

## Tomo Boston KC



Tomo Boston KC practises in commercial law, corporations and insolvency, trade practices, environment, product liability, professional negligence and arbitrations

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### QUALIFICATIONS

Bachelor of Laws  
Bachelor of Arts

### CORRESPONDENCE

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### CHAMBERS

Queen Street Chambers  
Level 7  
221 Queen Street  
Melbourne VIC 3000

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### COMMERCIAL LAW

Appellate | Banking & Finance | Building & Construction | Class Actions | Competition | Commercial Arbitration | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Energy & Resources | Equity & Trusts | Insurance | Climate Change | Greenwashing | Regulatory Investigations

### TORT LAW

Appellate | Class Actions | Major Torts | Negligence | Product Liability | Professional Negligence

### PUBLIC LAW

Environment

Tomo is a highly regarded trial and appellate lawyer with particular expertise in:

**climate change litigation.** He has written and presented extensively on climate change litigation, in particular the intersections between climate change and administrative and judicial reviews, environmental legislation, class actions, consumer products and protection (including greenwashing), contract and risk allocation, directors' duties, disclosure obligations, financial products, insurance, negligence and nuisance.

**arbitrations.** Acted for Australian companies in domestic (ACICA) and international (ICC, UNICTRAL) arbitrations in relation to turnkey projects, sale agreements for mines and disputes over ownership of gas and mineral titles. Acted in Court proceedings seeking to enforce arbitral awards and appeals from arbitration.

**corporate and commercial law.** Acted for large corporate clients in a range of industries and in relation to contractual disputes, joint venture disputes, directors' duties, continuous disclosure obligations, partnership disputes, sale of goods, franchise agreements, indemnity/warranty claims, injunctions, oppression claims, schemes of arrangement, the interpretation of contractual and statutory provisions and trust obligations.

**consumer protection.** Acted in relation to disputes concerning misleading or deceptive conduct and unconscionable conduct in a range of industries and in respect of various fact scenarios including breach of sale agreements, valuations and the sale of land and industrial equipment.

**environmental law.** Acted in relation to: (i) disputes concerning clean up notices, environmental impact assessments, liability for pollution, the re-use of contaminated soil, permission approvals, landfills, waste levies, and the liability and cost recovery for the clean up of contaminated land; (ii) challenges to decisions of environmental regulatory authorities; (iii) the prosecution of environmental offences; (iv) large scale infrastructure and energy project disputes, commercial cases and property cases in which environmental issues are in dispute; and (v) the interpretation of environmental legislation.

**negligence and nuisance.** Acted in relation to: (i) negligence and nuisance claims concerning large scale land and water contamination and pollution events; (ii) damages assessments and expert determinations; (iii) negligent mis-statements; and (iv) tortious interference with contractual relations.

**professional negligence.** Acted for solicitors, barristers, environmental auditors and accountants in relation to claims for damages arising out of professional negligence claims.

**regulatory matters.** Acted in a range of environmental and commercial regulatory investigations involving civil and pecuniary penalties, major corporate collapses, directors' duties breaches, continuous disclosure breaches, fraud, managed investment schemes, large-scale contamination and pollution clean-up investigations and costs recovery claims.

Tomo is focused on working collaboratively with clients and solicitors to develop the most effective strategy to secure the best commercial and legal results while minimising legal, reputational and commercial risks.

The Legal 500 Asia Pacific has recognised Tomo as a leading Senior Counsel in Australia for Commercial Disputes.

*Liability limited by a scheme approved under the Professional Standards Legislation*

## Recent Cases

### COMMERCIAL LAW

*APN Funds Management Limited v Australian Property Investment Strategic Pty Ltd* [2012] VSC 262

*Wheelahan v City of Casey* [2011] VSC 655; [2011] VSC 509

*Re Strategic Energy Resources Limited* [2011] VSC 645; [2012] VSC 75; [2012] VSC 164

*Re AXA Asia Pacific Holdings Ltd* [2011] VSC 4; [2011] VSC 102

*Duffy in the matter of Westgate Ports Limited* [2010] FCA608

*Re Cytopia Ltd* [2009] VSC 560

*Fowler v Lindholm* [2009] FCAFC 125

*In the matter of Opes Prime Stockbroking Limited* [2009] FCA 813

*Premier v Spotless Limited* [2007] VSC 377

*Thiess Pty Ltd v ConnectEast Nominee Company Pty Ltd* [2008] VSC 287

*Spotless v Premier* [2006] VSCA 20

## Memberships

Victorian Bar - Commercial Bar Association