

William Thomas

Barrister

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Profile

William Thomas specialises in commercial, construction and insurance law.

An experienced advocate, he practises in all Australian jurisdictions and regularly appears in State and federal courts and tribunals, as well as in arbitral tribunals and ad hoc arbitrations.

In his practice, Will seeks to provide succinct, accurate and commercially-sensible advice to clients. He prides himself on being accessible and easy to deal with, and enjoys forming strong working relationships with instructors and clients.

Will puts his client's position clearly and persuasively in hearings, always preparing comprehensively to ensure the best chance of a successful outcome.

Recognition

Doyle's Guide, Leading Construction Law Barristers, Victoria, 2022, 2023 and 2024

Doyle's Guide, Leading Transport Barristers, Australia, 2022, 2023 and 2024

Qualifications

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

Bachelor of Arts, University of Melbourne

Diploma in Modern Languages (Japanese), University of Melbourne

Member of the Chartered Institute of Arbitrators (MCIArb)

Professional Experience

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

Main Areas of Practice

Commercial Law	Maritime Law
Consumer Law	Negligence
Construction Law	Product Liability
Insurance	Property Law

Key Sectors

Building and Construction	Infrastructure
Electricity Distribution, Generation and Transmission	Insurance and Reinsurance
Engineering (Civil, Geotechnical and Structural)	Mining
Energy and Resources	Shipping, Transport and Freight
	Water

Career Highlights

Appearing on behalf of the successful building owners in the landmark *Lacrosse* litigation, the leading Australian case on combustible cladding, at trial and as sole counsel on appeal

Acting on behalf of a major builder in a significant claim for damages in the Supreme Court of Victoria arising from damage sustained by an industrial development

Representing Powercor in several cases in the Supreme Court of Victoria and other jurisdictions in relation to its electricity distribution network

Acting for a firm of overseas investors in a substantial commercial dispute in the Supreme Court of Victoria arising from the acquisition of a mining tenement in Queensland

Appearing as sole counsel in numerous trials in the Supreme Court, County Court and Magistrates' Court of Victoria and the Victorian Civil and Administrative Tribunal

Selected Appearances

Building, Construction and Engineering Cases

Biodiversity Sub TC Pty Ltd v Vaughan Constructions Pty Ltd (Supreme Court of Victoria)

Trial concerning damage to an industrial development, including claims arising under the *Water Act 1989* (Vic). Led by Tim Margetts QC, with Justin Lipinski and Hamish McAvaney, instructed by Piper Alderman for the defendant (Vaughan Constructions).

Electricity Generation and Retail Corporation (trading as Synergy) v Cooling Towers WA Pty Ltd (Supreme Court of Western Australia)

Proceeding arising from the collapse of a cooling tower at the Muja Power Station in Western Australia. Led by Jeremy Twigg QC and Jeremy Whelen, instructed by Lander & Rogers for the plaintiff (Electricity Generation and Retail Corporation).

Owners Corporation No 1 PS600940E v LU Simon Builders Pty Ltd (County Court of Victoria)

Proceeding concerning combustible cladding in a residential apartment building, including questions relating to subrogation under the *Cladding Safety Victoria Act 2020* (Vic). Instructed by Hall & Wilcox for the plaintiff (Owners Corporation).

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 the Glen Iris Fire Station. Instructed by Lander & Rogers for the first defendant (Architectus).

RCI Infrastructure Pty Ltd v Antipodean Land Developments Pty Ltd (County Court of Victoria) [2021] VCC 452

Trial concerning allegedly defective execution of civil engineering works. Instructed by Piper Alderman for the defendant (Antipodean).

Royal Freemasons Homes of Victoria v Behmer & Wright Pty Ltd (Supreme Court of Victoria)

Various proceedings involving contractual claims and liability for combustible cladding and other defective works. Instructed by Corrs Chambers Westgarth for the plaintiff (Royal Freemasons).

Salta Constructions Pty Ltd v AE Smith & Sons Pty Ltd (Victorian Civil and Administrative Tribunal)

Proceeding concerning alleged defective installation of gas piping in an apartment building. Led by Geoff McArthur QC, instructed by Kennedys for the respondent (AE Smith).

Casualty and Liability Cases

Tanah Merah Vic Pty Ltd v Owners Corporation No 1 PS613436T (Court of Appeal) [2021] VSCA 72

Appeal concerning the combustible cladding fire at the Lacrosse Building, including consideration of the meaning of 'apportionable claim' in Part IVAA of the *Wrongs Act 1958* (Vic). Instructed by Wotton + Kearney for the respondent (Owners Corporation).

Australian National University v Lendlease Construction Pty Ltd (Supreme Court of the Australian Capital Territory)

Proceeding arising from a major flood at the Australian National University in 2018 causing damage to buildings and property on the campus. Led by John Gurr SC, instructed by Meridian Lawyers for the plaintiff (ANU).

Lay & Sons Organization Pty Ltd v Sunbuild Pty Ltd (Supreme Court of Victoria)

Proceeding concerning a fire at a dry goods warehouse in Darwin, resulting in a total loss of the building and stored contents. Led by Peter Murdoch KC, instructed by Lander & Rogers for the plaintiff (Lay & Sons).

Lenehan and 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. Led by Tim Margetts QC and Dugald McWilliams, instructed by Wotton + Kearney for the defendant (Powercor).

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 combustible cladding fire at the Lacrosse Building. Led by David Curtain QC, instructed by Wotton + Kearney for the applicant (Owners Corporation).

Commercial Cases

Australia Kunqian International Energy Co Ltd v Flash Lighting Company Ltd (Court of Appeal) [2020] VSCA 239

Appeal concerning alleged misrepresentations in relation to the acquisition of a mining tenement. Led by Tim Margetts QC, instructed by Baker McKenzie for the respondent (Flash Lighting Company).

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 microchips installed in vehicle cooling systems. Led by Tim Margetts QC, instructed by Wotton + Kearney for the claimant (Air International).

Commercial Cases (cont'd)

Flash Lighting Company Ltd v Australia Kunqian International Energy Co Ltd (Supreme Court of Victoria) [2018] VSC 711

Trial concerning alleged breaches of directors' duties, fraud, misleading conduct and breach of trust in relation to the acquisition of a mining tenement. Led by Tim Margetts QC, instructed by Baker McKenzie for the plaintiff (Flash Lighting Company).

M A & J Tripodi Pty Ltd v Swan Hill Chemicals Pty Ltd (Court of Appeal) [2019] VSCA 46

Appeal on questions concerning assessment of damages for loss of opportunity in relation to an agricultural venture. Led by Tim Margetts QC, instructed by Wotton + Kearney for the respondent (Swan Hill Chemicals).

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 arising from an agricultural venture. Led by Tim Margetts QC, instructed by Wotton + Kearney for the defendant (Swan Hill Chemicals).

Insurance Cases

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 for the defendant (Ironshore).

Sentinel Wealth Pty Ltd v Antares Managing Agency Ltd (Federal Court of Australia)

Proceeding involving separate questions in relation to coverage under a financial planners professional indemnity insurance policy. Led by Geoff McArthur QC, instructed by Wotton + Kearney for the respondent (Antares).

Yeshivah-Beth Rivkah Schools Ltd v Berkshire Hathaway Specialty Insurance Company (Supreme Court of Victoria)

Trial of claim for indemnity under liability policy, including consideration of notification of claims under section 40(3) of the *Insurance Contracts Act 1984* (Cth). Led by Geoff McArthur QC, instructed by Wotton + Kearney for the second defendant (Liberty Mutual Insurance).

Maritime and Transport Cases

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. Led by Matthew Harvey QC, instructed by AusShip Lawyers for the defendant (Hmood Al Ali Al Khalaf Trading).

CSL Australia Pty Ltd v OneSteel Manufacturing Pty Ltd (Federal Court of Australia)

Proceeding involving claims and cross-claims arising from a collision between a vessel and a wharf crane. Led by Martin Scott QC, instructed by HFW Australia for the first defendant (OneSteel).

Hamburg Sud Australia Pty Ltd v Cyclone Global Logistics Pty Ltd (Supreme Court of Victoria)

Proceedings involving claims for import and export detention charges in relation to containers shipped from Australia to India. Instructed by Clyde & Co for the plaintiff (Hamburg Sud).

Riviana Foods Pty Ltd v CH Robinson Worldwide (AU) Pty Ltd (Supreme Court of Victoria)

Proceeding concerning claims in contract, negligence and under the Hague Rules for damage to perishable cargo in transit from the UK to Australia. Instructed by Kennedys for the defendant (CH Robinson).

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 for the defendant (Famous Pacific Shipping).

Other Cases

Energy Safe Victoria v Powercor Australia Ltd (Magistrates' Court of Victoria)

Regulatory prosecution arising from two bushfires at Terang and Garvoc in March 2018. Led by Tim Margetts QC and Rob O'Neill, instructed by Wotton + Kearney for the defendant (Powercor).

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 for the defendant/applicant (Ironshore).