

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 law and inquests.

Selected Cases

Commercial and Equity

- *Dota Management Pty Ltd v MCL 115 Pty Ltd* (NSWSC 2022/173168; ongoing) – acting for plaintiffs seeking recovery of funds invested in real estate bonds, including four unled applications for interlocutory relief (led by Richard Scruby SC)
- *CHEP Australia Limited v P.J. Nash Pty Limited* [2022] NSWDC 183 – contractual debt claim involving penalty, unconscionable conduct and unfair contract terms defences (unled)
- *Calibre Construction Corp Pty Ltd v Bayside Council* [2021] NSWSC 758 – claim for delivery up of bank guarantees based on limitation defence (led by Stefan Balafoutis SC)
- *S&G Sartori Pty Ltd v Graham* (NSWSC 2022/54826) – claim for specific performance of agreement for lease and right of first refusal (led by Chris McMeniman)
- *Burrows v Bradley Street Pty Ltd* (NSWSC 2021/350776; ongoing) – claim for right of way over laneway based on partly performed oral agreement and proprietary estoppel (unled)
- *DBCT Management Pty Ltd v McConnell Dowel Constructors (Aust) Pty Ltd and Geosea Australia Pty Ltd Joint Venture* [2021] FCA 512; [2021] FCA 810 – appeared for subpoenaed entity in privilege claim over report into maritime accident (led by Charles Colquhoun)
- *Serendib Health Care Pty Ltd v JKN Hills Pty Ltd* (NCAT COM 20/17895; Senior Member Ellis SC; 8 November 2021) – appeared for respondent in defence of misleading or deceptive conduct claim under the *Retail Leases Act 1994* (NSW) (unled)

Appellate

- *Murdoch v Mudgee Dolomite & Lime Pty Ltd (in liq)* (2022) 398 ALR 658; [2022] NSWCA 12 – appeared for liquidators on appeal in respect of derivative suit for diversion of corporate opportunity (unled)
- *Hana v Shad Legal Services Pty Ltd* [2021] NSWCA 258 – appeal against strike-out in respect of professional negligence claim (led by Julian Sexton SC and James Lee)

Insolvency and Bankruptcy

- *Connelly (liquidator), in the matter of CIMC Rolling Stock Australia Pty Ltd (in liq) v One Rail Australia (FLA) Pty Ltd* (FCA QUD134/2021; settled) – appeared for respondent in unfair preference claim relating to rail wagons, including unled application for overseas substituted service orders; see [2021] FCA 1183 and [2022] FCA 858 (led by Jonathon Moore QC and Elliot Hyde)
- *In the matter of Mudgee Dolomite & Lime Pty Ltd (in liq)* [2021] NSWSC 393; [2021] NSWSC 984; [2021] NSWSC 1350 – appeared for liquidators in various applications for judicial directions and

approval in respect of secured indemnity agreement, asset sale agreement and remuneration (led by James Hutton)

- *In the matter of C.V. Joint (Aust) Pty Ltd* [2022] NSWSC 981 (ongoing) – appearing for minority shareholder on application for just and equitable winding up and oppression claim (unled)
- *Stamenkovic v Petkovic* (FedFamC2G SYG2036/2021; settled before judgment) – appeared for applicant creditor to obtain sequestration order and on debtor’s application for review (unled)

Insurance

- *Thera Agri Capital No. 2 Pty Ltd v BCC Trade Credit Pty Ltd t/as The Bond & Credit Co* [2022] NSWSC 669 – appeared for insurers in indemnity claim under trade credit policy (led by Richard Scruby SC)
- *Climatech ACT Pty Ltd v R G Lord Investments Pty Ltd* (NSWSC 2022/71011; ongoing) – appearing for insurers in claim under the *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW) (led by Julian Sexton SC)
- *Sunbuild Pty Ltd v Certain Underwriters at Lloyd’s under contract number B1262BW0020715* (NSWDC 2019/212264; Gibson DCJ; 12 August 2021) – appeared for insurers in successful defence to professional indemnity claim (led by David Lloyd SC)
- *Maxi EFX Global AU Pty Ltd v Certain Underwriters at Lloyd’s Subscribing to Contract No. B0775UPD05819A* (FCA NSD259/2022; ongoing) – appearing for insured in coverage dispute under management liability policy (led by David Lloyd SC)

Inquests

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

Professional Experience

2020 – present	Barrister, Tenth Floor Chambers
2018 – 2020	Solicitor, King & Wood Mallesons Restructuring & Insolvency; Commercial Litigation; Corporations Law
2017	Tipstaff to the Hon. Justice Rowan Darke, Supreme Court of NSW Real Property; Equity
2015 – 2016	Summer Clerk and Paralegal, King & Wood Mallesons Commercial Litigation; Energy & Resources
2015	Paralegal, Norton White Maritime Law; Aviation Law
2012 – 2015	Paralegal, Jordan Djundja Lawyers Criminal Law; Wills & Estates; Commercial Litigation

Education and Qualifications

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)

Charles Colquhoun and Bradley Smith, November 2020, 'Equitable Remedies in Commercial Proceedings' (Presentation to Law Society of NSW Commercial Litigation Specialist Accreditation Week)

Bradley Smith, December 2017, 'Land Law Catchwords', Council of Law Reporting for New South Wales

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

Community Involvement

2012 – present Referee, New South Wales Rugby Union