

# William Thomas

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## Profile

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William Thomas practises primarily in commercial, construction and insurance law.

Will regularly appears in all state and federal courts and tribunals. He also accepts briefs to advise and to draw pleadings and other documents.

Before coming to the Bar, Will was a solicitor at Allens in the commercial litigation group and an associate to a judge of the Federal Court of Australia.

Will holds a Bachelor of Laws with first class honours from the University of Melbourne, as well as a Bachelor of Arts and a Diploma in Modern Languages in Japanese. He is a member of the Chartered Institute of Arbitrators (MCIArb).

## Admissions

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Signed the Victorian Bar Roll on 5 May 2016

Admitted to practice as an Australian Lawyer on 12 November 2013

Entitled to practise in all Australian jurisdictions

## Qualifications

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Bachelor of Laws (First Class Honours), University of Melbourne

Bachelor of Arts, University of Melbourne

Diploma in Modern Languages (Japanese), University of Melbourne

## Professional Experience

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### Victorian Bar

Barrister  
May 2016 to present

### Federal Court of Australia

Judge's Associate  
February 2015 to March 2016

### Allens

Solicitor, Litigation and Dispute Resolution  
February 2013 to February 2015

## Areas of Practice

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|-----------------------------|--------------------------|
| • Building and Construction | • Insurance Law          |
| • Commercial Arbitration    | • Maritime Law           |
| • Common Law                | • Negligence             |
| • Consumer Law              | • Professional Liability |
| • Corporate Disputes        | • Property Damage        |
| • Contractual Disputes      | • Public Liability       |
| • Equity and Trusts         | • Real Property          |

## Selected Matters

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### 2020

- ***Electricity Generation and Retail Corporation (trading as Synergy) v Cooling Towers WA Pty Ltd* (Supreme Court of Western Australia)**  
Ongoing proceeding arising from the collapse of a cooling tower at the Muja Power Station in 2014. Led by Jeremy Twigg QC and Jeremy Whelen, instructed by Lander & Rogers.
- ***Metropolitan Fire and Emergency Services Board v Architectus Pty Ltd* (Supreme Court of Victoria)**  
Proceeding concerning alleged defects in the construction of a pre-tensioned concrete slab in a fire station. Settled before trial. Led by David Klempfner, instructed by Lander & Rogers.

### 2019

- ***Lenehan v Powercor Australia Ltd; Mills v Powercor Australia Ltd* (Supreme Court of Victoria)**  
Two trials, including a class action and subrogated claims, concerning damage arising from the Terang and Garvoc bushfires in March 2018. Both settled during trial. Led by Tim Margetts QC and Dugald McWilliams, instructed by Wotton + Kearney.
- ***UDP Holdings Pty Ltd v Ironshore Corporate Capital Ltd* (Supreme Court of Victoria) [2019] VSC 645**  
Trial of claim for indemnity under buyer warranty and indemnity insurance policy, including complex questions concerning policy interpretation, quantification of loss and the duty of utmost good faith. Led by Wendy Harris QC, instructed by Norton Rose Fulbright.
- ***Owners Corporation No 1 PS613436T v L U Simon Builders Pty Ltd* (Victorian Civil and Administrative Tribunal) [2019] VCAT 286**  
Trial of claims arising from the cladding fire at the Lacrosse Building in November 2014. Led by David Curtain QC, instructed by Wotton + Kearney.
- ***M A & J Tripodi Pty Ltd v Swan Hill Chemicals Pty Ltd* (Supreme Court of Victoria, Court of Appeal) [2019] VSCA 46**  
Appeal on questions concerning assessment of damages for loss of opportunity and award of costs. Led by Tim Margetts QC, instructed by Wotton + Kearney.

- ***Grocon Constructors (Victoria) Pty Ltd v Jangho Curtain Wall (Australia) Pty Ltd* (Supreme Court of Victoria)**  
Proceeding concerning alleged defects in glass supplied for the façade of a new office building. Settled before trial. Led by Jeremy Twigg QC, instructed by Lander & Rogers.
- ***Demetrios v Lehmann* (Supreme Court of Victoria) [2019] VSC 301**  
Application to strike out defence of proportionate liability, including argument on proper interpretation of ‘apportionable claim’ for the purposes of Part IVAA of the *Wrongs Act 1958*. Unled, instructed by Giannakopoulos Solicitors.
- ***Technology Swiss Pty Ltd v Famous Pacific Shipping (Vic) Pty Ltd* (County Court of Victoria) [2019] VCC 1542**  
Trial of claim for damages for breach of contract of carriage, including argument on incorporation and interpretation of limitation terms. Led by Matthew Harvey QC, instructed by Thomas Miller Law.

## 2018

- ***Flash Lighting Company Ltd v Australian Kunqian International Energy Co Ltd* (Supreme Court of Victoria) [2018] VSC 711**  
Trial of claims concerning alleged breaches of directors’ duties, fraud, misleading or deceptive conduct and knowing receipt of trust property. Led by Tim Margetts QC, instructed by Baker McKenzie.
- ***Country Fire Authority v Hmood Al Ali Al Khalaf Trading* (Federal Court of Australia)**  
Proceeding involving claims and cross-claims arising from a fire on a vessel, including claims for indemnity under voyage charters and defences under the Amended Hague Rules. Settled before trial. Led by Matthew Harvey QC, instructed by AusShip Lawyers.
- ***M A & J Tripodi Pty Ltd v Swan Hill Chemicals Pty Ltd* (County Court of Victoria) [2018] VCC 526**  
Trial of claims concerning product liability, professional negligence and damages for loss of opportunity. Led by Tim Margetts QC, instructed by Wotton + Kearney.
- ***Natty Investments Pty Ltd v Breen* (County Court of Victoria) [2018] VCC 1477**  
Trial of claims concerning bailment, breach of contract and misleading or deceptive conduct. Unled, instructed by Lord Commercial Lawyers.
- ***CHEP Australia Ltd v Borgcraft Pty Ltd* (County Court of Victoria) [2018] VCC 1800**  
Application for enforcement of a deed of settlement in a proceeding for recovery of hire charges and compensation. Unled, instructed by Law Squared.

## 2017

- ***Air International Thermal Systems Co Ltd v Dong-Ah Electric Components Co Ltd* (Singapore International Arbitration Centre)**  
Arbitration concerning liability arising from a recall of defective products. Led by Tim Margetts QC, instructed by Wotton + Kearney.

- ***Falaras v Gouletsas (Supreme Court of Victoria) [2017] VSC 495***  
Application for leave to appeal from a decision of VCAT seeking to set aside a consent order on jurisdictional grounds. Unled, instructed by Aitken Partners.
- ***Morad v El-Ashey (Federal Court of Australia) [2017] FCA 1136***  
Application for relief in relation to alleged breaches of the Telecommunications (Interception and Access) Act 1979 (Cth). Unled, instructed by Pearsons Lawyers.

## 2016

- ***UDP Holdings Pty Ltd v Ironshore Corporate Capital Ltd (Supreme Court of Victoria) (2016) 51 VR 60; [2016] VSC 400***  
Application to stay a proceeding in the Supreme Court of Victoria pending the outcome of a related arbitration. Led by Wendy Harris QC, instructed by Norton Rose Fulbright.
- ***Swan Hill Chemicals Pty Ltd v MA & J Tripodi Pty Ltd (Supreme Court of Victoria, Court of Appeal) [2016] VSCA 264***  
Appeal from a discretionary decision by a judge granting leave to amend a statement of claim at the end of a trial. Led by Tim Margetts QC, instructed by Wotton + Kearney.

## Professional Associations

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- Australian Insurance Law Association
- Chartered Institute of Arbitrators (Member)
- Commercial Bar Association
- Maritime Law Association of Australia and New Zealand (Committee Member, Victoria; past Chair)
- Melbourne Marine Insurance Forum