

GREENS LIST

BARRISTERS



MICHAEL BEARMAN

BAR ROLL: 1998 | ADMITTED: 1988

Michael's has over 30 years' experience representing clients in difficult matters. A Chartered Tax Advisor (TIA) and consistently ranked as one of Melbourne's pre-eminent taxation juniors.

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EXPERTISE

Alternative Dispute Resolution | Appellate | Banking & Finance | Bankruptcy Law & Insolvency Law | Commercial Law | Common Law | Competition Law & Consumer Law | Corporations Law & Securities Law | Equity & Trusts Law | Family Law | Property Law | Public Law & Administrative Law | Tax Law & Revenue Law | Wills & Estates Law

PROFILE

Michael's has over 30 years' experience representing clients in difficult matters. A Chartered Tax Advisor (TIA) and consistently ranked as one of Melbourne's pre-eminent taxation juniors (Doyles Guide 2019, 2018, 2017, 2016), Michael also practices extensively in equity, trusts, commercial litigation, corporations' law, insolvency, and administrative law.

RECENT CASES



DPP (Cth) v Semmens [2019] VCC 2184 - white collar crime (GST fraud) - Michael appeared with Ashley Cannon. Contra R Barry and C Nicholson



Mifsud v DPP [2019] VSCA 233 (Whelan and Forrest JJA - Kennedy AJA) - Michael led D P Hannan in an appeal to the Court of Appeal on a point of law concerning motor vehicle

regulations. Contra C T Carr



Jordanou v Commonwealth Bank of Australia (2019) 139 ACSR 13 (Moshinsky J) - Michael led D Connors in an appeal against sequestration order of the Federal Circuit Court founded on judgment debt. Contra B Carew



Keo Waleta Property Pty Ltd v 1693 Malvern Road Pty Ltd [2019] VSC 239 (Almond J) - construction of a contract resolving a property development dispute. Contra D Aghion



Cro Travel Pty Ltd v Australia Capital Financial Management Pty Ltd [2018] NSWCA 153 (Meagher - Ward JJA and Barrett AJA) - Michael led S P Thomas in an appeal from the district court concerning shipping law - bills of lading agency principles and equitable assignments. Contra E Cox of the NSW Bar



Lopez v Harstedt Pty Ltd [2018] VSCA 19 (Santamaria and Niall AJA) - an application for leave to appeal to Court of Appeal (Duty Barrister Scheme). Contra D G Robertson and R T Campbell



Vlahos Pty Ltd v Vlahos [2017] VSCA 166 (Tate - Kyrou and McLeish JJA) - Ian Hardingham - QC led Michael in an appeal concerning the correct approach as to when a presumption of resulting trust will be rebutted and the part performance of oral contracts for the sale of land. Contra P Collinson QC



Vasiliades v Commissioner of Taxation [2017] HCA Trans 104 (Kiefel CJ and Keane J) - an application for special leave to appeal to the High Court concerning an order for security for costs in favour of the Commissioner. Contra S Sharpley QC with S Linden



Piper Alderman v Smoel [2017] VSCA 42 (Beach and Ferguson JJA - and Cameron AJA) - P Collinson QC led Michael in an appeal on the distinction between itemised bills and lump sum bills in the taxation of costs. Instructing solicitors: Piper Alderman. Contra P Lovell - instructed by Castra Legal Costing



Commissioner of Taxation v Vasiliades [2017] FCAFC 170 (Dowsett/ Kenny and Edelman JJ) - H Symon QC led Michael in an appeal concerning whether the Commissioner of Taxation was entitled to seek security for costs against an offshore taxpayer in proceedings under Pt IVC of the Taxation Administration Act 1953. Contra S Sharpley QC with S Linden



Vasiliades v Commissioner of Taxation (No 2) [2017] FCA 185 (Davies J) - An application for leave to give evidence by video



Vlahos v Vlahos [2016] VSC 824 (Digby J) - Michael led S Karabidian in an application for leave to bring appeal proceedings on behalf

link. Contra S Sharpley QC with S Linden

of a company by way of derivative action under ss 236 and 237 of the Corporations Act 2001. Contra M Gronow



Galea v Commissioner of State Revenue (2016) VCAT 1865 (Judge Dyer) – Michael appeared for a taxpayer on a question whether within Metropolitan Melbourne was used for primary production and exempt from land tax. Contra D Morgan



Vlahos v Vlahos Pty Ltd (No. 3) [2016] VCC 1619 (Judge Cosgrave) – a costs dispute. Contra M Gronow



Vlahos v Vlahos Pty Ltd (No. 2) [2016] VCC 1544 (Judge Cosgrave) – an application to reopen a case after judgment but prior to final orders. Michael led S Karabidian. Contra M Gronow



Vlahos v Vlahos Pty Ltd [2016] VCC 1250 (Judge Cosgrave) – Michael appeared for the defendants in a case involving claims for equitable interests in land. Contra M Gronow



Deputy Commissioner of Taxation v Burhala (No.2) [2016] FCCA 2241 (Judge Burchardt) – Michael led A Purton on a question whether the defendant had departed Australia with a purpose of defeating the Deputy Commissioner as a creditor. Contra T Connard



Deputy Commissioner of Taxation v Burhala [2016] FCCA 2225 (Judge Burchardt) – Michael led A Purton of counsel on an interlocutory question whether a defendant should be allowed to appear by video link from overseas. Contra Tim Connard



Commissioner of Taxation v Ludekens (No 2) [2016] FCA 755 (Pagone J) – Michael led H Kirimof at a hearing as to the quantum of civil penalties to be imposed for a breach of the “promoter penalty provisions” under the taxation legislation. Contra Peter Sest QC with Sam Ure and Darryl Williams QC Andrew de Wijn



Smoel & Wooster v Piper Alderman (No 2) [2016] VSC 237 (McMillan J) – a important decision on the distinction between lump sum bills and itemised bills under the legal profession legislation. Contra Peter Lovell



Vasiliades v Commissioner of Taxation [2016] FCA 420 (Davies J) – Helen Symon QC led Michael in a case concerning security for costs applications brought by the Commissioner. Instructed by HWL Ebsworth. Contra A Sharpley QC with S

Linden.


Publications

Property taxes – a refresher on recent changes, Tax Institute of Australia, 21 June 2018
GST withholding on supplies of new residential property, Greens List, 9 May 2018
Case Update for SME's, with Daniel Diaz, Victorian 5th Annual Tax Forum Tax institute of Australia, 12 October 2017
Taxation and the Conclusion of Litigation: What Litigators Need to Know, Greens List, 13 June 2017
Thomas v Commissioner of Taxation - What are the implications for trustees? with Terry Murphy, QC and Fiona Cameron, Tax Bar Association, 8 May 2017
Foreign resident withholding tax: an exercise in complexity, with Daniel Diaz, Greens List, 2 June 2016
Effectively and efficiently running commercial litigation to a budget, Legalwise: CPD Mandatories Made Easy for Litigators: InterContinental Melbourne, The Rialto, 18 March 2016

Memberships & Committees

- [Victorian Bar](#)
- Tax Bar Association, Committee Member 2010-2018
- Tax Institute of Australia, State Taxes Committee 2012-2018
- Victorian Bar Pro Bono Committee, 2016. In 2016 Michael was a nominee for Pro-bono Barrister of the Year (Victorian Bar) for his extensive pro bono contributions over many years.

To get in touch with Michael Bearman | or for more information please contact the Clerk on:

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