



THOMAS PRINCE

Bachelor of Science (Advanced) (Hons I and University Medal in Statistics) – University of Sydney

Bachelor of Laws (Hons I and University Medal) – University of Sydney

Master of Laws (with Distinction) – University College, London

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Admitted to the legal profession

2010

Admitted as a barrister in NSW

2012

Also entitled to practise in

Australian jurisdictions (Commonwealth, State and Territory)

Thomas has a wide-ranging commercial and public law practice, covering:

- Administrative and public law
- Appellate practice
- Class actions
- Commercial law
- Constitutional law
- Corporations law
- Equity
- Public & private international law
- Taxation and revenue

He has appeared in the High Court, and in intermediate appellate courts and at the trial level in various jurisdictions.

Thomas was Associate to the Hon Justice Dyson Heydon AC of the High Court of Australia in 2008 and the Hon Justice Virginia Bell AC also of the High Court in 2009. Thomas was a lawyer in the litigation and taxation departments at Allens Arthur Robinson.

Thomas graduated from the University of Sydney with a Bachelor of Science (Advanced) with First Class Honours and the University Medal in Statistics and a Bachelor of Laws with First Class Honours and the University Medal. He was a Menzies Scholar and completed a Master of Laws degree at University College, London.

He has authored or edited a number of books, including Interpretation (2nd edition), which covers all aspects of Australian law concerning statutory and constitutional interpretation, the interpretation of private legal documents, as well as the interpretation of court orders and the rules of precedent.

PROFESSIONAL EXPERIENCE

2010–2011, 2017–2020: University tutor, University of Sydney

2010–2012: Solicitor, Allens Arthur Robinson

2009: Associate to the Hon. Justice Virginia Bell AC, High Court of Australia

2008: Associate to the Hon. Justice Dyson Heydon AC, High Court of Australia

ADDITIONAL INFORMATION

2014 – 2015: Counsel Assisting the Royal Commission into Trade Union Governance and Corruption

PROFESSIONAL MEMBERSHIPS

Australian Institute of Administrative Law (NSW Chapter); New South Wales Bar Association

RECENT PUBLICATIONS

Recent Cases: Deed of Settlement – Construction and Operation of Release – Scope of Grant v John Grant & Sons Pty Ltd (2022) 96 ALJ 884

Recurring Issues in Civil Appeals (2022) 96 ALJ 203 (Part 1); (2022) 96 ALJ 273 (Part 2)

Recent Cases: Coffs Harbour City Council v Polglase [2020] NSWCA 265 (2021) 95 ALJ 181

Statutory Interpretation Principles (2nd ed), with Perry Herzfeld (2020, Thomson Reuters)

Interpretation (2nd ed), with Perry Herzfeld (2020, Thomson Reuters)

Heydon: Selected Papers and Speeches, with Justice John Sackar (eds) (2018, Federation Press)

AWARDS OR PROFESSIONAL RECOGNITION

2021, 2022, 2023: Best Lawyers: Litigation and Tax Law

2022: Doyles Guide: Recommended Tax junior counsel

2020, 2021: Doyles Guide: Recommended Commercial Litigation and Dispute Resolution junior counsel

SELECTED RECENT CASES

Appellate

Allianz Australia Insurance Ltd v Delor Vue Apartments CTS 39788 [2022] HCA 38 – for Allianz in insurance case concerning election, estoppel, waiver and good faith – led by D McLure SC

Larter v Hazzard [2022] NSWCA 238 – for State of New South Wales in challenge to COVID-19 Public Health Orders – unled

Carnival plc v Karpik (Ruby Princess) (2022) 404 ALR 386; [2022] FCAFC 149 – for Carnival in appeal concerning class action waiver clause – led by D McLure SC

Qantas Airways Ltd v Transport Workers' Union of Australia (2022) 402 ALR 1; [2022] FCAFC 71 – for Qantas in outsourcing appeal – led by B Walker SC

Facebook Inc v Australian Information Commissioner (2022) 289 FCR 217; [2022] FCAFC 9 – for Australian Information Commissioner in privacy proceedings against Facebook – led by R Higgins SC

Kassam v Hazzard (2021) 106 NSWLR 520; [2021] NSWCA 299 – for State of New South Wales in challenge to COVID-19 Public Health Orders – led by J Kirk SC

Doyle's Farm Produce Pty Ltd v Murray Darling Basin Authority (No 2) (2021) 106 NSWLR 26; [2021] NSWCA 246 – for Murray Darling Basin Authority in class action appeal concerning scope of Civil Liability Act – led by S Nixon SC

Queensland Bulk Water Supply Authority t/as Seqwater v Rodriguez & Sons Pty Ltd (2021) 393 ALR 162; [2021] NSWCA 206 – for Seqwater in Queensland Floods Class Action appeal – led by J Stoljar SC

Qantas Airways Ltd v Flight Attendants' Association of Australia (2020) 282 FCR 243; [2020] FCAFC 227 – for Qantas in proceedings concerning JobKeeper scheme – led by J Kirk SC

SIF Holdings Pty Ltd v CRC Gosford Pty Ltd (2021) 392 ALR 697; [2021] NSWCA 174 – for SIF Holdings in trust proceeding – led by J Stoljar SC

Namoa v The Queen (2021) 271 CLR 442; [2021] HCA 13 – for CDPP in appeal concerning spousal conspiracy – led by S Free SC

Vella v Commissioner of Police (NSW) [2019] HCA 38; (2019) 269 CLR 219 – for plaintiffs in constitutional challenge to validity of *Crimes (Serious Crime Prevention Orders) Act 2016* (NSW) – led by J Kirk SC

Haselhurst v Toyota Motor Corp Australia Ltd [2020] NSWCA 66; (2020) 101 NSWLR 890 – for BMW Australia in proceedings concerning class closure orders in Takata Airbag Class Action – led by J Kirk SC

BMW Australia Ltd v Brewster [2019] NSWCA 35 (Court of Appeal); [2019] HCA 45; (2019) 269 CLR 574 (High Court) – for BMW Australia in appeals concerning common fund orders in Takata Airbag Class Action – led by J Kirk SC

Commissioner of Taxation v Iannuzzi [2019] FCAFC 39; (2019) 268 FCR 349 – for Commissioner of Taxation in inquiry into conduct of liquidator – led by D McLure SC

First Instance

Wang v Law Society of New South Wales (No 2) [2022] NSWSC 1720 – for Law Society in appeal concerning Fidelity Fund - unled

Re Neil (No 5) [2022] NSWSC 1704 – for Department of Communities and Justice in proceedings concerning Cross-Vesting scheme - unled

Jacups v Fidelity Fund Management Committee of the Law Society of NSW (No 2) [2022] NSWSC 1375 – for Law Society in appeal concerning Fidelity Fund - unled

Kikuyu v Hazzard (No 2) (2022) 317 IR 356; [2022] FCA 812 – for State of New South Wales in challenge to constitutional validity of Public Health Act 2010 (NSW) - unled

Knowles v Commonwealth [2022] FCA 741 – for State of New South Wales in COVID-19 class action - unled

Can v New South Wales [2021] NSWSC 1480 – for State of New South Wales in challenge to COVID-19 Public Health Orders – led by J Kirk SC

Larter v Hazzard (No 2) [2021] NSWSC 1451 – for State of New South Wales in challenge to COVID-19 Public Health Orders – led by J Kirk SC

Kassam v Hazzard (2021) 393 ALR 664; [2021] NSWSC 1320 – for State of New South Wales in challenge to COVID-19 Public Health Orders – led by J Kirk SC

Qantas Airways Ltd v Flight Attendants' Association of Australia [2020] FCA 1365 – for Qantas in proceedings concerning JobKeeper scheme – led by J Kirk SC

Commissioner of Australian Federal Police v Revell-Read [2021] NSWSC 812 – for AFP in mutual assistance in crime proceedings - unled

Doyle's Farm Produce Pty Ltd atf Claredale Family Trust v Murray Darling Basin Authority [2021] NSWSC 369 – for Murray Darling Basin Authority in class action appeal concerning scope of Civil Liability Act – led by S Nixon SC

Queensland Floods Class Action (Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater) – various citations – for Seqwater in various proceedings concerning damages assessment – led by J Stoljar SC

Brewster v BMW Australia Ltd [2020] NSWSC 1261 – for BMW Australia Ltd in proceedings concerning common fund orders in Takata Airbag Class Action – unled

Australian Information Commissioner v Facebook Inc [2020] FCA 1307 – for the Australian Information Commissioner in privacy proceedings against Facebook – led by R Higgins SC

CRC Gosford Pty Ltd v Columbus Investment Services Ltd [2020] NSWSC 1153 – acting for beneficiary in commercial trust dispute – led by J Stoljar SC

Re Application by Commissioner of Australian Federal Police [2020] NSWSC 179; [2020] NSWSC 889 – for the AFP in proceeds of crime matter – unled

Haselhurst v Toyota Motor Corp Australia Ltd [2019] NSWSC 1493 – for BMW Australia in proceedings concerning class closure orders in Takata Airbag Class Action – unled

Vodafone Hutchison Australia Pty Ltd v Australia Competition and Consumer Commission [2020] FCA 117 – for ACCC in merger dispute concerning Vodafone and TPG – led by M Hodge KC

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law

Corporations and Securities

Appellate

Banking and Financial Services

Class Actions

Competition and Consumer

Contracts

CRIMINAL

Appellate

Proceeds of crime

EQUITY

Appellate

Trusts

PUBLIC AND ADMINISTRATIVE LAW

Appellate

Constitutional law

Judicial review and administrative law

Proceeds of crime