

CURRICULUM VITAE

TRISTAN SMITH

North Quarter Lane Chambers
Level 30 Santos Place
32 Turbot Street
Brisbane Qld 4000

07 3229 6596

tsmith@qldbarr.asn.au

Areas of practice

Advocacy and advice in the areas of:

- Commercial
- Corporations
- Insolvency
- Building and construction
- Class actions
- Property and body corporate
- Insurance
- Professional negligence
- Equity and trusts

Education

University of Melbourne

Master of Laws, First Class Honours, 2018

Griffith University

Bachelor of Laws, First Class Honours, 2013

Bachelor of Business, 2010

University Medal in Law

Professional experience

Barrister

May 2025 – present

Herbert Smith Freehills

Senior Associate, 2014-2025

Brisbane, Sydney, London

Selected matters as counsel

Commercial

- appearing in an application for an urgent injunction to restrain a defendant from dealing in the proceeds of a commercial building sale (led by D P O'Brien KC)
- appearing for a mining company in an application for preliminary disclosure and access to company books and records (led by D P O'Brien KC)
- appearing for a defendant in Supreme Court proceedings alleging breaches of directors' duties and a constructive trust over alleged misapplied property (unled)
- appearing in an urgent application for freezing orders (unled)
- appearing for a respondent in Supreme Court proceedings successfully resisting the appointment of a receiver over trust property (unled)
- acting for a health care company in a claim for breach of a joint venture agreement (unled)

Energy and resources

- *BUMA v Queensland Power Company Pty Ltd* [2025] QSC 338: appearing for the owners of a power station at trial and on appeal in a dispute concerning rights and entitlements under a mining agreement (led by P O'Shea KC and D Turner)

Class actions

- Queensland Tolls Class Action (led by A Pomerence KC and E Goodwin KC)
- *SLB Investments Queensland Pty Ltd (in liq) v Queensland Motorways Management Pty Ltd* [2026] QSC 81: application for security for costs (led by E Goodwin KC)

Corporations and insolvency

- acting for the liquidators of a national construction group in a multi-million dollar claim for indemnity and contribution against co-guarantors (with T Jackson)
- acting for liquidators in Federal Court proceedings seeking relief in respect of voidable transactions under Part 5.7B of the *Corporations Act* (unled)
- appearing in an urgent application for asset preservation orders under s 1323 (unled)
- appearing for a shareholder in a claim for oppression (unled)
- appearing in an application to convene an urgent shareholders' meeting (unled)
- appearing for a company to defend an unfair preference claim (unled)
- appearing in various applications for winding up and setting aside statutory demands, including setting aside default judgments and bankruptcy notices (unled)

Building and construction

- *GMG Pty Ltd v Iris-PW No. 1 2017 Pty Ltd* [2025] QSC 297: appearing for a property developer in a trial concerning the scope of a superintendent's powers under a construction contract (led by M Johnston KC)
- appearing in Supreme Court proceedings concerning the validity of a payment schedule under the BIF Act (unled)
- acting for a contractor in a dispute regarding alleged overpayments and breaches of contract on a Queensland construction project (unled)

Equity, trusts and property disputes

- appearing in an application under s 68 of the *Trusts Act* seeking orders permitting a plaintiff to bring a claim against a trustee (led by J FitzGerald KC)
- appearing in an application in the Supreme Court seeking declarations of equitable mortgage and sale of a property under s 134(2) of the *Property Law Act* (unled)
- acting in claims concerning alleged equitable interests in real property, including claims for resulting and constructive trusts and proprietary estoppel (unled)
- acting for a body corporate scheme in proceedings in QCAT (unled)

Selected matters as a solicitor

Commercial disputes and class actions

- acting for Boral in a six week shareholder class action trial in the Federal Court
- acting for a consumer goods company in a dispute concerning the interpretation of earn out provisions in a Share Purchase Deed
- acting for a mining company in a large construction dispute in the Queensland Supreme Court concerning a defective water infrastructure project

Commercial insurance coverage litigation

- acting for a mining company in a \$100m property damage and business interruption insurance claim under an industrial special risks policy
- acting for an aircraft leasing company in claims under aviation insurance policies in excess of US\$3 billion relating to the loss of aircraft in Ukraine and Russia
- acting for a bank in a US\$200m trade credit insurance claim arising from the collapse of a Singaporean oil trader, including 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 brokers to defend E&O/professional negligence claims
- advising on coverage issues under insurance policies, including contract works, industrial special risks, public/products liability, professional indemnity and D&O