

Tom Warner



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

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

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

Thomas's 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 read with Kevin Lyons QC (now Justice Lyons).

Immediately prior to coming to the Bar, Thomas was an Associate at 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.

Liability limited by a scheme approved under Professional Standards legislation.

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 QC, senior junior in counsel team led by M Borsky QC and C Button QC

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

GENERAL COMMERCIAL LAW

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 QC; judgment reserved following 38 day trial, 28 days of which were conducted by way of video depositions pursuant to a COVID-19 protocol of Beach 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; then led by Claire Harris QC

INSURANCE AND CONTRACTS

Fuller v Allianz Australia Insurance Ltd (Add-On Insurance Class Action) – acting for Allianz in SCV class action, led by Bret Walker SC and M Borsky QC

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 – long-term brief acting for multinational insurer, 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 QC

MAJOR TORTS

Gold Coast Marine Aquaculture Pty Ltd v HTC Trading Pty Ltd – claims against Commonwealth and other entities 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 QC

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 QC

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*, led by P. Gray QC

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 QC

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

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).