

ISHITA SETHI

Professional Qualifications

- 2013 Called to the NSW Bar
2008 Admitted to the Roll of NSW Lawyers and obtained a practicing certificate to practice as a solicitor and barrister of the Supreme Court of NSW

Education

- 2014 Master of Taxation (University of Sydney)
2013 Advocacy Skills Workshop (Australian Advocacy Institute)
2007 Bachelor of Laws/Bachelor of Commerce
(offered a scholarship bound Honours position) (UNSW)
2002 Commonwealth Scholarship recipient (UNSW)

Professional Associations & Memberships

- 2014 Member (NSW Bar Council)
2014 Professional Conduct Committee – Member (NSW Bar Association)
2014 Equal Opportunity Committee – Member (NSW Bar Association)
2014 Women Barristers’ Forum – Executive Sub-Committee Member (NSW Bar Association)
2013 Member (NSW Bar Association)
2011 Chartered Tax Advisor (The Tax Institute)

Brief Professional Experience

- 2013 Barrister
2011 Solicitor – Tax, Schurgott & Noolan
2010 Solicitor – Tax, LAC Lawyers
2008 Solicitor – Commercial, Kreisson Legal

Detailed Professional Experience

BARRISTER

Areas of Practice

- Appellate
- Administrative
- Equity
- Commercial
- Insolvency/Bankruptcy
- Taxation & Revenue
 - All aspects including CGT, income tax, GST, land tax, payroll tax, duties, trusts, estates and superannuation

Selected Recent Cases

- *Theophilus v Chief Commissioner of State Revenue* [2016] NSWCATAP 111
NSW Civil and Administrative Tribunal (Appeal Panel) – Led, for the Chief Commissioner of State Revenue
Land tax, exemptions, defending an appeal, notice of contention
- *Theophilus v Chief Commissioner of State Revenue* [2015] NSWCATCD 121
NSW Civil and Administrative Tribunal (Appeal Panel) – Unled, for the Chief Commissioner of State Revenue
Land tax, exemptions, PPR, successfully defended
- *Cosbott v Commissioner of Taxation* [2015] FCAFC 71
Federal Court of Australia (Full Court) - Unled, for the Appellant
Capital gains tax, appeal on errors of law – prepared entire appeal to the Full Court, appeal effectively dealt with on the papers
- *Cosbott v Commissioner of Taxation* [2014] FCA 1417
Federal Court of Australia – Unled, for the Appellant
Capital gains tax, appeal on errors of law
- *Chief Commissioner of State Revenue v Danny & Steven Knezevic* [2015] NSWCATAP 98
NSW Civil and Administrative Tribunal (Appeal Panel) – Led, for the Chief Commissioner of State Revenue
Duties, exemption, appeal on errors of law
- *Spirios Theophilus v Chief Commissioner of State Revenue* [2015] NSWCATAP 39
NSW Civil and Administrative Tribunal (Appeal Panel) – Led, for the Chief Commissioner of State Revenue
Land tax, exemptions, defending an appeal
- *Hunter v Hanson* [2015] HCATrans 16
High Court of Australia – Led, special leave application
- *Morrison v Commissioner of Taxation* [2015] AATA 114
Administrative Appeals Tribunal - Led, for the taxpayers
Income tax, jurisdiction to amend, sham arrangements
- *Canty v PaperlinX Australia Pty Ltd* [2014] NSWCA 309
Supreme Court of New South Wales (Court of Appeal) – Led, for the Appellants
- *Deputy Commissioner for Taxation v Hallacq* (settled on first day of hearing)
District Court of New South Wales – Unled, for the Deputy Commissioner of Taxation
Significant Debt
- *Agricultural & Rural Finance Pty Ltd v Atkinson & Ors (No. 2)* [2014] NSWSC 1397
Supreme Court of New South Wales – Led, for the Plaintiff
Application for contracts review, costs
- *Knezevic v Chief Commissioner of State Revenue* [2014] NSWCATAD 183
NSW Civil and Administrative Tribunal – Unled, for the Chief Commissioner of State Revenue
Duties, exemptions

- *Spirios Theophilus v Chief Commissioner of State Revenue* [2014] NSWCATAD 100
NSW Civil and Administrative Tribunal – Unled, for the Chief Commissioner of State Revenue
Land tax, principal place of residence exemption
- *Laviva Nominees ATF The Laviva Trust v Chief Commissioner of State Revenue* [2014] NSWCATAD 84
NSW Civil and Administrative Tribunal – Unled, for the Chief Commissioner of State Revenue
Land tax, tax default and interest
- *BQRW v Federal Commissioner of Taxation* [2014] AATA 410
Administrative Appeals Tribunal – Led, for the taxpayer
In both interlocutory and substantive proceedings
Deductibility of contributions, leave to re-open
- *In the matter of Allted Pty Ltd* (2014)
Supreme Court of New South Wales – Unled – insolvency
- *RepairCo v Commissioner of Taxation* [2014] AATA 414
Administrative Appeals Tribunal - Unled, for the taxpayer
In both interlocutory and substantive proceedings
Deductibility of contributions, jurisdiction to make assessment
- *In the matter of Employees of BHP Mutual Benefits Fund* [2013] NSWSC 1497
Supreme Court of New South Wales – Led, for the Applicant
Application for judicial advice

Examples of Other Work

- Appeared in a number of interlocutory proceedings – Led & Unled
- Advised and acted (unled) in a payroll tax litigation, in which parties settled upon filing of our submissions and evidence
- Advised and appeared in a number of joined payroll tax applications for review which settled part way through the hearing
- Advised and appeared in a mediation against NAB and obtained favourable settlement of dispute
- Represented a multi-billion dollar Australian corporate group in respect of corporate refinancing arrangement subject to audit by the ATO
- Advised high wealth private group in relation to the issue of notices of assessment by the Commissioner of Taxation concerning CFCs, transferor trusts and off-shore pension funds
- Advised a high wealth private group in relation to the issue of a notice of assessment in the range of \$200 million set aside in a controlled foreign trusts
- Advised national corporate in relation to CGT implications of royalty streams worth in excess of \$100 million
- Advised the ATO as to prospects of success in a number of anticipated actions
- Prepared objection to a notice of assessment of GST issued to an Australian export company
- Provided advice to an Australian legal practice regarding an indemnity claim against it in respect of GST liabilities
- Advised in bankruptcy proceedings in the Federal Court of Australia
- Advised and represented a trustee of a self-managed superannuation fund (SMSF) regarding obligations and taxation of benefits
- Appeared in an application for preliminary discovery in anticipated intellectual property claim

SOLICITOR

Provided extensive taxation advice and representation to high wealth private groups, SMEs, large corporates, accounting firms, financial planners and legal firms

Areas of practice included income tax, CGT, indirect taxes such as GST, land tax, duties, corporate restructures, partnerships, trusts, estates and superannuation

Commercial litigation and advice in all areas of commercial law