

DANIEL EDWARD THOMAS

Barrister

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Principal Areas of Practice

- Commercial/Equity
- Corporations/Insolvency
- Defamation
- Discrimination
- Professional Negligence/Public Liability
- Property Law
- Sports Law

Admissions

- Barrister, New South Wales Bar
May 2017
- Lawyer, High Court of Australia
May 2015
- Lawyer, Supreme Court of New South Wales
February 2014

Education

- Bachelor of Laws, University of Sydney
2009 – 2011
Award: Honours Class II
- Bachelor of Commerce, University of Sydney
2006 – 2008
Major: Commercial Law

Professional Experience

- Member, Frederick Jordan Chambers
April 2019 – January 2023
- Licensee, Level 22 Chambers
April 2018 – March 2019
- Reader, Level 22 Chambers
May 2017 – April 2018
- Solicitor, James Tuite & Associates
May 2016 – April 2017
- Graduate Lawyer/Solicitor, Makinson d'Apice Lawyers
July 2013 – February 2016
- Tipstaff to the Honourable Justice Lucy McCallum (Supreme Court of NSW)
January 2013 – July 2013
- Tipstaff to the Honourable Justice Ian Gordon Harrison (Supreme Court of NSW)
January 2012 – December 2012

Volunteer Roles

- Chair, St George Football Association Judiciary Committee
January 2021 – January 2022

Selected Cases

- *IWC Industries Pty Ltd v Union Fidelity Capital Funding Pty Ltd* [2022] NSWSC 1476
Led by J.P. Redmond – Application for removal of caveat in lending contract case.
- *Kemp v Tiirikainen (No 4)* [2022] ACTSC 43
Unled – Application in professional negligence proceedings concerning application to adduce late evidence.
- *Barrak v Wilson* [2020] NSWDC 789
Unled – Application in defamation proceedings concerning framing of pleaded imputations.
- *Wallis v Rudek* [2020] NSWSC 162
Led by B. Oliak – Final hearing claiming *Baumgartner v Baumgartner* equity in property.
- *Barrak v City of Parramatta Council* [2019] NSWCA 213; 18 BPR 35759
Led by M. Green SC – Appeal seeking declarations of invalidity of Council resolutions expelling Councillor for alleged acts of disorder raising questions of proper construction of s 10 of the *Local Government Act 1993* (NSW) and *Wednesbury* unreasonableness.
- *Li & Anor v Wu* [2019] ACTCA 14
Led by M. A. Karam – Appeal against leave to bring derivative action under s 237 of the *Corporations Act 2001* (Cth) involving question of proper construction of s 33 of *Limitation Act 1985* (ACT).
- *Isaac Luke v NRL Match Review Committee* (NRL Judiciary, 30 July 2019)
Unled – Application for downgrade of Grade 2 dangerous throw charge.
- *Barrak v City of Parramatta Council* [2019] NSWLEC 59
Led by M. Green SC – Claim seeking declarations of invalidity of Council resolutions expelling Councillor for alleged acts of disorder raising questions of proper construction of s 10 of the *Local Government Act 1993* (NSW) and *Wednesbury* unreasonableness.
- *Wu v Li* (Federal Circuit Court of Australia, Judge Street, 7 June 2019)
Unled – Application to set-aside bankruptcy notice raising issues of abuse of process for duplication, irregularity and availability of set-off.
- *Kavanagh v Racing New South Wales* [2019] NSWSC 40
Led by M. A. Karam – Judicial review of decision of Racing Appeals Tribunal concerning whether reduction in horse trainer’s penalty manifestly inadequate in the

light of lack of actual or constructive knowledge of administration of prohibited substance.

- *Lowbeer v De Varda* [2018] FCAFC 115
Led by Dr R. P. Austin – Appeal from decision of Federal Circuit Court of Australia dismissing creditor's petitions based on certificates of taxation and costs concerning question of whether debt owing in truth and reality for purpose of s 52 of *Bankruptcy Act 1966* (Cth).
- *Taylor v Joye* [2018] NSWCATAP 309
Unled – Appeal from decision of NCAT Occupation Division on question of jurisdiction under *Dividing Fences Act 1991* (NSW).
- *Mawbey v Commissioner for Fair Trading* [2018] NSWCATOD 141
Unled – Disciplinary action against electrical contractor for improper conduct under *Home Building Act 1989* (NSW).
- *In the matter of Austral Alloys Pty Ltd* [2017] NSWSC 1833
Led by J. Darams – Application for winding up on just and equitable ground where breakdown of relationship between shareholders.