

CURRICULUM VITAE

TRISTAN SMITH

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Call 2025

Admission 2014

Areas of practice Advocacy and advice in the areas of:

- Commercial
- Insurance
- Class actions
- Building and construction
- Banking
- Regulatory
- Administrative
- Property

Professional history Barrister (May 2025 – present)

Senior Associate (2014-2025)

Herbert Smith Freehills

Brisbane, London, Sydney

Education

Master of Laws

University of Melbourne, 2018

Bachelor of Laws (First Class Honours) / Bachelor of Business

University Medal in Law

Griffith University, 2013

Selected matters as counsel

- acting in an application for an injunction in the Supreme Court seeking proprietary and *Mareva* relief (led by D P O'Brien KC)
- acting for a plaintiff in a commercial property dispute (unled)
- acting for a plaintiff in a complex building and construction dispute (unled)
- advocacy and advice in a range of contentious matters involving contract, tort and statute, including claims under the ASIC Act and Competition and Consumer Act

Selected matters as a solicitor

Australia

- acting for Boral Limited in a major shareholder class action trial in the Federal Court
- acting for a mining company in a \$100m property damage and business interruption claim under an industrial special risks policy
- acting for a2Milk in class action proceedings in the Victorian Supreme Court
- acting for a listed consumer goods company in NSW Supreme Court proceedings seeking declarations regarding the interpretation of a Share Purchase Deed
- acting for a bank in several trade credit insurance claims in the NSW Supreme Court
- advising a port operator on coverage issues under a construction all risks policy following the occurrence of damage arising from a dredging incident
- acting in a 5 day trial of a hull liability insurance claim following the loss of an Australian Navy vessel: *DMS Maritime Pty Ltd v RSA* [2018] QSC 303 (Bond J)
- acting for a mining company in a building and construction dispute concerning a defective water storage infrastructure project in central Queensland
- advising a D&C JV on delay, disruption and defect claims arising from a major rail infrastructure project in NSW

England and Wales

- acting for AerCap Ireland Limited, one of the world's largest aircraft leasing companies, in relation to claims under aviation insurance policies in excess of US\$3 billion relating to the loss of aircraft and engines in Ukraine and Russia
- acting for the Financial Conduct Authority in the COVID-19 business interruption insurance test cases: *FCA v Arch* [2021] UKSC 1
- acting for a UK bank in a US\$200m trade credit insurance claim arising from the collapse of a Singaporean oil trader and preparing for arbitration under SIAC rules
- acting for an engineering contractor in a claim under a construction all risks policy and advising on issues concerning a LEG 3 defects exclusion
- acting for various insurance brokers in complex professional negligence claims, including three months on secondment at Marsh and McLennan Group