



Dale Marie Bampton

5 Wentworth Chambers
180 Phillip Street, Sydney NSW 2000

Curriculum Vitae

ACADEMIC HISTORY AND ADMISSION

- May 2009 **Joined the New South Wales Bar**; admitted to practice in New South Wales, Federal Court and High Court of Australia
- 2007 **Admitted as a lawyer of the Supreme Court of NSW**
- 2006 ***Bachelor of Laws (LLB) – First Class Honours Faculty of Law, University of Sydney***
- Ranked overall 6th in graduating year
- Awarded JH McClemens Memorial Prize for First in Criminology (2006)
- Awarded Tuh Fuh and Ruby Lee Memorial Prize for Criminology (2006) -
Semi-finalist, Jessup International Law Moot in 2005-2006
- 2001 ***Master of International Public Health***
Faculty of Medicine, University of Sydney
- Ranked 1st in graduating year
- Awarded Commonwealth of Australia Centennial Scholarship
- 1997 ***Bachelor of Arts***
Faculty of Arts, University of Queensland
- Dean's list for Academic Excellence 1995 - 1997

LEGAL EXPERIENCE

I have worked on a number of cases of note, including for the manufacturer and supplier of medical devices in a class action regarding the design of a medical device, for shareholders on the class action brought against AWB concerning contracts with Iraq during the UN Oil for Food Programme, for Optus in a claim brought by the ACCC for misleading or deceptive advertising, and for Optus for injunctive relief against Vodafone. I have appeared both as sole counsel, and led by a number of senior counsel. I have appeared in all levels of courts as well as tribunals, including the Federal and High Court of Australia, the Local, District and Supreme Courts of NSW, the Family Court of Australia, NCAT and Fair Work Australia.

Summary

May 2009 – Present	Barrister, Wentworth Chambers
Jan 2007 – April 2009	Solicitor, Major Projects and Class Actions Maurice Blackburn Lawyers
Nov 2005 – Feb 2006	Legal Clerk, Minter Ellison Lawyers

FURTHER RELEVANT EMPLOYMENT HISTORY

Aug 2005 – Present	Lecturer, International Public Health School of Public Health, Faculty of Medicine, University of Sydney (Adjunct Lecturer title bestowed 2007)
Feb 2002 – Aug 2005	Associate Lecturer, International Public Health School of Public Health, Faculty of Medicine, University of Sydney

I continue each semester to present lectures in the Faculty of Medicine, University of Sydney on international public health issues, including legal issues in international health, and have lectured in the University of Technology, Sydney's Faculty of Law on representative proceedings.

CURRENT AREAS OF PRACTICE

Competition and Consumer Law
Commercial/Equity
Corporations Law
Class Actions/Representative Proceedings

CASES OF NOTE

I have appeared with senior counsel and leading junior counsel on a number of matters, including:

***Tammy Stanford & Anor v DePuy International Ltd & Anor* (Federal Court of Australia)
(Representative Proceeding)**

I am currently instructed to appear (with S Finch SC and R Dick SC, instructed by Herbert Smith Freehills) for DePuy International Limited and Johnson & Johnson Medical Pty Limited, the manufacturers and suppliers of medical devices, in a representative proceeding regarding the design of a hip replacement device.

***Macquarie International Health Ltd v Sydney Local Health District* [2013] (Supreme Court of NSW)**

I was instructed to appear (with Greg Burton SC and Peter Bruckner of counsel) for SLHD in the Supreme Court of NSW in relation to a claim by Macquarie for damages for the wrongful eviction of Macquarie from a large-scale development project site.

Australian Competition and Consumer Commission v Emirates [2012] (Federal Court of Australia)

I acted (with C Scerri QC, instructed by Allens) for Emirates in this matter, regarding alleged cartel conduct by a number of international airlines. The matter settled prior to hearing.

Singtel Optus Pty Ltd v Australian Competition and Consumer Commission [2012] FCAFC 20 (Federal Court of Australia – Full Court)

I appeared with Justin Gleeson SC (instructed by Minter Ellison Lawyers) for the appellant on an appeal before the Full Court of the Federal Court (Keane CJ, Finn and Gilmour JJ) from a pecuniary penalty imposed by Perram J on Singtel Optus. The appeal was allowed and the pecuniary penalty reduced by \$1.65 million.

Australian Competition and Consumer Commission v Singapore Airlines Cargo Pte Ltd & Ors (Federal Court of Australia)

I acted (with S Free of counsel, instructed by Minter Ellison Lawyers) for Singapore Airlines in this matter, regarding alleged cartel conduct by a number of international airlines.

Singtel Optus Pty Ltd v Vodafone Pty Ltd (Federal Court of Australia)

I appeared with R Cobden SC for Singtel Optus in the preliminary stages of an application for injunctive relief against Vodafone for alleged contraventions of s52 of the *Trade Practices Act 1974*.

Trend Imports Pty Limited v PW Trading Pty Limited (Federal Court of Australia)

I acted (with S Jacobs of counsel) for the applicant in a claim in the Federal Court before Robertson J for trade mark infringement, passing off and misleading or deceptive conduct.

OrangeTee.com Pte Limited & Anor v OrangeTee Australia Pty Limited & Ors (Federal Court of Australia)

I acted (with J Cooke of counsel) for the Respondents and cross-claimants in relation to a claim for passing off, misleading or deceptive conduct and breach of contract. I was also briefed in related Trade Marks Office opposition proceedings.

Australian Competition and Consumer Commission v Singtel Optus Pty Ltd [2010] FCA 1177 (Federal Court of Australia); Australian Competition and Consumer Commission v Singtel Optus Pty Ltd (No 2) [2010] FCA 1200; Australian Competition and Consumer Commission v Singtel Optus Pty Ltd (No 3) [2010] FCA 1272; Australian Competition and Consumer Commission v Singtel Optus Pty Ltd (No 4) [2011] FCA 761

I appeared (with S Finch SC, instructed by Minter Ellison) before Perram J, acting for Singtel Optus. The case concerned a claim by the ACCC that certain Optus advertisements regarding the provision of broadband services contravened ss 52, 53(aa) and 55A of the *Trade Practices Act*, as well as claims for injunctive relief, corrective advertising and pecuniary penalties. The proceedings also included a successful claim by Singtel Optus for confidentiality orders under s50 of the *Federal Court Act*.

Australian Competition and Consumer Commission v Link Solutions Pty Ltd (No 2) [2010] FCA 919 (Federal Court of Australia)

I appeared (with M Darke of counsel) in the Federal Court of Australia before Bennett J, for the Fifth, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh and Twenty-Eighth Respondents in a case concerning alleged third line forcing.

John & Kaye Watson v AWB Limited (AWB shareholder class action) (Federal Court of Australia)

I appeared (with J Sheahan SC and MBJ Lee of counsel) before Foster J for the applicants on a class action brought by shareholders against AWB Limited. The class action involved alleged breaches of continuous disclosure and misleading and deceptive conduct provisions arising out of AWB's involvement in the UN Oil for Food Programme.

E & J Gallo Winery v Lion Nathan Australia Pty Limited [2009] HCATrans 180 (31 July 2009) (High Court of Australia)

I appeared (with I Jackman SC and M Darke of counsel) for the applicant in an application to the High Court of Australia for special leave regarding a trade mark dispute. I also appeared with M Darke in related proceedings in the Trade Marks Office (*E & J Gallo Winery v Lion Nathan Australia Pty Limited* [2009] ATMO 87 (31 October 2009)).

Frederick Schulman & Anor v Abbott Tout Lawyers (A Firm) t/as Abbott Tout Solicitors (Federal Court of Australia)

I appeared with MBJ Lee of counsel before Rares J in a claim for breaches of s52 of the *Trade Practices Act*. The matter settled following trial but prior to judgment.

Secure Funding Pty Limited v Insurance Australia Limited [2010] FCA 1094 (1 October 2010) (Federal Court of Australia, Victorian Registry)

I appeared (led by MBJ Lee of Counsel) for the respondent in the Federal Court of Australia (Victorian Registry) before Middleton J, regarding the responsiveness of a policy of insurance and interpretation of section 48 of the *Insurance Contracts Act 1984* (Cth).

Coastline Constructions (Aust) Pty Ltd & Ors v Kakavas & Ors [2009] NSWSC 1438 (Supreme Court of NSW)

I appeared (with D Robinson SC and M Darke) for Mr Kakavas in a hearing in the Supreme Court of NSW before Schmidt J. The proceeding concerned claims in restitution, contract, conversion and a cross-claim for damages for assault.

OTHER SELECTED CASES

I also have been, or am currently, briefed as sole counsel on a number of matters in the Federal Court of Australia, the Family Court of Australia, the Supreme Court of New South Wales, the District and Local Courts, NCAT and Fair Work Australia. A selection of those cases includes:

Chi Drinks Limited v Encompass & Ors [2013] (Federal Court of Australia, Victorian Registry). I acted for the defendant in a trade mark and copyright dispute, and involving an allegation of breach of contract. The matter involved interlocutory disputes including an application for security for costs. The matter settled prior to hearing.

Bosco v Gabosco Pty Limited [2013] (Supreme Court of NSW, Equity Division). I appeared for the plaintiff in a trust dispute. I appeared for the plaintiff in a successful application for access to the records of a trust, including successfully applying for an order that the defendant trustee not be indemnified from the trust estate.

Hudson v State of NSW [2013] (District Court). I acted for the plaintiffs in a false imprisonment claim, instructed by Legal Aid NSW. The matter settled prior to trial.

Zmudzinski v Apollo Motor Home Holidays Pty Ltd (Supreme Court of NSW, Equity Division). I acted for the plaintiff in a *Contracts Review Act/Consumer Claims* dispute, also involving questions of unfair contract terms under the Australian Consumer Law. I successfully opposed the transfer of the matter out of the jurisdiction. The substantive matter settled at mediation.

East Sydney Property Development Pty Ltd v Short Street Developments Pty Ltd (Supreme Court of NSW, Equity Division). I acted for the plaintiff in a dispute over the construction of a Deed.

Colby v U-Haul & Ors (CTTT (as it then was), instructed by Legal Aid). I acted for the plaintiff in a claim regarding unfair contract terms and breach of statutory warranties under the Australian Consumer Law.

Lawford v Sydney Essential Oil Co [2012] FWA 1718 (Fair Work Australia). I appeared for the respondent, and successfully opposed an application to bring an unfair dismissal claim out of time.

Mariner Securities Limited v Elali & Easy Choice Home Loans Pty Ltd (District Court). I acted for the plaintiff in a contractual dispute. The matter settled prior to trial.

NAB v Samaseia (Supreme Court of NSW, instructed by Legal Aid). I acted for the defendant in a possession matter. The matter settled at mediation.

Baydarry Painting Services v Kenthurst Constructions Pty Ltd (Local Court). I appeared for the defendant and cross-claimant in a building and construction contractual dispute. The matter settled during trial.

Niederer v Coogee Sands Apartments (Fair Work Australia). I acted for the respondent in an unfair dismissal claim. The matter settled prior to hearing.

Verge Solutions Pty Ltd v Prosys Services Pty Ltd (Local Court). I acted for the defendant in a building and construction contractual dispute. The matter settled during the trial.

MEMBERSHIPS/COMMUNITY INVOLVEMENT

Mentor, *University of Sydney Women Law Students' Mentoring Scheme*

Judge, *University of Sydney Jessup International Law mooting program and general mooting program*

Australian Volunteers International

Member of Returned Volunteers Speakers Bureau

Member of the NSW Bar Association's Human Rights Committee (2013 – 2014)