



BRONTE LAMBOURNE
Barrister

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ADMISSIONS

- 2023** Barrister, New South Wales Bar
- 2016** Solicitor, Supreme Court of New South Wales

ACADEMIC

- 2010 - 2015** **University of Sydney**
Bachelor of Arts (English) / Bachelor of Laws (Hons I)
- Honours First Class – Thesis: *The Place of 'Loss of Chance' in Equitable Compensation*
 - Nancy Gordon Smith Prize for Honours at Graduation (first 5 candidates)
 - ED Roper Memorial Prize No.1 for Equity and Corporations Law
 - Margaret Ethel Peden Prize in Real Property
 - Edward John Culey Prize for Proficiency in Real Property and Equity
 - Herbert Smith Freehills Prize in Torts and Contracts
 - Walter Reid Memorial Prize
 - Sydney University Outstanding Achievement Scholarship (awarded for admission with ATAR of 99.95)
 - James Aitken Scholarship

EXPERIENCE

- Since 2023** **BANCO CHAMBERS**
Barrister
- 2018 – 2023** **KING & WOOD MALLESONS**
Senior Associate, 2021 - 2023
Solicitor, 2018 - 2021
Summer Clerk / Law Clerk, 2014 - 2015
- 2018 - 2019** **REFUGEE ADVICE AND CASEWORK SERVICE**
Solicitor (Secondee)
- 2016-2017** **SUPREME COURT OF NEW SOUTH WALES**
Research Director to the Honourable T F Bathurst AC, Chief Justice of NSW, 2017
Judicial Clerk (Tipstaff) to the Honourable T F Bathurst AC, Chief Justice of NSW, 2016
- 2013** **AUSTRALIAN LAW REFORM COMMISSION**
Intern

SELECTED MATTERS

LED

Contested/final hearings

Contract – *Michael Hill Jeweller (Australia) Pty Ltd v Gispac Pty Limited* [2024] NSWCA 211 (Bell CJ, Payne JA and Basten AJA) – appeal concerning a contract dispute in respect of the supply of wholesale packaging and whether terms incorporated by reference – led by Fiona Roughley SC, instructed by Otto Martiens Lawyers for Michael Hill.

Corporations/regulatory – *ASIC v Noumi Ltd* [2024] FCA 862 (Jackman J) – civil penalty proceedings for contraventions of the continuous disclosure provisions – led by Elizabeth Collins SC, instructed by Ashurst for Noumi.

Contract – *Yi v Park* [2024] NSWCA 187 (Bell CJ, Adamson and Mitchelmore JJA) – appeal concerning whether loan agreement supported by valid consideration in the form of forbearance – led by Adam Hochroth, instructed by Uther Webster & Evans for the appellant.

Privilege – *ASIC v Noumi Ltd* [2024] FCA 349 (Shariff J) – dispute concerning a claim for legal professional privilege in respect of an investigation report and whether privilege was waived by provision of the report to ASIC pursuant to a voluntary and confidential disclosure agreement – led by Elizabeth Collins SC, instructed by Ashurst for Noumi.

Insolvency – *Mansoor, In the matter of Tvesa Investments Pty Ltd* [2024] FCA 290 (Markovic J) – proceedings for judicial direction under s 90-15 of the Insolvency Practice Schedule in respect of a void transaction under s 437D of the Corporations Act – led by Ben Katekar SC, instructed by Hall & Willcox for the liquidators.

Statutory construction – *Dimos v Gordian Runoff Limited* [2023] NSWSC 1151 (Schmidt AJ) (on the papers) – acting for the President of the Personal Injury Commission in respect of a question of statutory construction regarding the transitional provisions of the *Personal Injury Commission Act 2020* (NSW) – led by James Emmett SC, instructed by Crown Solicitor's Office.

Injunctions/Contract – *EPIC Pharmacy Services Pty Ltd v Giles* (NSW Supreme Court, 2023/00250571) (Ball J and Stevenson J) (orders made) – Application for urgent interlocutory relief in respect of contractual dispute concerning the provision of pharmaceutical services and restraint of trade provisions – led by Vanessa Whittaker SC, Penelope Abdiel and Harriet Lenigas instructed by King & Wood Mallesons for the Icon Group.

Ongoing matters

Class Actions – *Lendlease Corporation Limited v Pallas* (High Court of Australia, S108/2024) – appeal on the question of whether the Supreme Court of NSW has power to authorise a notice to group members in representative proceedings stating that, upon any settlement, the parties/defendant will seek an order that group members who have neither registered nor opted out shall not benefit from the settlement without leave – led by Elizabeth Collins SC and Celia Winnett, instructed by Herbert Smith Freehills for Lendlease.

Torts – *Collis v State of New South Wales; Nolan v State of New South Wales* (NSW Supreme Court, 2024/00136164 and 2024/00129662) – test case proceedings alleging that police officers attending properties for the purpose of performing bail compliance checks committed trespass to land – led by Nicholas Owens SC and Kate Lindeman, instructed by Wotton + Kearney for State of New South Wales (NSW Police Force).

Equity/Insolvency – *Harris Health Care Pty Ltd v Hayes (in his capacity as liquidator of Sirrah Pty Ltd (in liq))* (NSW Court of Appeal, 2024/00246775) – appeal concerning the application of the ‘rule’ in *Cherry v Boulton* to the distribution of surplus to shareholders in a company liquidation, led by Fiona Roughley SC, instructed by YPOL for Harris Health Care.

Insurance – *Kokomo Resorts Pte Limited v Sun Insurance Company Limited* (High Court of Fiji, Civil Action No. 265 of 2023) – insurance claims for property damage and business interruption arising from COVID-19 and concurrent tropical cyclone – led by John Sheahan KC and Donald Mitchell, instructed by King & Wood Mallesons for Kokomo.

Consumer law/class actions – *Holt v Mitsubishi Motors Corporation* (Federal Court, NSD 1226/2021) – representative proceedings alleging contraventions of the Australian Consumer Law in respect of the fuel efficiency of Mitsubishi Triton vehicles – led by Christopher Withers SC and Peter Strickland, instructed by Johnson Winter Slattery for the applicants.

Employment law/class actions – *Burt v University of Sydney* (Federal Court, NSD 987/2021) – representative proceedings commenced on behalf of postgraduate students of the University of Sydney alleging contraventions of the *Fair Work Act 2009* (Cth) on the basis that scholarship recipients are employees – led by Robert Dick SC and Sebastian Hartford-Davis, instructed by Ashurst for the University of Sydney.

Contract/consumer law – *Cocoon Data Holdings Pty Ltd v Macquarie Telcom Pty Ltd* (NSW Supreme Court, 2020/275538) – contractual dispute and misleading or deceptive conduct claim in relation to a reseller agreement for licensing of cloud-based secure sharing technology – led by David Sulan SC and Thomas Bagley, instructed by Banton Group for Cocoon Data.

Class Actions – *Gill v Ethicon Sarl* (Federal Court, NSD 1590/2012 and NSD 310/2021) – acting for Shine Lawyers in respect of applications under s 33V of the *Federal Court of Australia Act 1976* (Cth) for approval of fees and expenses from the settlement fund in representative proceedings – led by Noel Hutley SC and Ryan May (in respect of application for approval of legal fees) and led by Noel Hutley SC and Emma Bathurst (in respect of application for approval of interest charges on funding facility).

Settled before hearing

Preliminary discovery/contract – *Peninsula Business Services Group Limited v Mallett* (NSW Supreme Court 2023/00455241) – preliminary discovery application in respect of potential claim for breach of restraint of trade provisions in share purchase agreement – led by Richard McHugh SC and Ryan May, instructed by Clayton Utz for Peninsula.

Corporations/class actions – *Komolotex Pty Ltd v AMP Limited* (NSW Supreme Court, 2018/00310118) – shareholder class action proceedings for alleged breach of continuous disclosure obligations by AMP – led by Cameron Moore SC, Guy Donnellan and Jerome Entwisle, instructed by Maurice Blackburn for the plaintiffs.

Contract – *Qantas Airways Limited v L3 Commercial Training Solutions Pty Ltd* (NSW Supreme Court, 2020/20437) – contractual dispute in relation to an agreement to establish and operate a pilot training academy – led by Robert Dick SC, Fiona Roughley SC and Megan Caristo, instructed by Herbert Smith Freehills for Qantas.

UNLED

ASIC v Macleod; Noumi Ltd v Macleod (Full Federal Court, NSD 676/2024 and NSD 678/2024) (ongoing), appeals from the decision in *ASIC v Noumi Ltd* [2024] FCA 349 finding that legal professional privilege in an investigation report was waived by voluntary provision to ASIC pursuant to a Voluntary Confidential Legal Professional Privilege Disclosure Agreement, appearing unled against silk, instructed by Ashurst for Noumi.

Michael Hill Jeweller (Australia) Pty Ltd v Gispac Pty Ltd [2024] NSWCA 128 (Payne JA), application for stay of judgment pending appeal – instructed by Otto Martiens Lawyers for Michael Hill.

In the matter of Tvesa Investments Pty Ltd (NSW Supreme Court, 2023/00268628) (Williams J) (orders made), proceedings for judicial direction under s 90-15 of the Insolvency Practice Schedule in respect of a void transaction under s 437D of the Corporations Act – instructed by Hall & Willcox for the liquidators.

Frequently appears in contested motions and directions in the Supreme and Federal Courts.

PUBLICATIONS

Hon T F Bathurst and Bronte Lambourne, "On to Strasbourg or Back to Temple? The Future of European Law in Australia Post-Brexit" (2018) 92(9) *Australian Law Journal* 679

Bronte Lambourne, "Representations rarely irrevocable without detrimental reliance: Allianz Australia Insurance Limited v Delor Vue Apartments CTS 39788 [2022] HCA 38", *Bar News*, Autumn 2023, 22-23.

Conference presentation, "Managing Risk: Insurance, Indemnities, Warranties, & Limitation of Liability" at Legalwise Contract Law Conference (10 March 2022)

UNIVERSITY DEBATING

- 2011** Australasian Women's Debating Championships – Top Ten Speaker
- 2010, 2011** Australian Intersarsity Debating Championships – Top Ten Speaker
- 2010** Australian Intersarsity Debating Championships – Winner