

William A D Edwards KC



William A D Edwards KC is one of Australia's leading class actions barristers.

QUALIFICATIONS

Bachelor of Laws (First Class Honours)
Sydney University Medal
Bachelor of Arts

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Banking & Finance | Class Actions | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Insurance

TORT LAW

Appellate | Class Actions | Major Torts | Product Liability | Professional Negligence

PUBLIC LAW

Administrative Law | Appellate | Constitutional Law

William's expertise includes shareholder actions, consumer actions, mass tort actions, product liability actions and human rights class actions. He practises in all jurisdictions (Victoria and New South Wales in particular) and regularly appears in the Federal Court of Australia and all State superior courts. William also has a general commercial practice and advises Australian and foreign corporations (particularly litigation funders) on a range of matters.

Prior to joining the Bar, William was Associate to the Honourable Justice W.M.C. Gummow AC, then Justice of the High Court of Australia, a solicitor with Mallesons Stephen Jaques and a former Tipstaff to the late Honourable Justice G.F.K. Santow AO, then Justice of the Supreme Court of New South Wales Court of Appeal.

William holds degrees in Arts and Law (first class honours) from the University of Sydney where he was awarded the University Medal and a number of academic prizes.

William was admitted to the New South Wales Bar in 2008, the Victorian Bar in 2012 and is also a member of the Western Australian Bar Association.

Liability limited by a scheme approved under Professional Standards legislation

Recent Cases

CURRENT CLASS ACTIONS

Bogan v Smedley (Arrium Class Action) - acting for plaintiffs in shareholder class action in Supreme Court of Victoria alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Banton Group).

Challenor v QSuper Board - acting for applicants in consumer class action in Federal Court of Australia (Victoria Registry) alleging failure to notify insurance premium changes and breach of trustee duties by superannuation trustee (briefed by Shine Lawyers).

CMC Hospitality Pty Ltd v Insurance Australia Ltd and *Vicki Field Swim School Pty Ltd v Hollard Insurance Company Pty Ltd* ("COVID-19 Business Interruption Insurance Class Actions") – acting for applicants in class action in Federal Court of Australia (NSW Registry) alleging failure to indemnify in relation to COVID-19 business interruption insurance (briefed by Slater & Gordon).

Hillman v Mayne Pharma Group Ltd - acting for plaintiffs in shareholder class action in Supreme Court of Victoria alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Phi Finney McDonald).

Horsky & Anor v Mesoblast Ltd ("Mesoblast Class Action") – acting for joint applicants in consolidated shareholder class action in Federal Court of Australia (VIC Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct, and oppression (briefed by William Roberts Lawyers and Phi Finney McDonald).

J Wisbey & Associates Pty Ltd v UBS AG ("FX Class Action") - acting for applicants in cartel class action in Federal Court of Australia (Victoria Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Maurice Blackburn Lawyers).

Johnston v Hyundai Motor Company Australia Pty Ltd and *Moroney v Kia Australia Pty Ltd* ("Hyundai and Kia ABS Defect Class Actions") – acting for plaintiffs in consumer class actions in Supreme Court of Victoria alleging breach

of consumer law, and acceptable quality guarantees (briefed by Maurice Blackburn).

Lieberman v Crown Resorts Ltd ("Crown II Class Action") - acting for plaintiffs in shareholder class action in Supreme Court of Victoria alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Maurice Blackburn Lawyers).

Mumford v EML Payments Ltd ("EML Class Action") – acting for applicants in shareholder class action in Supreme Court of Victoria alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Shine Lawyers), including Group Costs Order application: [2022] VSC 750.

Pallas & Anor v LendLease ("LendLease Class Action") – acting for applicants in shareholder class action in Supreme Court of NSW alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Phi Finney McDonald and Maurice Blackburn Lawyers).

Parkin v Boral Ltd ("Boral Class Action") – acting for applicants in in shareholder class action in Federal Court of Australia (NSW Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Maurice Blackburn Lawyers).

Robertson & Anor v Singtel Optus Pty Ltd ("Optus Data Breach Class Actions") – acting for applicants in consumer class action in Federal Court of Australia (VIC Registry) alleging breach of contract (and Australian Privacy Principles), and negligence (briefed by Slater & Gordon Lawyers).

SP87231 v 3A Composites GmbH & anor and *SP91086 v Fairview Architectural Pty Ltd* ("Cladding Class Actions") – acting for applicants in consumer class action in Federal Court of Australia (NSW Registry) alleging breach of statutory warranties by manufacturer and deemed manufacturer of polyethylene core cladding for buildings (briefed by William Roberts Lawyers).

Southernwood & Kidd v Brambles Ltd ("Brambles Class Actions") – acting for applicants in shareholder class action in Federal Court of Australia (Victoria Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by Maurice Blackburn Lawyers and Slater & Gordon Lawyers).

Street v State of Western Australia ("WA Aboriginal Stolen Wages Class Action") and *McDonald v Commonwealth* ("NT Aboriginal Stolen Wages Class Action") – acting for applicants in class actions in Federal Court of Australia seeking redress for historical non-payment or under-payment of wages to Aboriginal Australians, and racial discrimination (briefed by Shine Lawyers).

Zonia Holdings Ltd v Commonwealth Bank of Australia ; *Baron v Commonwealth Bank of Australia* ("CBA Class Actions") – acting for applicant in investor class action in Federal Court of Australia (VIC/NSW Registry) alleging continuous disclosure breaches and misleading or deceptive conduct (briefed by Maurice Blackburn Lawyers and Phi Finney McDonald).

CONCLUDED CLASS ACTIONS

Krieger v Colonial First State Investments Ltd (2019-2023) – acting for applicants in class action in Federal Court of Australia (VIC Registry) on behalf of superannuation fund members, claiming losses associated with the charging of commissions for no financial advice (briefed by Slater & Gordon Lawyers), settled for \$100M subject to Court approval.

Haswell v Commonwealth of Australia ("Multi-Site PFAS Class Action") and Wreck Bay Aboriginal Community

Council v Commonwealth of Australia (2020-2023) – acting for applicants in class action in Federal Court of Australia (NSW Registry) on behalf of property owners in Bullsbrook (WA), Darwin (NT), Richmond and Wagga Wagga (NSW), Townsville (QLD), Edinburgh (SA) and Wodonga (VIC), and Wreck Bay (Jervis Bay Territory), claiming property losses associated with contamination caused by historical use of Aqueous Fire Fighting Foam by the Department of Defence (briefed by Shine Lawyers), settled for combined \$154.7M.

“SGH Auditors Class Action” – Hall v Pitcher Partners (a firm) – leading counsel for applicant in shareholder class action in Federal Court of Australia (Victoria Registry) alleging misleading or deceptive conduct, (briefed by Maurice Blackburn Lawyers), settled for \$41M.

“Sims Class Action” – Eckardt v Sims Ltd (2019-2022) – leading for applicant in shareholder class action in Federal Court of Australia (NSW Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct (briefed by William Roberts Lawyers), settled for \$29M.

“SGH Legal Advisors Class Action” – Hall v Arnold Bloch Leibler – acting for applicant in shareholder class action in Federal Court of Australia (Victoria Registry) alleging misleading or deceptive conduct: [2022] FCA 163 (briefed by Maurice Blackburn Lawyers), settled for \$28M

“SGH Legal Advisors Class Action” – Hall v Arnold Bloch Leibler – acting for applicant in shareholder class action in Federal Court of Australia (Victoria Registry) alleging misleading or deceptive conduct: [2022] FCA 163 (briefed by Maurice Blackburn Lawyers), settled for \$28M

Davaria v Seven Eleven Stores Ltd – acting for the Association of Litigation Funders of Australia pursuant to leave to intervene in proceedings before the Full Court of the Federal Court of Australia, and High Court of Australia concerning whether Court should entertain question of power to make common fund order: [2020] FCAFC 183; [2021] HCATrans 113.

Lenthall v Westpac Ltd (“Westpac Life Insurance Class Action”) – acted for applicant in consumer class action in Federal Court of Australia (NSW Registry) alleging breach of fiduciary duty and statutory contraventions arising out of advice given by Westpac financial planners in relation to life insurance policies; settled for \$30M: [2021] FCA 1004 (briefed by Shine Lawyers).

“Vocation Class Action” - Whittenbury v Vocation Ltd – acting for applicant in investor class action in Federal Court of Australia (Victoria Registry) alleging breach of prospectus disclosure provisions, continuous disclosure breaches and misleading or deceptive conduct; settled for \$50M: [2021] FCA 829 (briefed by Maurice Blackburn Lawyers and Slater & Gordon Lawyers).

“Estia Class Action” - Wetdal Pty Ltd v Estia Health Ltd – acting for applicant in investor class action in Federal Court of Australia (Victoria Registry) alleging breach of prospectus disclosure provisions, continuous disclosure breaches and misleading or deceptive conduct; settled for \$38.4M: [2021] FCA 475 (briefed by Phi Finney McDonald).

PFAS (Oakey and Katherine) Class Actions - Hudson v Commonwealth of Australia (“Oakey PFAS Contamination Class Action”) and Bartlett v Commonwealth of Australia (“Katherine PFAS Contamination Class Action”) – acting for applicants in class action in Federal Court of Australia (Sydney Registry) on behalf of property and business owners in Oakey (Qld) and Katherine (NT), claiming property losses associated with contamination caused by historical use of Aqueous Fire Fighting Foam by the Department of Defence, settled for \$126.5M: [2020] FCA 837 (briefed by Shine Lawyers).

“Vocus Class Action” - Fisher v Vocus Ltd – acting for applicant in shareholder class action in Federal Court of

Australia (Victoria Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct, recently settled for \$35M: [2020] FCA 579 (briefed by Slater & Gordon Lawyers).

“CIMIC Class Action” – Inabu Pty Ltd as trustee of the Alidas Superannuation Fund v CIMIC Group Ltd (2016-2019) – acting for applicant in shareholder class action in Federal Court of Australia (ACT Registry) alleging breach of continuous disclosure breaches and misleading or deceptive conduct, settled subject to Court approval for \$32.4M: [2020] FCA 510 (briefed by Maurice Blackburn Lawyers).

“Stolen Wages Class Action (QLD)” - Pearson v State of Queensland – acting for applicant in trust claims in Federal Court of Australia (Queensland Registry) alleging misappropriation of wages of Aboriginal and Torres Strait Islanders in the 1970s; settled for \$190 million: (briefed by Bottoms English Lawyers).

“Macmahon Class Action” – Hopkins v Macmahon Holdings Ltd (2017-2018) – acting for applicant in shareholder class action in Federal Court of Australia (NSW Registry) alleging continuous disclosure breaches and misleading or deceptive conduct, resulting in settlement: [2018] FCA 2061 (leading Mr A.H. Edwards, briefed by ACA Lawyers).

“GetSwift Class Action” – Perera v GetSwift Ltd (2018) – acting for applicant in class action in important carriage motion before the Federal Court ((2018) 357 ALR 586) and Full Federal Court ([2018] FCAFC 202): (briefed by Squire Patton Boggs).

“QBE Class Action” – Money Max Int Pty Ltd v QBE Insurance Group Ltd (2015-2018) – acting for applicant in shareholder class action in Federal Court of Australia (Victoria Registry) alleging continuous disclosure breaches and misleading or deceptive conduct, resulting in \$132.5 million settlement (and the first successful ‘common fund’ application: [2016] FCAFC 148) (led by Mr M.B.J. Lee SC, then Mr B. Quinn QC, and with Ms M. Szydzik, briefed by Maurice Blackburn Lawyers).

“SGH Class Action” – Hall v Slater and Gordon Limited (2016-2017) – acting for applicants in shareholder class action in the Federal Court of Australia (Victoria Registry) alleging continuous disclosure breaches and misleading or deceptive conduct by Slater and Gordon Limited, resulting in \$32.5M settlement with complex incorporated scheme of arrangement: [2018] FCA 2071 (led by Mr J.C. Sheahan QC, and with Mr D.J. Fahey, briefed by Maurice Blackburn Lawyers).

“Allco Class Action” – Blairgowrie Trading Pty Ltd v Allco Finance Group Ltd (2013-2016) – acting for applicants in shareholder class action in the Federal Court of Australia (NSW Registry) alleging continuous disclosure breaches and misleading or deceptive conduct by Allco, (and on ‘common fund’ application (2015) 325 ALR 539), resulting in \$40 million settlement: (2017) 343 ALR 476 (led by Mr M.B.J. Lee SC, briefed by Maurice Blackburn Lawyers).

“River City Class Action” – Hopkins v AECOM Australia Pty Ltd (2012-2016) – acting for applicants in investor class action in Federal Court of Australia (NSW Registry) against traffic forecaster in relation to the Clem7 bypass tunnel in Brisbane, resulting in \$121 million settlement (led by Mr J. Sheahan QC and Mr M. Pesman SC, briefed by Maurice Blackburn Lawyers).

“Bank Fees Class Actions” – Paciocco v Australia and New Zealand Banking Group Ltd and Farey v National Australia Bank Ltd (“NAB Bank Fees Class Action”) (2014-2016) – acting for applicants in Federal Court proceedings concerning credit card penalty fees litigated against ANZ ((2014) 309 ALR 249; (2015) 236 FCR 199, (2016) 258 CLR 525), and resolved with NAB ([2016] FCA 340) (led by Mr M.B.J. Lee SC in the Federal Court, and Mr D.F. Jackson QC and Mr M.B.J Lee SC in the High Court, briefed by Maurice Blackburn Lawyers).

“Brisconnections Airport Link Class Action” – Bulense Pty Ltd v Arup Pty Ltd (2014-2015)– acting for applicant in

investor class action in the Federal Court of Australia against traffic forecaster in relation the 'AirportLink' toll road in Brisbane, successfully resolved in July 2015 [2015] FCA 726 (unled, briefed by Piper Alderman Lawyers).

"Kilmore East – Kinglake Bushfire class action" - Matthews v Ausnet Electricity Services Pty Ltd (formerly SPI Electricity Pty Ltd) (2013-2014) – advising applicant on aspects of the in the Supreme Court of Victoria (led by Mr B. Walker SC, briefed by Maurice Blackburn Lawyers).

"Premium Income Fund Class Action" – Hodges v Waters (2013-2014) – acting for applicant in investor class action in the Federal Court against KPMG auditors of the compliance plan of the MFS Premium Income Fund, successfully resolved on confidential terms: (2015) 232 FCR 97 (led by Mr M.B.J. Lee SC briefed by Johnson Winter & Slattery).

"NAB CDO Class Action" – Pathway Investments Pty Ltd v National Australia Bank (2012) – acted for plaintiffs in shareholder class action for continuous disclosure breaches and misleading or deceptive conduct by NAB in Supreme Court of Victoria, resulting in \$115 million pre-trial settlement in favour of applicants [2012] VSC 625 (led by Mr M.B.J. Lee SC, briefed by Maurice Blackburn Lawyers).

"Centro Class Action" – Kirby v Centro Properties Ltd & Ors; Kirby v Centro Retail Ltd; Stott v PricewaterhouseCoopers Securities Ltd) (2011-2012) – appeared for applicants in class actions for continuous disclosure breaches and misleading or deceptive conduct by Centro companies and their auditors in Federal Court, resulting in \$200 million settlement in favour of applicants after 10 weeks of hearing [2012] FCA 650 (led by Mr M.B.J. Lee SC and Mr N. Hutley SC, briefed by Maurice Blackburn Lawyers).

COMMERCIAL LAW

LCM Funding Pty Ltd v Stanwell Corp Ltd [2022] FCAFC 103 – appointed as contradictor in appeal to the Full Court concerning whether litigation funding schemes are managed investments schemes, and the correctness of Brookfield Multiplex Ltd v International Litigation Funding Partners Pte Ltd (2009) 180 FCR 11

Westgem Investments Ltd v Commonwealth Bank of Australia Ltd (2012 – acting for plaintiffs in Supreme Court of Western Australia bringing substantial contractual and trade practices claims, at trial ([2020] WASC 302) and on appeal [2022] WASCA 132 (led by Mr C.R.C. Newlinds SC, briefed by Jackson McDonald).

Forge Ltd (in liq) v Robinson & Ors – acting for plaintiff company in liquidation in suit against former directors and auditors in Supreme Court of NSW, alleging negligence, breach of contract, and misleading or deceptive conduct; settled (briefed by Banton Group).

King v Adams [2017] NSWCA 277, [2016] NSWSC 1798 – acting for defendant members of lottery syndicate successfully resisting claim by a person claiming to be entitled to be a member of the syndicate, in the Supreme Court of NSW (led by Mr M.B.J. Lee SC at trial, Mr N.C. Hutley SC on appeal, briefed by Harris Freidman).

Bonham v Iluka Resources Ltd [2017] FCAFC 95 – acting shareholder seeking preliminary discovery against a respondent in relation to claim of possible continuous disclosure breaches and misleading or deceptive conduct (led by Mr N.C. Hutley SC, briefed by ACA Lawyers).

Addenbrooke Pty Ltd v Duncan (2017) 348 ALR 1 – acting for appellant in successfully seeking retrial in misleading or deceptive conduct suit in the Federal Court of Australia (led by Mr J. Stoljar SC, briefed by Deutsch Miller).

Waimoana Pty Ltd v Centuria Strategic Property Ltd (2015-2017) – acting for plaintiff in investor class action in Supreme Court of New South Wales alleging failure to make proper disclosure, resulting in confidential settlement

(led by Mr M.B.J. Lee SC, briefed by Arnold Bloch Leibler).

Bill Express Ltd (in Liq) v Pitcher Partners (a firm) ; Bill Express Ltd v KPMG (a firm) (2014-2016) – acting for plaintiff companies in auditors' negligence suit in Supreme Court of Victoria, resolved in December 2016 (led by Mr M.B.J. Lee SC, briefed by Johnson Winter & Slattery).

Polo Enterprises Australia Pty Ltd v Pinctada Hotels and Resorts Pty Ltd [2015] NSWCA 397 – acting for respondent in appeal concerning the construction of contract, and at first instance successfully defending claim for injunctive relief to restrain staging of an event – Supreme Court of NSW (Commercial List) [2012] NSWSC 1518, (unled, briefed by Jarman McKenna / John de Mestre & Co).

Re Anglican Development Fund Diocese of Bathurst (2015) 336 ALR 372 – acting for defendants in complex commercial dispute in Supreme Court of New South Wales concerning letters of comfort, and charitable trusts (led by Mr G.O. Blake SC).

Marathon Global Fund Plc v AustralianSuper Pty Ltd (2013-2015) – acting for defendant in contractual claims in Supreme Court of NSW concerning performance fees, resolved (briefed by Allens).

ADCO Constructions Pty Ltd v Goudappel (2014) 254 CLR 1 – acting for appellant in High Court appeal concerning statutory construction of 'Henry VIII' clause in State legislation (led by Mr D.F. Jackson QC, briefed by Moray & Agnew).

Fortescue Metals Group Ltd v Commonwealth of Australia (2013) 250 CLR 548 – acting for applicants in High Court constitutional challenge to the Minerals Resource Rent Tax (led by Mr D.F. Jackson QC and Mr B. Dharmananda SC, briefed by Corrs Chambers Westgarth).

Parkview Pty Ltd (in Liq) v Bank of Western Australia [2013] NSWCA 422, [2013] NSWSC 79 – appeared in the NSW Court of Appeal, and at first instance, acting for successful defendant in suit for breach of trust in context of construction contract (led by Mr S.R. Donaldson SC, briefed by Henry Davis York).

AMP Capital Property Nominees Ltd v Westfield Management Ltd (2012) 247 CLR 129; [2011] NSWCA 386, (2011) 255 FLR 1 – appeared in High Court of Australia (and in NSW Court of Appeal, and at first instance) to successfully resist application for injunction to restrain voting on a resolution to wind up a registered management investment scheme (led by Mr D.F. Jackson QC, Mr P. Cosgrave SC and Mr M.I. Borsky, briefed by Allens).

Strategic Property Holdings (No.3) Pty Ltd v Austbrokers RWA Pty Ltd [2012] NSWSC 1570 – advising and acting on successful claim by property investors against insurance brokers in Supreme Court of NSW (Commercial List), (led by R.J. Weber SC, briefed by TressCox Lawyers).

Sturt & Anor v Farran & Ors [2012] NSWSC 400 – appeared for successful defendants in administrative law and church constitutional proceedings in relation to the Anglican Church of Australia in Supreme Court of NSW Equity Division (led by Mr G. O. Blake SC, briefed by Makinson & d'Apice Lawyers).

CGU Insurance Ltd v One.Tel Ltd (in Liq) (2010) 242 CLR 174 appeared for insurer in High Court of Australia in relation to questions concerning the *Bankruptcy Act* (led by Mr D.F. Jackson QC, Mr A.W. Street SC and Mr E.G. Romaniuk, briefed by Colin Biggers & Paisley).

E. & J. Gallo Winery v Lion Nathan (Australia) Pty Ltd (2010) 241 CLR 144 – appeared for respondent in trademark litigation in the High Court of Australia, led by Mr F.M. Douglas QC and Mr D.T. Kell (briefed by Mallesons Stephen Jaques).

ICM Agriculture Pty Ltd v Commonwealth & Ors (2009) 240 CLR 140 – appeared in challenge in the High Court of

Australia to Constitutional validity of Commonwealth-State water right reductions (led by Mr R.J. Ellicott QC and Mr M.G. McHugh).

Application by EnergyAustralia [2009] ACompT 7-9 – appeared for intervener in application for administrative review in the Australian Competition Tribunal under the National Electricity Law in respect of NSW Distribution Determination 2009-2014 (led by Mr F.M. Douglas QC, briefed by HWL Ebsworth Lawyers).