

Edward McGinness

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Education

Bachelor of Laws (Hons.)

2013 - 2016

University of Sydney

- Dean's List of Excellence in Academic Performance (2016).
- Scholarship for International Exchange (Cornell University, New York) (2016).
- St. John's College Freehill Scholarship for Law (2014).
- St. John's College Award for Academic Achievement (2014).

Bachelor of International and Global Studies

2012 - 2014

University of Sydney

- St. John's College Award for Academic Achievement (2013).
- St. John's College Award for Academic Achievement (2012).

Publications

- 'Objective Seriousness and Moral Culpability in Sentencing: The Role of Causation' (2024) 47(3) *Criminal Law Journal* (upcoming).
- 'Appellate review of fact finding on sentence in the New South Wales Court of Criminal Appeal' (2022) 46(2) *Criminal Law Journal* 94-109.
- 'Bribes and Prejudice: The Limits of the Jury Secrecy Rule after Smith' (2020) 44(1) *Criminal Law Journal* 96-109.
- 'Consequences of Kampala: Assessing the Impact of an International Criminal Court Finding of Aggression' (2015-2016) 22 *Australian International Law Journal* 113-135.

Professional Experience

Barrister

May 2024 – present

Seventh Floor Garfield Barwick Chambers, Sydney

Acting Principal Federal Prosecutor/Senior Federal Prosecutor

February 2020 – April 2024

Commonwealth Director of Public Prosecutions, Sydney

Awards:

- Assistant Commissioner of the Australian Federal Police's Certificate in relation to the Operation Elbrus and Operation Wickham prosecutions (2024).
- Commonwealth Director of Public Prosecution's Award for Excellence in relation to the Operation Elbrus prosecutions (2023).

Selected matters (instructing):

- *Eyeson v R* [2024] NSWCCA 52 (instructing Jane Paingakulam in a severity appeal concerning social security fraud offending).
- *R v Adam Cranston, Lauren Cranston, Dev Menon, Jason Onley and Patrick Willmott* (instructing Paul McGuire SC, Jane Paingakulam, Christopher Tran in an 11-month tax fraud and money laundering conspiracy trial in the Supreme Court of New South Wales).
- *R v Hausman; Hausman v R; R v Rostankovski; Rostankovski v R* [2022] NSWCCA 24 (instructing Sarah McNaughton SC and Georgina Wright SC in Crown and co-offender cross-appeals on the proper approach the totality principle).

- *R v O'Leary* [2021] NSWCCA 83 (instructing Georgina Wright SC in a severity appeal concerning the approach to s 404.3(3) of the *Criminal Code* (Cth)).
- *R v Anquetil* [2021] NSWCCA 59; 373 FLR 1 (instructing Sally Dowling SC and Rob Ranken in a Crown appeal against the inadequacy of sentence for tax fraud and money laundering charges).

Selected matters (as advocate):

- *R v Periasamy* (District Court of NSW, 25 March 2024, Priestly DCJ) (sentence for attempted possession of a border-controlled drug offence).
- *R v Chamberlain* (District Court of NSW, 13 December 2023, Smith DCJ) (sentence for child abuse imagery/procurement offences).
- *R v Duncan* (Local Court of NSW, 7-8 December 2023, Olischlager LCM) (hearing social security fraud offences).
- *R v Da Silva* [2023] NSWDC 588 (sentence for trafficking of border-controlled drugs and money laundering offences).
- *R v Nguyen* (District Court of NSW, 16 November 2023, Hunt DCJ) (sentence for use of identification information for an indictable offence contrary to s 372.1(1) of the *Criminal Code*).
- *R v Eyeson* (District Court of NSW, 11 November 2022, Blackmore ADCJ) (sentence for \$300,000 welfare fraud).
- *R v CD* (District Court of NSW, 21 October 2021, Sutherland DCJ) (sentence for child abuse imagery offences).
- *R v Penman* (District Court of NSW, 22 July 2021, Gartelmann DCJ) (sentence for child abuse imagery offences).

Senior Associate to Justice Loukas-Karlsson

Supreme Court of the Australian Capital Territory, Canberra

February 2019 – February 2020

Solicitor

King & Wood Mallesons, Sydney

February 2017 – February 2019

Within the financial services litigation practice group. Selected matters include acting for major financial institutions in:

- market manipulation proceedings concerning the Bank Bill Swap Rate (*ASIC v National Australia Bank Ltd* [2017] FCA 1338; 123 ACSR 341).
- the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.
- schemes of arrangement, including the merger of Fairfax Media Ltd and Nine Entertainment Co Holdings Limited (*In the matter of Fairfax Media Limited (No 2)* [2018] FCA 1930; 366 ALR 516).
- insider trading investigations and unconscionable conduct class actions (including *Clark v National Australia Bank Ltd* (VID 1238 of 2018)).