

Thomas Bagley

Ninth Floor Selborne Chambers

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Admissions, education and prior experience

2015	Barrister
2012	Solicitor
2011-2015	Associate, Commercial Litigation and Dispute Resolution, Allens
2007 – 2011	University of Sydney: Commerce / LLB (Hons I).
Awards:	First Class Honours. Merit Scholarship, Exchange Scholarship, Federal Constitutional Law Prize.

Experience - NSW Bar

I accept briefs in all areas of the law, with an emphasis on class actions, commercial disputes, insolvency, professional conduct and public law.

I am presently briefed in a range of class actions in the Federal Court and Supreme Court of NSW, including shareholder claims, financial services (life insurance claims against various banks and superannuation claims against various banks and superannuation trustees), consumer protection (combustible cladding), franchise disputes and consumer protection.

I am also briefed in a range of commercial disputes in the Federal Court and Supreme Court, liquidator's claims and examinations (both by liquidators and former directors) in the Supreme Court and administrative law matters in the Full Federal Court, Federal Court and Federal Circuit Court. I regularly appear in professional conduct and regulatory enforcement matters.

Current and recent cases

Below is a list of my appearances at the bar, with a brief description and details of any silks who led me.

Class actions

1. *The Owners – Strata Plan No 87231 v 3A Composites GmbH & anor* [2019], reserved (registration; common questions);
2. *Bradgate v Ashley Services (No 2)* [2019] FCA 1210, Habib SC (settlement approval);
3. *Lenthall v Westpac Life Insurance Services Limited* [2018] FCA 1422, Martin SC (common fund);
4. *Davaria Pty Limited v 7-Eleven Stores Pty Ltd* [2018] FCA 984, Armstrong QC (communication protocol); *Davaria Pty Limited v 7-Eleven Stores Pty Ltd* [2018] FCA 760 (privilege);

5. *Kenquist Nominees Pty Limited v Campbell* (No 5) [2018] FCA 853, Martin SC (privilege); (No 4) [2018] FCA 49, Martin SC (security for costs); (No 3) [2017] FCA 1239, Martin SC (discovery); (No 2) [2016] FCA 911, Martin SC (strike out); (No 1) [2016] FCA 354, Martin SC (set aside subpoena);
6. *Hassid v Queensland Bulk Water Supply Authority t/as Seqwater* [2017] NSWSC 599, Martin SC (overlapping class actions); and
7. *Lock v ASIC* [2016] FCA 31, Martin SC and Robinson SC (strike out).

Appeals

8. *Bywater Investments & Ors v Commissioner of Taxation* [2016] HCA 45, Myers QC (tax; residence);
9. *YAU026 v Republic of Nauru* [2017] HCATrans 232, Hutley SC (migration; appeal from Supreme Court of Nauru, Republic conceded following service of written submissions);
10. *In the matter of ACN 092 745 330 Pty Ltd (In Liquidation)* [2018] NSWCA 67, Painter SC (director's duties; voidable transactions);
11. *Gould v Deputy Commissioner of Taxation* [2017] FCAFC 1, Hutley SC (tax; enforcement; s39B review);
12. *Anglo American Investments Pty Ltd v Deputy Commissioner of Taxation* [2016] NSWCA 17, Hutley SC (tax; enforcement; s39B review); and
13. *Hua Wang Bank & Ors v Commissioner of Taxation* [2015] FCAFC 176, Myers QC (tax; residence; capital/revenue).

Unled appearances

14. *CLI16 v Minister for Immigration & Anor* [2019] FCA, reserved (relocation principle);
15. *Lilli v Building Professionals Board* [2019] NSWCATOD 193 (professional conduct, stay)
16. *Khoury v Department of Fair Trading* [2019] NSWCATOD 194 (professional conduct, licence application);
17. *Ko & Ors v Minister for Immigration & Anor* [2019] FCCA 2176 (12 August 2019)
18. *Lilli v Building Professionals Board* [2019] NSWCATOD 119 (professional conduct, building certification);
19. *SALH v Minister for Immigration & Anor* [2019] FCCA 2096 (457 visa, futility);
20. *DYY17 v Minister for Immigration & Anor* [2019] FCCA 1174 (protection visa);
21. *In the Matter of ACN 092 745 330 Pty Ltd* [2018] NSWSC 1185 (leave to amend following appeal);
22. *Okumu v Minister for Home Affairs & Anor* [2018] FCCA 1143 (student visa);
23. *Dassouki v Department of Fair Trading* [2019] NSWCATOD 14 (professional conduct, licencing);
24. *Allan v Bendigo and Adelaide Bank Limited* [2018] NSWSC 177 (cross-vesting transfer);
25. *Hardcastle v Santos Limited* [2017] NSWDC 137 and *Hardcastle v Santos Limited (No 2)* [2017] NSWDC 450, (misleading conduct, nuisance);

26. *Bacchus Wine Merchants Pty Ltd v Ross* [2017] FCCA, unreported ex temp, (bankruptcy annulment);
27. *Members Equity Bank v Chetcuti*, NSWDC, settled during hearing (breach of contract);
28. *Shaikh v Minister for Immigration* [2017] FCCA, (Minister conceded following service of submissions);
29. *SZQGJ v Minister for Immigration* [2017] FCCA, (ITOA assessment, Minister conceded following service of submissions);
30. *Sadruga v Minister for Immigration* [2017] FCCA 411, (bridging visa cancellation).

Insolvency and commercial disputes

31. *Anderson v Patersons Securities Ltd & ors* [2019] NSWSC 852, Painter SC (security for costs); (No 2) [2019] NSWSC 853, Painter SC (subpoena set aside);
32. *Sharpe v CNH Capital Australia Pty Limited* [2018] FCA 49 (bankruptcy annulment, application of Farm Debt Mediation Act);
33. *In the matter of ACN 092 745 330 Pty Ltd (In Liquidation)* [2017] NSWSC 241, Painter SC (director's duties; voidable transactions); and
34. *SX Projects v Battaglia & ors* [2016] NSWSC 1385, Painter SC (liquidator's claim; security); and
35. *Marsden v DCL Developments* [2016] NSWSC 823, unled for majority of the hearing, (injunction restraining receivers).

Administrative law and tax

36. *Tandem College v ASQA* [2018] AATA 3046, Painter SC (deregistration, stay);
37. *Deputy Commissioner of Taxation v Morning Star Fiduciaries & ors* [2016] NSWSC 975, Hutley SC (tax; s39B review);
38. *Deputy Commissioner of Taxation v Leaver* [2015] FCA 1454 (tax; s39B review);
39. *Millar v Commissioner of Taxation* [2015] FCA 1104 (judicial review);
40. *Pilmora & Ors v Commissioner of Taxation* [2015] FCA 1420; [2015] AATA 976 (sham loans); and
41. *Deputy Commissioner of Taxation v Gould* [2015] FCA 1345 (enforcement; discovery).