

## Bio

Ken Fehily is a GST expert with over 30 years of experience with resolving difficult, uncertain and complex indirect tax issues.

After 20 years as a senior partner at both PwC and Andersen, Ken founded independent consultancy Fehily Advisory in 2010 to dedicate himself to achieving prompt and definitive outcomes for clients and advisors facing GST issues or disputes with the ATO. Drawing on his deep technical knowledge, commercial experience and strong persuasion skills, Ken identifies and realises unconventional solutions to intractable problems.

He advises, represents and negotiates on behalf of business owners, investors, CEOs and CFOs across a wide range of matters, including real property, tax audits and tax audit insurance, cross-border transactions, deals and structuring, procedural mistakes, ATO refunds and financier obligations. He also works together with clients' incumbent advisors and other professionals.

Ken was one of the architects of the GST, having assisted the Federal Treasurer's Committee in the writing of the GST laws, and as a member of the ATO's Public Rulings Panel for eight years. He continues to consult with the ATO and Federal Treasury on current and emerging GST issues, ATO administrative practices and legislative changes, and he serves as an external member of the ATO's GST Stewardship Group.

He has extensive knowledge about a broad range of non-GST issues, is legally and financially literate and intuitive and has connections across both the private and government sectors. Through advising and serving on a number of Boards, he has developed a strong understanding of Board governance, having dealt and negotiated with and between private sector and government stakeholders from commercial and stakeholder perspectives.

## Fehily Advisory

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## CV

### 2010s

- Director / GST Client Advocate, Fehily Advisory Pty Ltd
- Finance, Investment and Tax Committee Member, Urban Development Institute of Australia
- Board Chairman, Urban Renewal Authority Victoria (Places Victoria)
- Member, ATO GST Stewardship Group
- Member, CPA Australia, Centre of Excellence – Taxation
- Alumni, 'A Good Society' Symposia, Cranlana Foundation

### 2000s

- Partner / Leader National GST Practice, PwC
- External Advisor, Australian Taxation Office
- Member, ATO Public Rulings Panel

### 1990s

- International Partner / Leader Asia Pacific Indirect Tax Practice, Andersen
- Advisor, Federal Government (Federal Treasurer's GST Technical Advisory Committee)

### 1980s

- Senior Manager, Coopers & Lybrand
- Partner, Fehily Loaring

### 1970s

- Sales Tax Investigation Officer, Australian Taxation Office
- Manager – Indirect Tax, Price Waterhouse

Ken has also held Board and advisory positions on many not-for-profit, private and government organisations, including the following:

- Bialik College (Board Member, 25 years; Treasurer, eight years; Governor, five years)
- Independent Schools Victoria (Board Member, 12 years)
- Association of Independent Schools Councils (Board Member, six years)
- Melbourne Art Foundation (Board Member, six years, including Chairman)
- Jewish Museum of Australia (Board Member, one year)
- St Kilda Hebrew Congregation (Board Member and Treasurer, two years)
- Numerous private businesses



### Professional Capabilities

- Capitalises on his high level of commercially leveragable GST knowledge
- Anticipates and generates client-responsive outcomes once the technical GST position is determined
- Understands how to leverage taxation, financial, legal, economic and commercial experience for the benefit of clients in meeting their commercial, statutory and stakeholder responsibilities and objectives
- Responds to competing needs of multiple stakeholders, including statutory authorities
- Draws on his comprehensive financial and legal literacy and an ability to understand complex financial statements, laws and contracts
- Recognises and respects the governance duties and responsibilities of Directors and other professionals
- Responds to the urgent needs of clients as they arise, enabling full and prompt resolutions
- Possesses strong verbal and written communication skills
- Maintains a highly respected, trusted and professional relationship with the ATO and Federal Treasury to the ultimate benefit of his private clients

### Qualifications and Professional Memberships

- Bachelor of Economics, Monash University
- Graduate, Australian Institute of Company Directors
- Registered Tax Agent
- Member, ATO GST Stewardship Group
- Fellow, Chartered Accountant
- Fellow, CPA Australia
- Member, CPA Australia, Centre of Excellence – Taxation
- Chartered Tax Advisor, The Tax Institute

### Career Highlights

- Consistently achieves favourable outcomes in ATO-contested matters, court challenges and commercial negotiations on behalf of clients
- Regularly consulted as part of broader advisory teams on many major transactions, mergers and acquisitions, financial securitisations, investments and divestments, contributing to the successful progression of potential deals or, when appropriate, withdrawal
- Successfully led the largest and most complex GST implementation programs in 2000, including for Australia Post, Visy, Linfox, Orica and the Victorian government
- Provided strategic advice and assistance, with favourable outcomes, to many Victorian government agencies, including those responsible for Treasury, Health, Major Projects, Housing, Planning and Major Events
- Led the successful turnaround of Places Victoria, an underperforming and unprofitable government agency, into a commercially sustainable and profitable agency with the backing of its government stakeholders and, regaining private sector confidence



## Recent Testimonials

"I just wanted to quickly take a moment to gratefully thank you for your time today. Your presentation today was timely, understandable (dumbed down), conclusive and accurate. And, honestly, quite entertaining! Everything our humble committee needed. As a bonus, you have taken the time to draft notes to present to my committee.

As an accountant, it actually gives me most sincere joy to learn / confirm that such fair and knowledgeable individuals form the foundation of our tax system. The manner in which you referred to the ATO represented the very integrity of a profession that I personally love and respect. It is refreshing to confirm my belief in a fair system. To be honest, good sir, it was a privilege to be in your presence."

**John (Co-owner, Serviced Apartments), January 2019**

"We have recently engaged Ken to assist us with a large property transaction. Ken's knowledge of both the GST legislation and the ATO interpretations has proven invaluable. Additionally, Ken's mantra of providing a commercial workable solution versus just theoretical advice has again proven to be invaluable. Our group will continue to use Ken for all transactional advice".

**John (CFO, Property ownership and Development Company), February 2018.**

"Ken I wanted to thank you for your guidance and unsurpassed expertise in relation to GST. Your approach has been practical, sensible and professional with a constant sense of urgency and client service. What has been most effective is your ability to access and work with the specific people across the ATO which allowed a quick and personalised response. I would have no hesitation recommending your services to others."

**Joe (CFO, Not For Profit Sector), December 2017**

"Earlier this year we engaged Ken to review our treatment of GST on a property settlement. The transaction structure was complicated, with a number of parties involved, and the property sale transaction spanned a number of years. Ken showed a clear understanding from the start of the issues we needed to address, and methodically worked with us and the other stakeholders to map through the issues and the GST consequences. Ken also established an excellent rapport with the relevant people at the tax office and kept them in the loop throughout the process, which lasted around 4 months. The whole project turned out to be one of the most complicated cases that Ken had been involved with. We ultimately achieved a very pleasing GST result which would not have been possible without the insights and knowledge that Ken brought to the table. I would, without hesitation, recommend Ken to anyone who was facing a GST issue or wanted clarification of any GST matter."

**Alan (CFO, Property Development and Joint Ventures) December 2017**

"We recently engaged with Ken Fehily on a tax matter. Ken's knowledge of GST, and how to navigate through the ATO are unsurpassed. He is quick, decisive and takes a no-nonsense approach. He achieved results that we didn't think were possible. I'd recommend him to anyone with a GST issue without hesitation."

**Philip (Owner, Property Development), November 2017**

"I wanted to thank-you for jumping in with your advice. From the outset, I found it confident, concise and clear. It was also obviously based on deep domain knowledge. For people who find themselves, at times, in unfamiliar territory, it was comforting to have you on our side and guiding us through. Once again, thank-you and will definitely consider engaging you again and refer you to others."

**Justin (Board Chairman, Financial Services), November 2017**

