

# CURRICULUM VITAE

## TRISTAN SMITH

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<b>Admission</b>	2014
<b>Called to Bar</b>	2025
<b>Areas of practice</b>	Advocacy and advice in the areas of: <ul style="list-style-type: none"><li>• Commercial</li><li>• Corporations</li><li>• Building and construction</li><li>• Class actions</li><li>• Energy and resources</li><li>• Arbitration</li><li>• Equity and trusts</li><li>• Administrative</li><li>• Property</li><li>• Insurance</li></ul>
<b>Professional history</b>	Barrister, May 2025 – present  Senior Associate, 2014-2025 Herbert Smith Freehills Brisbane   Sydney   London
<b>Education</b>	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*

### Mining

- *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

- acting for Queensland Motorways in an application for security for costs in the Queensland Tolls Class Action (led by E Goodwin KC)

### 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)

### Corporations and insolvency

- appearing in an application for preliminary disclosure under rule 208D and access to books and records under s 198F of the *Corporations Act* (led by D P O'Brien KC)
- appearing in an application brought by a shareholder seeking access to books and records under s 247A of the *Corporations Act*
- appearing in an application in the Federal Court to obtain urgent asset preservation orders against a former director under section 1323 of the *Corporations Act*
- acting for liquidators in Federal Court proceedings against a former director seeking compensation and other relief arising from voidable transactions
- appearing in and advising on applications to set aside statutory demands

### General commercial

- acting for a health care company in a dispute concerning breaches of directors' duties, restraints of trade and confidentiality provisions (led by D Bampton)
- acting in proceedings involving allegations of misrepresentation, misleading or deceptive conduct and rescission of a commercial agreement (led by J FitzGerald KC)
- appearing in an application to enforce confidentiality provisions in an executive employment contract (led by D P O'Brien KC)

### Property

- appearing in an application for an interlocutory injunction to restrain a party dealing with the proceeds of a commercial building sale (led by D P O'Brien KC)
- acting in various Supreme Court proceedings to prosecute, and defend, claims alleging equitable interests in real property
- acting in Supreme Court proceedings commenced under the *Land Title Act 1994* seeking corrections to the land title register and associated relief
- acting for a body corporate in QCAT proceedings concerning the validity and construction of a caretaking agreement

## ***Selected matters as a solicitor***

Over 10 years' experience as a solicitor acting in a range of commercial litigation, including:

### Class actions

- acting for Boral in a six week shareholder class action in the Federal Court: *Parkin v Boral Limited* [2024] FCA 1039
- acting for the a2 Milk Company in class action proceedings in the Supreme Court of Victoria: *Thomas v The a2 Milk Company Ltd* [No 2] [2022] VSC 725

### Commercial

- acting for a consumer goods company in NSW Supreme Court proceedings 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

### Building and construction

- acting for a mining company in a 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
- advising a D&C joint venture consortium on multi-billion dollar delay, disruption and defect claims arising from a major rail infrastructure project in NSW

### Insurance

- acting for a Queensland mining company in a \$100m property damage and business interruption insurance claim under an industrial special risks policy
- acting for an insured 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 various insurance brokers in E&O/professional negligence claims
- advising on coverage issues under all classes of insurance, including D&O, professional indemnity, cyber, industrial special risks and public/products liability