

SIMON LEES

Areas of Practice

Accepts briefs in all areas of law, but particularly interests in:

- Administrative
- Commercial
- Corporations
- Equity & trusts
- Insolvency (corporate and personal)
- Property
- Regulatory and tax offences
- Succession
- Taxation (including state taxes)

Qualifications & admissions

- Called to the bar 2014
- Admitted as solicitor 2010
- LLB (Hons I) (UTS) 2010
- BCom (USyd) 2002

A selection of recent matters

Tax

- *Canberra Cleaners Pty Ltd v Commissioner for ACT Revenue (No. 3)*[2017] ACTSC 340
 (ADJR challenge to garnishee notices, stay, led by D McGovern SC)
- *Global TCB Pty Ltd and Ors v Chief Commissioner of State Revenue NCAT*
 (Current NCAT proceeding, payroll tax, grouping, unled)
- *Gammer v Collector of Customs* (2017) AAT
 (Customs duty on alcohol, settled before hearing, unled)
- *Goldfish Potts Point Pty Ltd v Chief Commissioner of State Revenue* [2017] NSWCATAD 13
 (Gaming machine tax, Chief Commissioner's discretion re refund, unled)
- *Ultimate Security Services Pty Ltd v Chief Commissioner of State Revenue NCAT*
 (Payroll tax, employment agency, settled before hearing, unled)
- *Secom Australia Pty Ltd v Chief Commissioner of State Revenue* NSW Supreme Court (settled before hearing)
 (Payroll tax proceeding, employment agency and

Liability limited by a scheme approved under Professional Standards Legislation

grouping, led by R Dick SC and M Sealey)

- *Deputy Commissioner of Taxation v Ghaly* [2016] FCA 707
(Ex parte freezing orders, led by J Giles SC)
- *Bhatti v Commissioner of Taxation* [2016] AATA 24
(Part IVC review re work related deductions, unled)
- *Regis Mutual Management Pty Ltd v Chief Commissioner of State Revenue* [2015] NSWCATAD 213
(Payroll tax grouping and degrouping, unled)
- *Batts v Commissioner of Taxation* (2015) Federal Court
(Part IVC appeal re residency, settled before hearing, led by K Deards)
- *Yazbek v Commissioner of Taxation* (2015) Federal Court
(Appeal from AAT, re application of s44 derived dividends, settled before hearing, led by K Deards)
- *Sailfox Pty Ltd (in liq) and Fernclay Holdings Pty Ltd (in liq) v Commissioner of Taxation* (2015) AAT
(Stay application whilst criminal proceedings on foot, settled without hearing, unled)

Corporations/insolvency

- Advising a listed company on Corporations Act issues and ASIC inquiries
- Representing a client in ASIC compulsory examinations
- Advising a liquidator on application of *Personal Property Securities Act 2009* (Cth) to a dispute over company property
- *Arapali v Taylor as trustee of the bankrupt estate of David Arapali* (2017) Family Court of Australia
(Current proceedings resisting void transfer and s 79A *Family Law Act* applications)
- *In the matter of Pages Sales Pty Ltd* [2016] NSWSC 616
(Opposing an application to set aside a statutory demand, unled)
- *Chen v Liu* [2015] NSWSC 161, ...*(No 2)* [2015] NSWSC 479
(Validity of general meeting of incorporated association, s1322 *Corporations Act*, unled)
- *Deputy Commissioner of Taxation v Freight Management Software Pty Ltd* (2015) NSW Supreme Court
(Winding up application, court's discretion not to wind up, unled)

- *Seguin v Nysan Asia Pacific Pty Ltd* (2015) NSW Supreme Court
(Application for access to company books s247A *Corporations Act*, settled, unled)
- *Rice v Deputy Commissioner of Taxation* (2015) Federal Court and NSW District Court
(Application to set aside default judgment and a bankruptcy notice, matter discontinued, unled)

Equity/ commercial

- *Pacific Clinical Research Group Pty Limited v Kona Medical Inc* (2017) NSW Supreme Court
(Current proceedings, contract dispute, unled)
- Estate of Rowe (2017) NSW Supreme Court
(Family provision, settled, unled)
- *Abaco v Bremner Glass Equipment* (2017) NSW Local Court
(Contract, liability for GST on imports, money paid under a mistake, unled)
- *Wyse & Young International Pty Ltd t/as Wyse & Young Accounting & Ors v Corrado* [2015] NSWSC 1863
(Security for costs and freezing orders, unled)
- *P Baily Holdings Pty Ltd v Johnston* (2015) NSW Local Court
(Damages for breach of commercial lease, mitigation of loss, unled)

Property

- *Kingelty v Stockley* [2017] NSWSC 671
(Termination of contract for sale and enforcement of writs of possession, unled)
- *Keat v Keat* (2017) NSW Supreme Court
(Urgent application for withdrawal of caveat, unled, settled)

Administrative and public law

- *McKay v Transport for NSW* [2017] NSWCATAD 212
(Application under *Government Information (Public Access) Act 2009* for review of refusal to release documents, unled)
- *Clemente Group Holdings Pty Ltd v ASIC* [2016] AATA 758
(Review of refusal to grant Australian Financial Services Licence, unled against senior counsel)
- *Karim v Minister for Immigration and Border Protection* [2015]

AATA 916

(Refusal of citizenship application, good character, disclosure of conviction, unled)

Regulatory offences

- *Environment Protection Authority v Imad Osman-Kerim* [2017] NSWLEC 63

(Sentencing for failure to comply with licence condition and clean-up notices, unled)

- *Environment Protection Authority v Sydney Drum Machinery Pty Ltd (No 4)* [2016] NSWLEC 59

(Class 5 prosecution for failure to comply with licence condition and clean-up notices, led by J Giles SC)

Prior experience

Solicitor, King & Wood Mallesons 2010–2014
(formerly Mallesons Stephen Jaques)

- Tax litigation 2011-2014
- Commercial litigation 2010

Senior advisor to the NSW Attorney General, Minister for Justice and Minister for Health, John Hatzistergos 2004 - 2009

Strategy Analyst, Australian Trade Commission (Austrade) 2002 - 2004

Pro bono

- Board Member, AIDS Trust of Australia (2014 onwards)
- Advising charities and non government organisations on charitable status, tax and governance issues

Papers

- *The Hua Wang Bank case: developments in corporate residency.*
Paper to the Tax Institute International Tax Masterclass, September 2015 (with Kristen Deards)

November 2017