



Edward Muston SC

ACADEMIC QUALIFICATIONS

BScAgr (Hons), LLB (Hons) 1994-2000

ADMISSIONS

2001	Admitted as an Australian Lawyer
2003	Admitted to the New South Wales Bar
2015	Appointed as Senior Counsel

AREAS OF PRACTICE

Edward has a broad practice with a focus on commercial disputes, insurance, reinsurance, corporations law, professional ethics, and obligations. He has particular expertise in addressing policy construction and other indemnity issues arising in the context of insurance arrangements and significant experience providing advice concerning the professional obligations of lawyers, medical professionals, directors & officers of corporations and participants the financial services industry.

In addition, Edward has substantial experience in public law and the prosecution of environmental offences. He appears regularly for government agencies in prosecutions and administrative law proceedings. Edward has appeared for and advised the Council of the NSW Bar Association in relation to disciplinary matters and a wide range of issues relevant to the regulation of the legal profession.

The principal areas in which Edward practices are:

- Appellate practice
- Class actions
- Commercial disputes
- Corporations law & insolvency
- Crime (predominantly Environmental and Regulatory Crime)
- Insurance law, including reinsurance
- Public and administrative law
- Professional liability & disciplinary proceedings
- Trade practices & consumer law



In addition to his appearance work, Edward enjoys a substantial opinion writing practice, which traverses all the above areas of law. Further information regarding the general nature of this aspect of his experience, or a more comprehensive list of matters in which he has been involved in any of the above practice areas, can be provided on request.

PROFESSIONAL ACTIVITIES AND POSITIONS

- Member (since 2018, Co-Chair), Professional Conduct Committee of the NSW Bar Association (2005-present)
- Member, Education Committee of the NSW Bar Association (2016-present)
- Member (since 2018, Chair), Examination Working Group of the NSW Bar Association (2015-present)
- Member, Working Group Strengthening Support for First Nations Bar Exam Candidates (2024-present)
- Member, Legal Practitioners Admission Board (2024-present)
- Member, Legal Qualifications Committee of the Legal Practitioners Admission Board (2018-present)
- NSW Bar Association Advocate for Change in Gender Equality (2024-present)
- Environmental Counsel to the Board of the NSW Environment Protection Authority, appointed under s.17 of the POEA Act (2016-present)
- Member, Advisory Council of the University of Wollongong School of Law (2020-present)
- Occasional Member, Sydney Hockey Association Judiciary and Investigations Committee and Hockey NSW Appeal Panel (2006-present)

TEACHING POSITIONS

Between 2004 and 2021, Edward was a Fellow of the University of Wollongong's School of Law; most recently as an Honorary Professorial Fellow. In that capacity, he convened and delivered courses in Corporate and Personal Insolvency as part of that University's Summer Session and contributed to the teaching of the Law of Contracts and Environmental Law at an undergraduate level as guest lecturer. He has delivered papers at academic gatherings and lectures to barristers, solicitors, and other professional bodies as part of their respective professional development programs. These papers and lectures have covered a wide range of topics, including: causation under the Civil Liability Act; evidentiary issues arising in the prosecution of environmental offences; the preparation of affidavits and expert evidence; professional indemnity; the interaction between the Professional Standards Act and policies of professional indemnity insurance from time-to-time approved for barristers by the Attorney General; intersections in the regulation of water resources and the criminal law; and various topics relating to both the law of insurance and the regulation of the legal profession.



Since 2018, Edward has chaired the committee tasked with delivering the NSW Bar Examination and, for a number of years, delivered workshops on professional ethics to exam candidates and assessed and provided instruction to participants in the NSW Bar Practice Course across a range of different areas.

OTHER LANGUAGES SPOKEN

Italian (although not fluently).

RECENT CASES

Class actions

- *Reannan Laura Haswell & Anor v Commonwealth of Australia* (multi-site PFAS class action) [2023] FCA 1093
- *Matheson Property Group Pty Ltd (Trustee) v Virgin Australia Holdings Ltd (No 2)* [2023] FCA 899
- *Caason Investments Pty Ltd v Cao* (2015) 236 FCR 322

Commercial disputes

- *Xie v Qin* [2024] NSWCA 26
- *ACN 057 690 034 Pty Ltd v Wykrota* [2020] NSWSC 143
- *Swiss Re International SE v David Simpson* [2018] NSWSC 233
- *Santos (BOL) Pty Ltd v Apache Northwest Pty Ltd (now known as Quadrant Northwest Pty Ltd)* [2017] WASCA 101
- *Schwartz Family Co Pty Ltd v Capitol Carpets Pty Ltd* [2017] NSWCA 223

Corporations law & insolvency

- *Re Sumo Australia Ltd* [2020] NSWSC 1142
- *Nand v Fuji Xerox Australia Pty Ltd* [2015] FCAFC 51

Crime

- *R v Ahmad; R v Fakhreddine* [2020] NSWDC 370
- *Maitland v R; Macdonald v R* (2019) 99 NSWLR 376
- *Boyson v Chief of Army* [2019] ADFDAT 2

Environmental Crime and Regulatory Crime

- *Cockburn Cement Ltd v Cowie* [2023] WASC 343
- *Harris v Natural Resources Access Regulator; Timmins v Natural Resources Access Regulator* [2023] NSWCCA 16
- *Environment Protection Authority v University of Sydney* [2022] NSWLEC 41



- *Transport for NSW v East Coast Wharf Constructions Pty Ltd; Transport for NSW v King* [2020] NSWLEC 112
- *Natural Resources Access Regulator v Harris; Natural Resources Access Regulator v Timmins* [2020] NSWLEC 104
- *O’Haire v Barnes, Chief Regulatory Officer, Natural Resources Access Regulator* [2020] NSWCCA 19
- *Dyno Nobel Asia Pacific Pty Ltd v Environment Protection Authority* [2017] NSWCCA 302

Inquiries

- Senior Counsel assisting the Special Commission of Inquiry into Healthcare Funding (NSW).

Insurance law, including reinsurance

- *Prestige Form Group NSW Pty Ltd v QBE European Operations PLC* [2023] FCA 749
- *MS Amlin Corporate Member Limited v LU Simon Builders Pty Ltd* [2023] FCA 581
- *SunWater Limited v Liberty Mutual Insurance Company* [2022] NSWCA 273
- *CIMIC Group Limited v AIG Group Limited* [2022] NSWSC 999
- *Swiss Re International SE v LCA Marrickville Pty Ltd (Second Covid-19 Insurance Test Cases)* [2021] FCA 1206
- *QBE Insurance Australia Ltd v Allianz Australia Insurance Ltd* [2020] FCA 589

Public and administrative law

- *National Disability Insurance Agency v KKTB* [2022] FCAFC 181
- *Secretary of the Ministry of Health v Australian Paramedics Association (NSW)* [2022] NSWSC 1431
- *Australia YMCI Ltd v Secretary of the Department of Customer Service* [2021] NSWSC 1114
- *Roberts-Smith v Fairfax Media Publications Pty Limited (No 14)* [2021] FCA 552
- *State of Queensland (Dept of Agriculture and Fisheries) v Humane Society International (Australia) Inc* (2019) 272 FCR 310
- *Fordham v Environment Protection Authority* [2018] NSWCA 167
- *Morris & Green v Department of Primary Industry and Resources, McArthur River Mining Pty Ltd & Information Commissioner* [2017] NTCAT 469
- *Carron Investments Pty Ltd v Lang* [2016] VSCA 287
- *Esposito v Commonwealth* (2015) 235 FCR 1



Professional liability & disciplinary proceedings

- *Ritchie & Ors v Woodward (Executor of The Estate of The Late Brian Patrick Woodward)* [2016] NSWSC 1715