

## Tom Warner



Thomas Warner is an experienced and highly regarded commercial, common and public law barrister.

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### QUALIFICATIONS

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

### CORRESPONDENCE

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### CHAMBERS

Aickin Chambers  
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200 Queen Street  
Melbourne VIC 3000

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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

His practice primarily involves contract, insurance, major torts, equity and trusts, banking and regulatory law.

Thomas is recommended as a barrister in multiple industry publications including Best Lawyers in Australia and Legal 500 (Asia Pacific).

He has significant experience in complex multi-party litigation and class actions, as well as in arbitrations and inquiries.

Immediately prior to coming to the Bar, Thomas was Associate to a Justice of the Supreme Court of Victoria. Prior to that Thomas worked in London as an Associate in Herbert Smith's Banking Litigation group in London (now Herbert Smith Freehills). He completed articles at Corrs Chambers Westgarth in Melbourne.

He read with Kevin Lyons QC (now Justice of Appeal Lyons).

Thomas graduated with first class honours degrees in both Laws and Arts.

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## Recent Cases

### GENERAL COMMERCIAL TRIALS AND APPEALS

*JBAM v Next Stage Living & Trivett Property Partners* conducting trial in Supreme Court of Victoria, unled, leading H McAvaney, opposed to silk (decision reserved (Osborne J))

*JBAM & Anor v LBA Capital Pty Ltd & Ors* – acting for international lenders alleging almost \$400m in finance was funded to Australian entities following breaches of contract and the ACL; obtained Freezing Order in SCV (unled); for a time led by Claire Harris QC (now Harris J), then leading H McAvaney (McDonald J)

*RAS Capital Investments v Goldfields Run Land* – conducting trial unled in NSW Supreme Court, for successful defendant defeating claims of breach of contract and equitable remedies (Ball J)

*Transformer Development Group Pty Ltd v Tait Street Investments Pty Ltd* – acting unled in successful defence of claim in trial division (Cosgrave J) and led by L Hannon KC in successful response to appeal (Ferguson CJ, Lyons and Osborn JJA)

*Directed v OE Solutions* – acting for Korean manufacturer defending claims of breach of equitable duties, contract and *Copyright Act 1968* in FCA, led by M. Osborne KC (now Osborne J) the H Austin KC (Beach J)

### COMMISSIONS/INQUIRIES

*Royal Commission into the Casino Operator and Licence* – acting for Crown Resorts Ltd and associated entities in Royal Commission before Hon. Ray Finkelstein AO QC, senior junior in counsel team led by M Borsky KC and C Button KC (now Button J)

*Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry* – acting for multinational insurer in Royal Commission before Hon. Kenneth Hayne AC QC, led by Bret Walker SC, J. Lockhart SC and Terry Mehigan SC

**MAJOR TORTS**

*Nicola Gobbo v State of Victoria* acting for State of Victoria defending claims of negligence and misfeasance in public office said to sound in significant personal and economic damages, led by B Quinn KC, leading J Ryan (decision reserved (Richards J))

*Kamasae v Commonwealth of Australia* (Manus Island Class Action) – acting for a defendant, on instruction from Lloyds syndicate, in complex tortious claim involving foreign and public international law (act of state), led by G Harris KC

*Shorland & Ors v State of Victoria* – acting in claim for negligence against State concerning commercial licences, led by B Quinn KC

**INSURANCE/CONTRACTS/CLASS ACTIONS**

*Fuller v Allianz Australia Insurance Ltd & Jordan Wilkinson v Allianz Australia Insurance Limited* (Add-On Insurance Class Actions) – acting for Allianz in multiple SCV class actions, led by Bret Walker SC and M Borsky KC, leading team of juniors (Nichols J and McDonald J)

*Rockment Pty Ltd T/A Vanilla Lounge v AAI Limited T/A Vero Insurance* – acting for Suncorp in respect of contested insurance claim arising out of COVID-19 business interruptions. Separate question referred to Full Court of FCA by Allsop CJ regarding construction of an exclusion clause, led by Jeremy Kirk SC (now Kirk JA) and David Lloyd SC (Besanko, Colvin and Derrington JJ)

Advising CGU in respect of large scale claimed indemnity on Business Insurance Policy for Public and Product Liability, led by B. Quinn KC

*Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry* – as above, long-term brief advising multinational insurer in respect of multiple streams of its business, led by Bret Walker SC, J. Lockhart SC and Terry Mehigan SC

**ANTI-MONEY LAUNDERING/REGULATORY**

Advising confidential client upon complex operations and compliance with *Anti-Money Laundering Counter-Terrorism Financing Act 2006* and *Financial Transaction Reports Act 1988* in respect of cash payments, led by P Gray KC

Advising entity upon compliance with *Anti-Money Laundering Counter-Terrorism Financing Act 2006* and *Financial Transaction Reports Act 1988* in respect of the use of pre-paid credit cards, unled

Acting for Crown Resorts Ltd in *Royal Commission into the Casino Operator and Licence* before Hon. Ray Finkelstein AO QC, senior junior in counsel team led by M Borsky KC and C Button KC (now Justice Button)

*Michos v Eastbrooke Medical Centre* – acting for medical services provider in VSC defending claims of breach of the *Health Records Act 2011*, unled including in multiple VSCA appeals

**EQUITY**

*Rockman v IPR Nominees Pty Ltd* – trustee/equity dispute in VSC and VSCA (approx. \$40m), led by P. Crutchfield KC

*Charlesworth Nominees Pty Ltd v Charlesworth* – trustee/equity dispute in VSC (approx. \$30m), led by M. Osborne KC (now Justice Osborne)

**OTHER**

Appointed as arbitrator of approx. \$3m dispute seated in Melbourne, unled

Acted for numerous directors and officers in liquidator examinations, ASIC examinations and ensuing litigation

Acted for numerous parties in oppression proceedings under the *Corporations Act 2001* as well as for parties in insolvency and liquidation related disputes, including in related class actions

**Memberships**

Associate, Chartered Institute of Arbitrators (ACI Arb).