



BRANDON SMITH
Barrister

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ADMISSIONS

- 2023 Barrister, New South Wales Bar
- 2021 Solicitor, Supreme Court of New South Wales and High Court of Australia

EDUCATION

- 2020 **Australian National University**, Bachelor of Laws (Hons 1), Bachelor of International Security Studies
- Tuckwell Scholar, 2016 – 2020
University Medal (Law), 2020
ACT Supreme Court Judges' Prize (top honours mark at graduation), 2020
King & Wood Mallesons Prize for Law Studies (highest average grade across Property and Equity & Trusts), 2019
Spark Helmore Prize for Equity & Trusts, 2019
Deans Certificate for International Trade Law, 2019
Ashurst Australia Prize for Corporations Law, 2018
Clayton Utz Prize for Administrative Law, 2018
Coral Bell Memorial Prize for Second Year Security Studies, 2017
ACT Department of Public Prosecutions Prize for Criminal Law, 2017
David Clark Ivan Memorial Prize for First Year Security Studies, 2016

EXPERIENCE

- Since 2023 **Barrister**, Banco Chambers
- 2022 - 23 **Allens**, Lawyer (Commercial Disputes)
- 2021 - 22 **Federal Court of Australia**, Associate to the Hon Chief Justice James Allsop AC and the Hon Justice John Griffiths
- 2018-20 **Australian Government Solicitor**, Law Clerk (Dispute Resolution)

SELECTED MATTERS (as a solicitor)

Acting for Australian Unity Ltd in *NorthWest Healthcare Australia RE Limited v Australian Unity Funds Management Limited & Ors* (2021/171239) ([2023] NSWSC 540, [2023] NSWSC 86) – alleged breaches of trust and general law and statutory duties, accessorial liability, misleading or deceptive conduct (settled)

Acting for Citibank, N.A in *J Wisbey & Associates Pty Ltd v UBS AG & Ors* (VID567/2019) – class action, alleged contraventions of Pt IV of the *Competition and Consumer Act 2010* (Cth)

Acting for Macquarie Bank Limited in *ASIC v Macquarie Bank Limited* (NSD241/2022) – alleged contraventions of s 912A of the *Corporations Act 2001* (Cth) and s 12DB of the *ASIC Act 2001* (Cth)

Acting for Nitro Software Limited in *In the matter of Nitro Software Limited* [2023] NSWSC 13, proposed scheme of arrangement (for the target)

Acting for the applicant/plaintiff in *Sami v Minister for Home Affairs* [2023] FCA 185 and *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs* (High Court, P1/2023) – lawfulness of detention under *Migration Act 1958* (Cth)

PUBLICATIONS & OTHER EXPERIENCE

John Sheahan KC and Brandon Smith, ‘Preparing and presenting evidence’ in Michael Legg (ed), *Resolving Civil Disputes* (2nd ed, 2023) (forthcoming)

Brandon Smith, ‘An onus of “almost nothing”’: *Nathanson v Minister for Home Affairs*’ on AUSPUBLAW (14 September 2022)

Brandon Smith, ‘Reconceptualising justiciability: Crafting a coherent framework for Australia’s unique constitutional context’ (2022) 50(3) *Federal Law Review* 371

Brandon Smith and Andrew Ray, ‘A final resolution to the question of leave to appeal from costs orders in the Federal Court’ (2022) 10(3) *Journal of Civil Litigation and Practice* 142

Brandon Smith, ““Strong reasons”: The Epic litigation and the primacy of public policy over exclusive jurisdiction clauses’ (2022) 49(5) *Australian Business Law Review* 291

Lecturer, Administrative Law, Australian National University (2023)

Volunteer lawyer for Homeless Persons Legal Service and Refugee and Casework Advice Service (2022-2023)

Various roles at the Australian National University, including:

- Student Editor at *Federal Law Review*, 2018 – 2020
- Research Assistant to Associate Professor Will Bateman, 2019
- Sub-editor at *East Asia Forum*, 2017 – 2018
- Academic Advisor for Law at John XXIII College, 2017 – 2018

Volunteer legal intern at:

- ACT Legal Aid (Mar – Jun 2017)
- Kimberley Community Legal Services, Broome (Nov – Dec 2018)