

**Simone Jacobson**

**Qualifications** BA/LLB(Hons), Monash University

**Admission** 27 February 1995

**Signed Bar Roll** 19 November 1998

**Jurisdiction** Victoria

**Mediator/  
Arbitrator** Nationally Accredited Mediator  
31 Oct 2011

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**Chambers** Dawson Chambers, 405 Little  
Bourke Street Melbourne

**Areas of Practice**

Commercial, Debt recovery, Taxation, Insolvency, Administrative Law, Corporations, and media in the Federal and State jurisdictions. Participated in the Court of Appeal Advocacy Program in August 2018 co-ordinated by her Honour Justice Tate of the Court of Appeal in conjunction with the WBA.

**General profile****Insolvency**

Appeared with P.Crutchfield SC in the Supreme Court in Birch Grange v CT. Acted for the Commissioner in 588FGB cases against directors; Appeared at winding up hearings and bankruptcy hearings for the DCT. Appeared for the Commissioner in Corporations list matters, Acted for directors sued by a liquidator for preferences; Briefed with Samantha Marks (then SC) drafted submissions on costs for bankruptcy hearings in the Federal Magistrates Court; appeared at directions hearings in the Federal Court on appeal. Preparation of statutory demand and winding up application including against publicly listed company; Drafted points of defence and affidavit material in Federal Court matter for a director in respect of interlocutory process by Commissioner raising reasonable grounds to expect and expectation of

solvency as at date of payments; Advised in relation to the PPSA in the context of insolvency; Advised in relation to breaches of the Bankruptcy Act (criminal issues); Advised liquidators and directors in relation to insolvency issues, advised Commissioner of Taxation in several preference matters, examinations; Appearing with N. O'Bryan SC in an application for directions unders s479(3) Corporations Act for a liquidator involving a dispute with brothers in respect of accounting and other issues;

**Taxation**

Appeared with the then C. Maxwell QC and J. Batrouney S.C. in CT v Mochkin for the Commissioner (briefed by AGS) in the Full Court of the Federal Court. Appeared for the DCT in numerous defended debt matters (director penalty notices, income tax) in Supreme, County, and Magistrates Courts. Acted with the then M. Gordon SC for the DCT (in DCT v Eldridge). Appeared in the AAT sitting in Warnambool for the Commissioner of Taxation in a deductions case for an owner of rural land. Prepared objections for private clients. Appeared for a financial professional in a tax prosecution matter. Appeared in an RBA matter with George Beaumont QC. Appeared for the Commissioner of State Revenue in Woodfield in VCAT in a stamp duty case; Appeared with J. Batrouney S.C. for the taxpayer in VCAT in a land tax matter relating to the principal residence exemption extending to four properties. Acted against the Commissioner in a land tax dispute with H. Symon S.C against the Commissioner of State Revenue and the State of Victoria, Advising a large remitter in the context of director penalty notices issued by the Commissioner; Acted against the Commissioner in the AAT and appearing at Early Neutral Evaluation in a matter alleging workers were contractors and not 'employees' and also for the purposes of s12(3) Superannuation Guarantee Charge Act 1992;

Acting for the Commissioner as intervenor in a Family Court matter at interlocutory stages and trial (unled) and, as junior counsel with P. Sest QC in relation to s90AE issues; advising on the impact of the Tomaras decision (FCFC and HC pending),

**Proceeds of Crime**

Acted in relation to an application for a restraining order in respect of overseas and Australian assets, and subsequent ancillary applications, for the AFP (led by N.O'Bryan SC) in a Project Wickenby matter, Advising (led by N.O'Bryan SC) in relation to other restraining order matters;

**Trusts & Superannuation & Financial Services**

Acted for a unit holder with D. Macclean SC and the late Peter Hayes QC in a dispute against the Trust for access to financial documents in the Supreme Court, Acted for a unitholder/beneficiary seeking distribution from the Trust, Advising SMSFs, Advising in relation to the Trustee Act; Advising in a matter relating to an ASIC investigation as to a financial services licence, Acted and appeared with N.O'Bryan SC in a Supreme Court commercial list matter for an authorised representative vis its financial service licensee; Advising in relation to the Corporations Act; Acting as junior counsel in class action matters (financial services/Corporations Act);

**Debt Recovery work & damages claims**

Advising and appearing in trials involving recovery of debts on behalf of private clients for liquidated claims. Acted for the ATO/ Commissioner of Taxation in a multitude of tax debt and director penalty notice cases including at summary judgement stage; Acted for and advised directors in relation to director penalty notice cases and contribution and indemnity issues; Drafting defence for a director on a guarantee claim pursued by a Receiver and advising; Acted for a

party in a commercial arbitration (building case) ;

### **Administrative Law/FOI**

Briefed to appear against DFAT for foreign state in an FOI hearing; various advices; preparation of administrative law chapter for Law Handbook 2007; Appeared for the Asst Minister for Science & Innovation in relation to anti-dumping case in the Federal Court;

### **Professional negligence**

Appeared with the late C. Francis Q.C. and the late Francine McNiff (acting for a barrister in a case in the Legal Practice Tribunal); Appeared with the late F. McNiff in the Supreme Court defending a barrister from being struck off the roll under the 1996 Legal Profession Practice Act.

### **Media**

Acted against a publisher, advice and documentation in relation to film production, and copyright advice. Advised in relation to internet and defamation; Assisting a person who had her photograph inappropriately used on the cover of a book;

### **Memberships and Associations**

2018 - List Committee (Howells);  
 2018 - Tax Institute - Dispute Resolution Technical Committee  
 2017 -18- Tax Institute State Technical Committee  
 2006 - Past Covenor WBA (previous Assistant Convenor & Secretary  
 2009-2011- Member of ATO National Legal Practitioner Working Party (for WBA);  
 2011 - Freelance editor for Smokeball Legal online Publications

### **Academic Position / Published Articles and Seminars**

#### **Seminars:**

Co-presenter (with David Vasudevan, Pitcher Partners) on the PPSA for Leo Cussen Institute (2017 & 2018) and to the Victorian Bar; presenter of CPD seminar entitled 'Tax Update' to Leo Cussen Institute (2017) ; presenter- CPD seminars to liquidator firms on legislative changes to Director Penalty provisions - Tax Laws Amendment (2012 Measures No2) Act 2012 and PAYG Withholding Non-compliance Tax Act 2012 and also CPD seminar on Observations re the ATO in the context of insolvency related litigation to an insolvency discussion group;

#### **Publications**

2005-2009 - Law Institute Journal, According to Merit – regular columnist on work life issues and issues affecting women in the workplace. Topics included: Topics include: discrimination in relation to the Equal Opportunity Amendment (Family Responsibilities) Act 2008; discrimination in the profession (“Firm Opinions, “For the High Jump” “Its all over Bar the Shouting Down”, “A Broader Bench”); domestic violence (“Zeroing in on violence against women); sexual trafficking in women; flexible work practices (“Work Away from Home”, “Taking the long term view of part-time”), alternative work arrangements (“Say Goodbye to Billable Units”); issues affecting the profession (“ Be Happy”, “Survival of the Fittest”, Leaving the Law”), child care arrangements (“Childcare is Taxing”, “Onsite Childcare”), maternity leave (“Pay for Parents”), and about the importance of recording oral histories.

#### **Multimedia/educational projects:**

- Worked with the Victoria Law Foundation, WBA and Juliette Brodsky to create the physical exhibition “Women Barristers – then & now” which has toured universities and the Courts as well as regional Victoria, and the digital version is on the Bar website

# Howells' List

## Barristers

- Co-produced e-films “Even it Up” (as to the WBA) and a multimedia slideshow entitled “So What Do We Have Here?” as to the first 20 women barristers in Victoria to sign the Roll – on the Bar website
- Appeared in 2008 as counsel for the prosecution in a Future Leaders day at the County Court (2008) for year 12 students about this law and this can be viewed (first screen box) on the future leaders website at <http://www.futureleaders.com.au:80/advocacy/index.php>.