

CURRICULUM VITAE

TRISTAN SMITH

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

07 3229 6596

tsmith@qldbar.asn.au

Areas of practice

Advocacy and advice in the areas of:

- Commercial
- Corporations
- Insolvency
- Building and construction
- Class actions
- Energy and resources
- Arbitration
- Equity and trusts
- Property
- Insurance

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

Energy and resources

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

Class actions

- *SLB Investments Queensland Pty Ltd (in liq) v Queensland Motorways Management Pty Ltd* [2026] QSC 81: appearing for Queensland Motorways in an application for security for costs (led by E Goodwin KC)

Commercial

- appearing in an application for an 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 books and records (led by D P O'Brien KC)
- appearing in an application to enforce confidentiality and restraint provisions in an executive employment agreement (led by D P O'Brien KC)
- acting for a health care company in a claim concerning breach of directors' duties, breach of fiduciary duties and breach of confidence (unled)
- appearing in Supreme Court proceedings for the appointment of a receiver (unled)

Corporations and insolvency

- appearing 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 in shareholder oppression proceedings (unled)
- appearing in an application to convene an urgent members' meeting (unled)
- appearing in various applications for winding up and setting aside statutory demands, as well as proceedings to enforce and set aside 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)
- acting in a substantial dispute regarding alleged overpayments and breaches of contract on a Queensland construction project (unled)
- acting for contractors, subcontractors and principals in disputes involving defective building work and claims under security of payment legislation (unled)

Equity and property

- appearing in an application under s 68 of the *Trusts Act* seeking orders permitting a plaintiff to bring a claim against a deceased estate (led by FitzGerald KC)
- appearing in an application to declare and enforce rights under an equitable mortgage, including the sale of a property under the *Property Law Act* (unled)
- acting in a claim concerning an alleged equitable interest in real property (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: *Parkin v Boral Limited* [2024] FCA 1039
- acting for a consumer goods company in a dispute concerning the interpretation of earn out provisions in a Share Purchase Deed: *David Morgan Investments Pty Ltd v Maggie Beer Holdings Ltd* [2024] NSWSC 778
- acting for a mining company in a large construction dispute in the Queensland Supreme Court concerning a defective water infrastructure project: *BM Alliance Coal Operations Pty Ltd v BGC Contracting Pty Ltd* [2015] 1 Qd R 228

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 a policyholder in a hull liability insurance claim following the loss of an Australian Navy vessel: *DMS Maritime Pty Ltd v RSA* [2018] QSC 303
- acting for the Financial Conduct Authority in the COVID-19 business interruption insurance test cases in the UK Supreme Court: *FCA v Arch* [2021] UKSC 1
- 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 insurance 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