

IAN FULLERTON

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Summary

I have appeared (led) in the High Court and Federal Court and have represented a taxpayer (unled) before the General Anti-Avoidance Rule Panel of the Australian Taxation Office.

I have a substantial advisory practice (both led and unled) in taxation law, commercial and corporations law and regulation, superannuation law and regulation, trust law and administrative law.

I have been briefed by the Australian Government Solicitor, law firms, accounting firms, regulatory authorities, commercial enterprises and individuals.

Before coming to the Bar in 2016, I had many years' experience in:

- advising (professionally and in-house) on the taxation of financial transactions, financial institutions, cross-border transactions (including corporate acquisitions and disposals) and the taxation of income and gains derived through trusts, and
- developing, evaluating and implementing complex banking transactions as an institutional banking executive.

I have a deep understanding of the banking and finance industry, financial products, financial reporting and associated law and regulation.

I am proficient in the interpretation of financial statements, accounting and auditing standards and banking regulatory standards.

Admissions and professional qualifications

2016 Barrister, New South Wales Bar
2013 Solicitor, Supreme Court of New South Wales
1986 Advocate, Supreme Court of South Africa
1985 Institute of Chartered Accountants in England & Wales (Fellow)
1986 Institute of Chartered Accountants in Australia (Fellow) (to 2010)

Qualifications & education

Bachelor of Laws, University of Cape Town
Bachelor of Arts, University of Cape Town

Professional experience before coming to the Bar

Counsel at Ashurst Australia specialising in the taxation of financial transactions and financial institutions

Managing Director at National Australia Bank and nabCapital with responsibility for advising on, designing and implementing cross-border transactions and managing an international team

Group Tax roles at Commonwealth Bank of Australia including Head of Advisory

International tax specialist roles with PricewaterhouseCoopers London & Sydney

Associate to Justice AP Burger of the Cape Supreme Court, South Africa

Professional memberships

Member, New South Wales Bar Association
Fellow, Institute of Chartered Accountants in England & Wales
Chartered Tax Adviser
Member, Law Council of Australia

Recognition

Listed as “Recommended” or “Leading” in Doyle’s Guide to Tax Barristers in NSW, 2017 - 2021
Listed in Best Lawyers in Australia, 2020 - 2021

Membership of professional panels and committees

2019 - Taxation Committee of the Business Law Section of the Law Council of Australia
2012 - 2016 Organising Committee of the Tax Institute’s Financial Services Conference
2012 - 2013 Panel of Experts assisting the Board of Taxation in its review of tax arrangements applying to permanent establishments
1999 - 2001 Australian Executive Committee of the International Fiscal Association
1997 - 1999 Panel of Experts assisting the University of New South Wales ATAX School

Publications

Co-author of *Ford & Lee: The Law of Trusts*, Thomson Reuters.

Co-author of *The Australian Tax Handbook*, Thomson Reuters – with responsibility for chapters on *Trusts, Debt and Equity, Financial Transactions, Asset-based Financing, Tax Planning* and *Multi-Jurisdictional Tax Measures*, updated 3 monthly.

Selected articles and presentations

“Entitlement to income of a trust”, Trusts Intensive Series, The Tax Institute, June 2020

“The reconstruction provision in the Australian transfer pricing rules”, *The Tax Specialist*, October 2019

“Australian trust law in the context of Australian income tax law: some perennial issues and some topical issues” - presented at the Tax Institute’s National Convention, Cairns, March 2018

“Appointing a receiver to the assets of a self-managed superannuation fund and empowering a bare trustee” – Ground Floor Wentworth Chambers seminar, February 2018 (with Roger Marshall SC)

“The reconstruction provision in the new Australian transfer pricing rules” - presented at the Tax Institute's Financial Services Taxation Conference, Gold Coast, February 2015

“The attribution of profits to permanent establishments of banks” - presented at the Tax Institute's Financial Services Taxation Conference, Sanctuary Cove, February 2014

“Proposed clarification of the term ‘limited recourse debt’”, *Thomson Reuters Weekly Tax Bulletin*, May 2012

“The influence of transfer pricing ‘Higgs bosons’: about to be felt more strongly?” *Thomson Reuters Weekly Tax Bulletin*, August 2012

“When does the Commissioner of Taxation have priority over a secured lender?”, *Insolvency Law Bulletin*, November 2012

“Proposed new transfer pricing rules”, Tax Net Pro website, Thomson Reuters, December 2012