dispute Resolution	Contracts	Professional liability
Arbitration	Corporations and Securities	Superannuation
Appellate	Insurance and Reinsurance	Trade Practices
Class Actions	International law	

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### COMMON LAW

Alternative Dispute Resolution	Class Actions	Professional indemnity
Appellate	Insurance and Reinsurance	Professional liability

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### CRIMINAL LAW

White collar and corporate crime

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### EQUITY

Alternative Dispute Resolution	Property	Trusts
Appellate		

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### PUBLIC AND ADMINISTRATIVE LAW

Administrative Law	Constitutional Law	Merits review
Alternative Dispute Resolution	Judicial review and administrative law	Public Law
Appellate		

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### TAXATION AND REVENUE

Alternative Dispute Resolution	Goods and services tax	Land tax
Appellate	Income tax	Payroll tax
Capital Gains tax	International tax	Stamp duty and other state taxes

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## SECTORS

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Agribusiness

Banks and Financial Institutions

Defence

Funds

Government

Healthcare

Industrials

Primary Resources

Power and Utilities

Real Estate

Technology, Media and

Telecommunications

Transport and Infrastructure