

## Tom Warner



Thomas Warner is an experienced commercial and public law junior counsel.

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### QUALIFICATIONS

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

### CORRESPONDENCE

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### CHAMBERS

Aickin Chambers  
Level 30 Room 12  
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.

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

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

He read with Kevin Lyons KC (now Justice Lyons).

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 (now Herbert Smith Freehills). He completed articles at Corrs Chambers Westgarth.

Thomas graduated with first class honours degrees in both Laws and Arts from the University of Tasmania. He also received a number of academic prizes.

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## Recent Cases

### 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 KC, senior junior in counsel team led by M Borsky KC and C Button KC (now Justice Button)

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

### GENERAL COMMERCIAL

*RAS Capital Investments v Goldfields Run Land* – NSW Supreme Court trial, acted for successful defendant defeating claims of breach of contract and equitable remedies, unled

*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 Justice Osborne); judgment reserved following 39 days of evidence (28 days of which were conducted by way of video depositions pursuant to a COVID-19 protocol of Beach J) and four days of closing submissions

*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; then led by Claire Harris KC

### INSURANCE AND CONTRACTS

*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

*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 and David Lloyd SC

*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

*Fabbro v Blue Rock Melbourne Pty Ltd* – acting for insured accountants in claim of professional negligence in VSC, issues as to limitation of liability under professional standards scheme, unled

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

#### MAJOR TORTS

*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

*Gold Coast Marine Aquaculture Pty Ltd v HTC Trading Pty Ltd* – claims against Commonwealth and multiple importers concerning breaches of biodiversity security rules and regulations in respect of the white spot syndrome outbreak in Queensland's prawn farms, led by G. Harris KC

#### 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 KC, 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).