LIST G
BARRISTERS

Tom Warner SC



Tom Warner SC practises in all areas of commercial law and major torts.

QUALIFICATIONS

Bachelor of Laws (Hons)
Bachelor of Arts (Hons)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Banking & Finance | Building & Construction | Class Actions | Commercial Arbitration | Competition | Consumer Credit | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Energy & Resources | Equity & Trusts | Insurance | Private International Law | Real Property | Wills & Probate | Regulatory Investigations

INTELLECTUAL PROPERTY

Confidential Information | Copyright & Designs

TORT LAW

Appellate | Class Actions | Commissions & Inquiries | Common Law | Inquests | Major Torts | Negligence | Product Liability | Professional Negligence

PUBLIC LAW

Aged Care | Appellate | Commissions & Inquiries | Public International Law | White Collar Crime

Tom appears predominantly in superior courts at both trial and appellate levels and has extensive experience in complex multi-party litigation and class actions involving a wide range of subject matters and areas of law. He also has significant Royal Commission experience. In arbitrations, he has acted both as an arbitrator and advocate.

Tom is recommended in multiple industry publications including Best Lawyers in Australia and Legal 500 (Asia Pacific).

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Recent Cases

GENERAL COMMERCIAL

RTL Australia v *Younane Baker* [2025] FCA 1287 (O'Bryan J) – allegations of misleading and deceptive conduct in sale of $75m business, status of accessorial liability allegations.

JBA Asset Management v *LBA Capital* [2025] VSC 166 (Osborne J) – intercompany finance, role of equity in arm's length contracts, fraudulent party in insolvency.

Weeding Party Hire v *Salters (No 2)* [2025] TASFC 8 (Shanahan CJ, Pearce and Cuthbertson JJ) – contract of sale; discretion of trial judge revisited on appeal.

Re McKeown Mars [2024] VSC 102 – insolvency; defeating application to set aside.

Rockman and *Charleston* – large scale discretionary trust and estate disputes.

MAJOR TORTS

Nicola Maree Gobbo & Ors v *State of Victoria* [2025] VSC 334 (Richards JA, trial) and [2026] VSCA 211 (Ferguson P, Beach and Kenny JJA, appeal) – acting for State defeating negligence claim based on novel duty along with misfeasance in public office ('Lawyer X').

Shorland Fisheries & Ors v *State of Victoria* [2026] VSC 29 (Watson J) – acting for group of plaintiffs against State, establishing a novel duty of care in negligence (not appealed).

Prior to taking silk Thomas acted for the State in a large number of Police Tort and Institutional Abuse personal injury and system failure claims, on instructions from various bodies and involving a wide range of allegations e.g. assault, battery, false imprisonment, negligence, *Wilkinson v Downton* etc. He continues to act in the larger major tort cases as silk.

CLASS ACTIONS

Allianz Add-on Insurance Class Action (Nicholls JA) – acting for Allianz in respect of claims for breaches of financial services legislation in the sale of insurance products by car dealers; class issues regarding group member individual circumstances; expert evidence of behavioural economists.

Manus Island Class Action (McDonald J) – acting for G4S Australia; negligence systems allegations regarding

rioting and violence by locals targeted at detainees; novel defences such as Act of State; subject to PNG law (being pre-1975 UK law).

INQUIRIES

Royal Commission into the Casino Operator and Licence – acting for Crown Resorts Ltd in Royal Commission before Hon. Ray Finkelstein AO QC.

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry – acting for multinational insurer (Allianz) in Royal Commission before Hon. Kenneth Hayne AC QC.

REGULATORY

RD v *Legal Profession Board* [2025] TASC 20 – pro bono public interest, whether role of professional board includes obtaining adverse findings where applicant for admission withdraws application, finding that mandate ended.

Memberships

Associate, Chartered Institute of Arbitrators (ACIArb).