

## Tom Warner



Thomas Warner is an experienced and highly regarded senior junior 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  
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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

He practises primarily in commercial law and major torts.

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

As a solicitor he worked at large law firms in Melbourne and London, before becoming an Associate at the Supreme Court of Victoria (Vickery J) and then reading with Kevin Lyons (now Lyons JA).

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

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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 opposed to silk, leading H McAvaney (successful before Osborne J)

*JBAM & Anor v LBA Capital Pty Ltd & Ors* – acting for international lenders alleging circa \$400m in finance was funded to Australian entities following breaches of contract and the ACL;

- obtained Freezing Order in SCV unled (McDonald J);
- for a time led by Claire Harris QC (now Harris J), then leading H McAvaney upon her Honour's appointment (Osborne J)

*RTL Australia Pty Ltd v Younane Baker Pty Ltd in its capacity as trustee of the Younane Baker Trust* – acting in large scale FCA claim in respect of sale of business agreement, ongoing, unled opposed to silk (O'Bryan 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 property law claim in trial division (Cosgrave J); and
- led by L Hannon KC (now Hannon J) in successful response to appeal (Ferguson CJ, Lyons and Osborn JJA)

*In the matter of McKeown Marrs Pty Ltd* – acting in insolvency matter, unled opposed to silk (successful before Gardiner AsJ)

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

### COMMISSIONS AND INQUIRIES

*Royal Commission into the Casino Operator and Licence* – acting for Crown Resorts Ltd and in Royal Commission before Hon. Ray Finkelstein AO QC, senior junior in large 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 AND PERSONAL INJURIES

*Nicola Gobbo v State of Victoria* acting for State of Victoria in trial defending claims of negligence and misfeasance in public office, led by B Quinn KC, leading J Ryan (successful before Richards J)

*Shorland & Ors v State of Victoria* – acting in trial for plaintiffs in claims for negligence against State in novel duty claim, led by B Quinn KC (successful before Watson J)

*Nicola Gobbo v State of Victoria* acting for Respondent in appeal of trial judgment

Acting unled for State of Victoria and State instrumentalities as defendant in claims for torts against the person (Police torts and Institutional abuse)

*Andrew John Lamers V Birch Ross & Barlow* – acting at trial in claim of professional negligence against firm of solicitors on instructions from insurer, unled opposed to silk (Croft J)

#### INSURANCE AND CLASS ACTIONS

*Fuller v Allianz Australia Insurance Ltd & Jordan Wilkinson v Allianz Australia Insurance Limited (Add-On Insurance Class Actions)* – 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 claim arising out of COVID-19 business interruptions

Separate question referred to Full Court of FCA by Allsop CJ regarding construction of exclusion clause, led by Jeremy Kirk SC (now Kirk JA) and David Lloyd SC (Besanko, Colvin and Derrington JJ)

*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

#### REGULATORY AND ANTI-MONEY LAUNDERING

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 (now Gray J)

Advising Tasmanian State owned entity on regulatory compliance and corporate governance, unled

Advising confidential client 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

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

#### 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 Osborne J)

#### 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

## Memberships

Associate, Chartered Institute of Arbitrators (ACI Arb).