

Tony Thomas

Barrister 1998

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Tony Thomas focuses his practice on construction disputes, infrastructure disputes, regulatory inquiries and public law. In 2021, he is engaged in complex construction disputes in the Federal Court and in the Supreme Court of New South Wales and holds an on-going brief for a large NGO that has been the subject of a multi-year ACNC investigation. In recent years, he has been lead counsel for the Commonwealth of Australia in the NSW Supreme Court (*Liverpool City Council v Department of Treasury and Finance*), lead counsel for the State of Papua New Guinea in an international arbitration and sentencing counsel in one of the Secrecy prosecutions in the Victorian Supreme Court. He has also practised extensively in IBAC for the State of Victoria.

Tony has been recognised by Best Lawyers for expertise in Construction / Infrastructure Law since 2020.

Tony represents clients on issues that include:

- Infrastructure projects
- Commercial and residential construction disputes
- Insurance litigation
- Owners Corporation disputes
- Complex IP royalty disputes
- Occupational Health and Safety prosecutions (defence)
- Ombudsman, IBAC and ACIC inquiries
- Class actions

Tony has significant experience in developing and implementing regulatory defence strategies for public companies. He has also led multiple internal investigations into allegations of fraud / corrupt conduct / anti-competitive conduct / money laundering within NGOs, private companies and public companies, including a major listed multi-national.

When litigating, Tony adopts a hands-on approach to factual inquiry and legal analysis. He has a deep understanding of expert evidence and recognises the critical role that well-prepared expert witnesses play in superior court litigation (and the early resolution thereof).

Prior to joining the Bar, Tony was a senior adviser in the Department of Premier and Cabinet (Victoria) and a Research Fellow at the Centre for Comparative Constitutional Studies at the University of Melbourne.

SPECIALISATIONS

- Construction and infrastructure law
- Workplace investigations
- White collar crime
- Cross-border crime investigations
- Tax, securities and instruments fraud
- Money laundering and bribery

PROFESSIONAL RECOGNITION

- Doyle's Guide 2020, Leading Constructio and Infrastructure Junior Counsel, Australia - Recommended
- Best Lawyers 2020 (Construction & Infrastructure NSW) ; Best Lawyers (Global Business Division).

NOTABLE CASES

Building and construction law / corporate law

Representation of a leading not-for-profit (with a worldwide presence) in a series of actions involving the ACNC and related government entities (2019 to present)

Representation of Fairview Architectural in the Federal Court of Australia (with Zappia QC) in one of two linked composite cladding class actions.

Representation of the liquidator of a major joint venture partner in a multi-year private arbitration seated in Perth. The litigation arose from a dispute between the partners in one of the largest mining boom investments in the Australian resources sector (2012 to 2016; ongoing).

Representation of the Owners Corporation of a luxury residential high-rise in North Sydney in a multi-million-dollar contractual dispute with Brookfield. (2015 to 2016).

Representation, with Bryan Merryman of White & Case, of a contact-lens research institute in intellectual property infringement proceedings against a 'top four' contact-lens manufacturer. Two international arbitrations seated in San Francisco; both prevailed (2010 to 2013).

Representation, with Paul Gully-Hart of Schellenberg Wittmer (Geneva), of a consortium of Swiss investors seeking to recover assets in the liquidation of the partnership of Hirsch & Cie (2011 to 2012).

Conducted five workplace investigations for a major Victorian statutory authority

Representation of the State of Victoria in two major IBAC corruption inquiries involving allegations of expropriation of \$50-million in State funds and large-scale accounting fraud in the public education sector: 'Operation Ord' with Sarah Keating (2014); 'Operation Dunham' with Fiona Batten (2015). Instructed by the Victorian Government Solicitor's Office.

Representation of the State of Victoria in the first major investigation conducted by Victoria's Independent Broad-Based Anti-Corruption Commission, involving allegations of official corruption in the public transport sector (2014). Instructed by the Victorian Government Solicitor's Office.

Representation of a primary target of the joint Australian Crime Commission & Australian Taxation Office investigation into the Singaporean/Hong Kong cross-border private banking industry (2013 to 2015; no charges laid).

Representation of a corporate target of the Australian Crime Commission investigation ('Operation Wickenby') into the cross-border private banking industry.