

## Edwina Smith



Edwina practises primarily in public and commercial law

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### QUALIFICATIONS

Master of Laws (Harvard)  
Bachelor of Laws (Hons I) (Melb)  
Bachelor of Arts (Melb)

### CORRESPONDENCE

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### CHAMBERS

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### COMMERCIAL LAW

Banking & Finance | Class Actions | Competition | Consumer Law | Contractual Disputes | Energy & Resources

### TORT LAW

Class Actions | Commissions & Inquiries | Inquests | Negligence

### PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Commissions & Inquiries | Constitutional Law | Discrimination | Environment | Judicial Review | Planning & Local Government

A selection of matters in which Edwina has appeared are listed below under "Recent Cases".

Before coming to the bar, Edwina was Managing Principal Solicitor of the Constitutional and Advice team at the Victorian Government Solicitor's Office (VGSO). She also practised in commercial law as a solicitor with Mallesons Stephen Jaques (now King & Wood Mallesons) and was an associate to Justice Osborn of the Supreme Court of Victoria.

Edwina graduated from the University of Melbourne with degrees in Arts and Law with first class honours. She holds a Master of Laws from Harvard Law School.

Edwina read with Liz Bennett (now SC). Her senior mentor is Peter Gray KC (now Justice Gray).

She is Secretary of the [Australian Bar Association Ethics Committee](#).

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## Recent Cases

### CONSTITUTIONAL LAW

[Government of the Russian Federation v Commonwealth of Australia \[2023\] HCA 20](#) Interlocutory injunction concerning constitutional validity of Home Affairs Act 2023 (Cth) — led by Tim Begbie KC with Christine Ernst, for the Commonwealth

*Crime and Corruption Commission v Carne* (2023, High Court of Australia) Proceeding concerning the scope of Parliamentary privilege — led by Tim Begbie KC with Peter Melican, for the Commonwealth (intervening)

*Krongold Constructions Pty Ltd v Thurin & Ors* (2023, Supreme Court of Victoria Court of Appeal) — led by Rowena Orr KC, for the Attorney-General for the State of Victoria (intervening)

### COMMERCIAL LAW

*InfraBuild NSW v Anti-Dumping Review Panel* (2023, Federal Court) Judicial review of decision of the Respondent to terminate investigation into dumping of merchant bar — led by Stephen Lloyd SC with Dean Merriman, for the Respondent

[The Trustee for Host Plus Superannuation Fund trading as Host-Plus Pty Limited v Maritime Super Pty Limited trading as Maritime Super Pty Limited \[2023\] NSWSC 725](#) Application for consent under s 249E of the *Crimes Act 1900* (NSW) for superannuation successor fund transfer — led by Oren Bigos KC, for the Applicant

[H.E.S.T Australia Ltd v Attorney-General \(Qld\) & Anor; Mercy Super Pty Ltd v Attorney-General \(Qld\) & Anor \[2022\] QSC 221](#) Proceeding seeking declaratory relief with respect to superannuation successor fund transfer — led by Oren Bigos KC, for the for the Attorney-General for the State of Victoria

[Australian Securities and Investments Commission v Tzouve lis \[2023\] FCA 431](#) Application for declaration that documents seized by ASIC not subject to legal professional privilege — with Eugenia Levine

[Ejueyitsi v Victorian Legal Admissions Board \[2020\] FCA 165](#) Application to summarily dismiss proceeding alleging breach of Australian Consumer Law — unled, for the Defendant

**ELECTORAL LAW**

[Victorian Electoral Commission v Yildiz \[2023\] VCAT 242](#) Review of local government election where fraudulent ballot papers cast — led by Kathleen Foley SC, for the Victorian Electoral Commission

[Pattison v Victorian Electoral Commission \[2021\] VCAT 1073](#) Review of local government election — unled, for the Victorian Electoral Commission

**ENERGY, RESOURCES, PLANNING AND ENVIRONMENTAL MATTERS**

[Strzelecki Community Alliance Inc v Minister for Planning \[2023\] VSC 132](#) Judicial review challenging planning permit for development and use of land as a wind farm - led by Juliet Forsyth SC, for the First Defendant

[Environment Victoria v AGL Loy Yang \[2022\] VSC 814](#) Judicial review of decision of the EPA to amend licences of three electricity power-stations — led by Jason Pizer KC

[W Everton Park Pty Ltd v Minister for Planning \[2022\] VSCA 243](#) (Judicial review proceeding challenging planning scheme amendment concerning planning controls in the Public Conservation and Resource Zone — led by Chris Horan KC, for the Defendant

[Dasma Environmental Pty Ltd v Environment Protection Authority \[2022\] VSCA 248](#) Appeal of judicial review proceeding challenging clean up notice issued under the *Environment Protection Act 1970* (Vic) — led by Tom Howard SC, for the Defendant

[Mirboo Ridge Pty Ltd & ors v Minister for Resources \[2019\] VSCA 304](#) Appeal concerning interpretation of moratorium in the Petroleum Act 1998 — led by Jason Pizer KC with Caryn van Proctor, for the Defendant

*Thorpe v Head, Transport for Victoria & ors* (Supreme Court of Victoria) Proceeding involving the *Aboriginal Heritage Act 2006* (Vic) seeking to restrain construction of part of Western Highway Duplication Project — led by Ron Merkel KC, with Thomas Wood and Julian Murphy, for the Plaintiff

**JUDICIAL REVIEW**

*Morrison v Victorian Building Authority* (Supreme Court of Victoria) Judicial review of decision to caution building practitioner — led by Peter Hanks KC, for the Defendant (resolved before hearing)

[Kontis and Kos v Coroners Court of Victoria \[2022\] VSCA 274](#) Judicial review of decision of Coroner in inquest into COVID-19 deaths at aged care facility — with Liam Brown (Crown Counsel), for the Attorney-General for the State of Victoria

[Steiner v Victoria Legal Aid \[2022\] VSC 445](#) Judicial review of decision to remove law practice from legal aid panels — led by Georgina Costello SC, for the Defendant

[Australian Education City v Victorian Planning Authority & Ors \[2020\] VSC 177](#) Judicial review proceeding challenging decision of Cabinet — led by Rowena Orr KC with Mark Costello, for the Defendants

*Gommers & anor v Building Practitioners Board & anor* (Supreme Court of Victoria) Judicial review proceeding concerning disciplinary proceedings under the Building Industry Act 1993 — led by Peter Willis SC, for the

Defendants (resolved before hearing)

[Argyrou v Victorian Building Authority \[2019\] VSC 721](#) Interlocutory injunction concerning disciplinary proceedings under the Building Industry Act 1993 — with Liam Brown (Crown Counsel), for the Defendant

Migration cases — Acting unled in various migration cases in the Federal Court and Federal Circuit Court, for both applicants and the Minister for Home Affairs

## Memberships

Australian Association of Constitutional Law

Victorian Planning and Environmental Law Association

Victorian Bar - Commercial Bar Association