

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 frequently acts in disputes involving expert and technical evidence. He is adept at understanding and distilling complex issues so that they can be effectively communicated to clients and decision-makers.

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, 2024 and 2025

Doyle's Guide, Leading Transport Barristers, Australia, 2022, 2023, 2024, 2025 and 2026

Doyle's Guide, Leading Professional Indemnity Barristers, 2025

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 Background

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

Arbitration	Insurance
Building and Construction Law	Maritime and Transport Law
Class Actions	Professional Indemnity
Commercial Disputes	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

Selected Experience

Acting for owners, principals, builders and consultants (architects, engineers, surveyors and others) in various construction-related disputes, including contractual claims (delay and acceleration, EOTs, latent conditions, variations, etc), defective works and damage to property

Acting for major electricity companies in numerous claims arising from damage to and resulting from electricity assets

Advising on and acting in claims in relation to civil, geotechnical and structural engineering works

Advising insurers and insured persons regarding policy interpretation, claims for indemnity and issues arising under the *Insurance Contracts Act 1984* (Cth)

Advising on and appearing in multiple claims under the *Water Act 1989* (Vic) in relation to water assets and infrastructure, including claims resulting from flood barriers, pipe bursts and corrosion and subterranean water flows

Appearing in numerous claims resulting from the use of combustible cladding, including the landmark *Lacrosse* litigation at trial and as sole counsel on appeal

Appearing in a diverse range of claims for property damage resulting from structural collapse, explosions, fire, flooding, ground settlement, leakage, mould, corrosion, contamination and pollution

Representing carriers, freight forwarders, shippers and vessel owners in maritime claims such as collisions, damage to cargo and vessels, demurrage, hire charges and claims under the *Admiralty Act 1988* (Cth)

Selected Cases

Building, Construction and Engineering Cases

AGL Generation Pty Ltd v Genertech Pty Ltd (Supreme Court of Victoria)

Proceeding arising from the catastrophic failure of a generator at the Loy Yang Power Station, involving claims for material damage and consequential economic loss exceeding \$100 million. Led by Gerard Dalton KC, instructed by Wotton Kearney for the plaintiff (AGL).

Alcoa of Australia Ltd v AusNet Transmission Group Pty Ltd (Supreme Court of Victoria)

Proceeding arising from an electrical supply interruption resulting in material damage to the Portland Aluminium Smelter and consequential losses, with claimed damages exceeding \$200 million. Led by Tim Margetts KC, with Tully Anders, instructed by Wotton Kearney for the second defendant (Power Network Services Pty Ltd).

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, including the loss of a substantial library collection, with claimed damages exceeding \$60 million. Led by John Gurr KC, instructed by Meridian Lawyers for the plaintiff (ANU).

Biodiversity Sub TC Pty Ltd v Vaughan Constructions Pty Ltd (Supreme Court of Victoria and Victorian Civil and Administrative Tribunal)

Trial concerning damage to an industrial development, including claims arising under the *Water Act 1989* (Vic), involving claimed damages exceeding \$120 million. Led by Tim Margetts QC, with Justin Lipinski and Hamish McAvaney, instructed by Piper Alderman for the defendant (Vaughan Constructions Pty Ltd).

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).

Lendlease Building Pty Ltd v McKenzie Group Consulting (Vic) Pty Ltd (Supreme Court of Victoria)

Proceeding concerning the supply of allegedly defective cladding and facade works at a residential building in Melbourne. Unled, instructed by KCL Law for the fourth defendant.

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.

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).

Tanah Merah Vic Pty Ltd v Owners Corporation No 1 PS613436T (Supreme Court of Victoria, 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 IVA of the *Wrongs Act 1958* (Vic). Instructed by Wotton + Kearney for the respondent (Owners Corporation).

Ware v Pacific Hydro Portland Windfarm Pty Ltd (Supreme Court of Victoria) [2025] VSC 558

Proceeding involving claims in nuisance and misleading or deceptive conduct in relation to a windfarm. Unled, instructed by Wotton Kearney for the third defendant.

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. Unled, instructed by Piper Alderman for the defendant (Antipodean).

Leda Constructions Pty Ltd v 22 Upton Rd Pty Ltd (County Court of Victoria) [2025] VCC 1112

Acting for the respondent to an interlocutory application restraining a principal from calling on a bank guarantee. Unled, instructed by Piper Alderman for the defendant (22 Upton Rd Pty Ltd).

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).

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 (Supreme Court of Victoria, 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).

Confidential Arbitration (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.

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 (Certain Underwriters at Lloyd's of London).

Calbah Industries Pty Ltd v Zurich Australian Insurance Ltd (Federal Court of Australia)

Acting for insurers in response to a claim for indemnity under a construction plant and equipment policy. Led by Geoff McArthur KC, instructed by Wotton Kearney for the respondents.

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 Managing Agency).

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

Trial of claim for indemnity under liability policy, concerning notification 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).

VicProp OC Pty Ltd v AIG Australia Ltd (County Court of Victoria) [2025] VCC 83

Trial of claim for indemnity under professional indemnity policy. Instructed by Moray & Agnew for the second defendant (Allianz Australia Ltd), with Amy Armstrong.

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. Unled, 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. Unled, 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

UDP Holdings Pty Ltd v Ironshore Corporate Capital Ltd (Supreme Court of Victoria) (2016) 51 VR 60; [2016] VSC 400

Successful 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 (Certain Underwriters at Lloyd's of London).

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).

Lenahan 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).

Etcell v F&J Investment Assets Pty Ltd (Supreme Court of Victoria, Court of Appeal) [2024] VSCA 245

Successful application for security for costs. Unled, instructed by Lander & Rogers for the respondents/applicants for security (F&J Investment Assets and others).

O'Connell v JD Fenton Plumbing and Drainage Pty Ltd (Supreme Court of Victoria, Court of Appeal) [2025] VSCA 287

Appeal concerning alleged contraventions of the *Civil Procedure Act 2010* (Vic).

Cabinets by Webb Pty Ltd v Creasy (County Court of Victoria) [2025] VCC 910

Trial arising from a fire allegedly caused by a negligently discarded cigarette, resulting in a successful outcome and an order for indemnity costs. Unled, instructed by Lander & Rogers for the defendant.

Pick v McDonald (County Court of Victoria) [2025] VCC 1247

Trial concerning an outbreak of mould in a house. Unled, instructed by McCabes for the plaintiff.