

BRADLEY SMITH

Tenth Floor Chambers

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Areas of Practice

Bradley has a broad practice and accepts briefs in all areas of civil law. He has particular experience in commercial law, corporations law, insolvency, real property, equity, insurance and inquests.

Selected Recent Cases

Commercial and Equity

- *DC Rd DC Pty Ltd v Zhang* [2023] FCA 342 (ongoing) – fraud, breach of fiduciary duty, misleading or deceptive conduct, freezing orders (led by Charles Colquhoun SC)
- *Yaem Pty Ltd atf R+R Discretionary Trust v MMP Industrial Pty Ltd* [2023] NSWSC 1080 (ongoing) – breach of warranties in business sale agreement, misleading or deceptive conduct (led by Patrick Knowles SC)
- *Brose v Slade* [2023] NSWSC 1025 (ongoing) – proprietary estoppel claim over farming land, partnership accounting and dissolution (led by James Mack)
- *Climatech ACT Pty Ltd v R G Lord Investments Pty Ltd* (NSWSC 2022/71011) – claim under *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW) (led by Julian Sexton SC)
- *Pinot Noir Pty Ltd v Sovereign Green Capital Pty Ltd* (NSWSC 2022/184761) – fraud, money had and received, illegal cryptocurrency exchange (led by Stuart Lawrance SC)
- *Elomar v Love De&V XOXO Pty Ltd* (NSWDC 2022/85949; ongoing) – business purchase, misleading or deceptive conduct, conversion of chattels (unled)
- *Dotaz Management Pty Ltd v MCL 115 Pty Ltd* (NSWSC 2022/173168) – debt, breach of trust, misleading or deceptive conduct, including four unled applications for interlocutory relief and unled application for appointment of receiver to enforce judgment (led by Richard Scruby SC)
- *Thera Agri Capital No. 2 Pty Ltd v BCC Trade Credit Pty Ltd t/as The Bond & Credit Co* [2022] NSWSC 669 – indemnity claim under trade credit policy (led by Richard Scruby SC)
- *CHEP Australia Limited v P.J. Nash Pty Limited* [2022] NSWDC 183 – debt, contractual penalties, unconscionable conduct, unfair contract terms (unled)
- *Calibre Construction Corp Pty Ltd v Bayside Council* [2021] NSWSC 758 – delivery up of bank guarantees, limitation defence (led by Stefan Balafoutis SC)
- *Sunbuild Pty Ltd v Certain Underwriters at Lloyd's under contract number B1262BW0020715* (NSWDC 2019/212264; judgment 12 August 2021) – claim under professional indemnity policy (led by David Lloyd SC)

Insolvency and Bankruptcy

- *In the matter of C.V. Joint (Aust) Pty Ltd* [2022] NSWSC 981; [2022] NSWSC 1579; [2022] NSWSC 1760 – provisional liquidator application, just and equitable winding up, oppression (unled)

- *Connelly (liquidator), in the matter of CIMC Rolling Stock Australia Pty Ltd (in liq) v One Rail Australia (FLA) Pty Ltd* [2021] FCA 1183; [2022] FCA 858 – unfair preference claim, including unled application for overseas substituted service orders (led by Jonathon Moore QC and Elliot Hyde)
- *In the matter of Mudjee Dolomite & Lime Pty Ltd (in liq)* [2021] NSWSC 393; [2021] NSWSC 984; [2021] NSWSC 1350 – applications by liquidators for judicial directions and approval regarding indemnity agreement, asset sale agreement, interim distribution, remuneration (led by James Hutton SC)
- *Stamenkovic v Petkovic* (FCFCOA SYG2036/2021) – sequestration order, application for review of sequestration order by debtor (unled)

Real Property

- *Balout v Bella Ikea Cronulla Pty Ltd* (NSWSC 2023/156633; ongoing) – validity of exercise of mortgagee’s power of sale (led by Shereef Habib SC)
- *Burrows v Bradley Street Pty Ltd* (NSWSC 2021/350776) – right of way, part performance, proprietary estoppel (unled)
- *S&G Sartori Pty Ltd v Graham* (NSWSC 2022/54826) – specific performance, agreement for lease, right of first refusal (led by Chris McMeniman)

Appellate

- *Murdoch v Mudjee Dolomite & Lime Pty Ltd (in liq)* (2022) 398 ALR 658; [2022] NSWCA 12 – derivative suit, diversion of corporate opportunity, appearing for liquidators (unled)

Arbitration

- Confidential arbitration under the *Library Act 1939* (NSW) and the *Commercial Arbitration Act 2010* (NSW) (ongoing) (led by Andrew Harding SC)

Inquests

- *Inquest into the disappearance and suspected death of Marion Barter* (Coroners Court of NSW 2019/306081; ongoing) – five-week coronial inquest, missing person, appearing for next of kin (unled)

Other unled final hearings to judgment

- *Demertjis & Rubs Pty Ltd v Crawford* (NSWLC 2022/127312; judgment 22 August 2023) – claim under guarantee for unpaid rent, misleading or deceptive conduct by omission
- *Chen v Kelly* (NSWLC 2021/290137; judgment 3 November 2022) – unpaid rent claim, authority of agent
- *CHEP Australia Ltd v Rengreen Pty Ltd* (NSWLC 2021/97337; judgment 25 October 2022) – debt, breach of contract, incorporation of contractual terms by course of dealing
- *Serendib Health Care Pty Ltd v JKN Hills Pty Ltd* (NCAT COM 20/17895; judgment 8 November 2021) – misleading or deceptive conduct claim under the *Retail Leases Act 1994* (NSW) (unled)
- *GC Realty Pty Ltd v Strathfield Partners Pty Ltd* (NSWLC 2020/189851; judgment 9 June 2021) – breach of contract, real estate agency commission

Professional Experience

2020 – present Barrister, Tenth Floor Chambers

2018 – 2020 Solicitor, King & Wood Mallesons

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| 2017 | Tipstaff to the Hon. Justice R J H Darke, Supreme Court of NSW |
| 2015 – 2016 | Summer Clerk and Paralegal, King & Wood Mallesons |
| 2015 | Paralegal, Norton White |
| 2012 – 2015 | Paralegal, Jordan Djundja Lawyers |

Education and Qualifications

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| September 2020 | Called to the New South Wales Bar |
| January 2019 | Admitted as a lawyer of the High Court of Australia |
| October 2018 | Admitted as a lawyer of the Supreme Court of New South Wales |
| May 2017 | Bachelor of Laws, University of Sydney |
| May 2015 | Bachelor of Arts, University of Sydney |

Prizes and Scholarships

University of Sydney

- Outstanding Achievement Academic Scholarship (2012-2016)
- Dean’s List of Excellence in Academic Performance (2016)
- Academic Merit Prize (2012, 2016)
- Allens Prize in Corporations Law (2016)
- Exchange Outbound Scholarship to Trinity College, Dublin (2016)
- Monahan Prize for Evidence (2015)
- First in course – German Philosophy: Leibniz to Nietzsche (2014)

Mooting

- Best Oralist, Australian Rounds – Jessup Moot (2016)
- Best Speaker, General Rounds – International Maritime Law Arbitration Moot (2015)
- Winner – Shine Lawyers National Torts Moot (2014)

Presentations and Publications

Bradley Smith, March 2021, ‘Equitable Remedies in Commercial Proceedings’ (Presentation to Brothers and Sisters in Law Annual CPD Conference)

Bradley Smith, December 2017, ‘Land Law Catchwords’, Council of Law Reporting for NSW

Bradley Smith, ‘The Effect of the *Ius Fetiale* and its Legacy on Roman War and Imperialism 264 – 32 B.C.’ (2012) 36(1) *Classicum – The Journal of the Classical Association of NSW* 23