

DOMINIQUE HOGAN-DORAN SC

Overview

Dominique Hogan-Doran SC practises in commercial disputes, regulatory compliance & enforcement, and inquiries on matters of public importance. She conducts a national practice, with chambers in Sydney (5 Wentworth Chambers), Melbourne (Douglas Menzies Chambers), and Adelaide (Jeffcott Chambers).

Ms Hogan-Doran is recognised by *Doyle's Guide to the Australian Legal Profession* as a Recommended Leading Commercial Litigation & Disputes Resolution Senior Counsel (2016, 2017) and was the *Lawyers Weekly* Barrister of the Year (2016).

Prior to the Bar, Ms Hogan-Doran was a lawyer with Mallesons Stephen Jacques (now King & Wood Mallesons), & Research Director to the Chief Justice of New South Wales, the Hon. A.M. Gleeson AC.

Admissions

Legal Practitioner	30 June 1994
Bar	20 November 1995
Silk	23 September 2015

Academic Qualifications & Awards

Master of Laws, University of Sydney, 2004

Bachelor of Civil Laws (First Class Honours), Oxford University, 1995

Bachelor of Laws (First Class Honours), University of Sydney, 1992

Bachelor of Economics (Social Sciences), University of Sydney, 1990

Sir Robert Menzies Memorial Scholarship in Law to Oxford University, 1994

Fulbright Scholarship to Harvard University (not taken up), 1993

Convocation Medal (for academic excellence and outstanding contribution to University life for service as President of the University of Sydney Union and Member of the Academic Board), 1993

Nancy Gordon Smith Prize for Honours at Graduation in Law, University of Sydney, 1992

Tress Cox Maddox Scholarship, University of Sydney 1991

Phillips Fox John L Mant Scholarship, University of Sydney, 1990

First Place in Corporations Law, University of Sydney, 1992

First Place in Criminal Law (Aaron Levine Prize), University of Sydney, 1990

Appointments

Arbitration:

Fellow of the Chartered Institute of Arbitrators
Accredited Arbitrator, NSW Bar Association BarADR
Australian Energy Regulator Arbitral Panel
National Broadband Network Arbitral Panel
Essential Services Commission of South Australia Arbitral Panel
Superannuation Transactions Gateway Network Governance Body Disputes Resolution Panel

Mediation:

Accredited Mediator NMAS
Supreme Court of New South Wales Mediators Panel
District Court of New South Wales Mediators Panel
Australian Franchising Code of Conduct Mediators Panel

International:

International Bar Association Regulation Committee
Australian Bar Association International Committee
Delegate, G20 Business Dialogue, Argentina 2018

Academic:

Adjunct Associate Professor, UNSW Centre for Law, Markets, and Regulation

Previous appointments include:

Law Council of Australia Future of the Australian Legal Profession Committee
Delegate, G20 Business Dialogue, Germany 2017
Director, Club Plus Superannuation Scheme
Alumni Director, Menzies Foundation
Director, National Foundation for Australian Women
President, Australian Women Lawyers
President, Women Lawyers Association of New South Wales
Chair, NSW Young Lawyers' Business Law Committee
Adjunct Lecturer, Australian Graduate School of Management
Lecturer in Contracts, University of New South Wales
President, University of Sydney Union

Professional Development

Harvard Law School *Program on Negotiation and Leadership*
Australian Institute of Company Directors *Company Directors Course*
Australian Institute of Superannuation Trustees *Trustee Directors Course*
Centre for Ethical Leadership, University of Melbourne *Ethical Leadership in Business*
American University Washington College of Law *US & International Anti-Corruption Law*
Columbia University & CI Arb (New York) *Joint Course on International Commercial Arbitration*
Institute of Arbitrators and Mediators of Australia *Practitioner's Certificate in Mediation*

RECENT CASES

Royal Commissions, Public Inquiries & Related Matters

Commonwealth Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, before former High Court of Australia Justice, the Hon. Kenneth Hayne QC - for Commonwealth Bank of Australia subsidiary Aussie Home Loans, instructed by Clayton Utz (2018).

Murray Darling Basin Royal Commission & NSW Ombudsman's Inquiry into Water Compliance and Enforcement - for WaterNSW, instructed by Norton Rose Fulbright (2017-2018).

Public Inquiry under the Charitable Fundraising Act 1991 (NSW) into the RSL Charities, before former Supreme Court Chief Judge in Equity, the Hon. Patricia Bergin SC - for veterans & aged care provider RSL LifeCare Limited, instructed by Clayton Utz; also related governance investigation by Australian Charities and Not-for-profits Commission (2017-2018).

Special Commission of Inquiry into the Greyhound Racing Industry in NSW, before former High Court of Australia Justice, the Hon. Michael McHugh QC - for Chief Executive Officer of NSW Regulator Greyhounds NSW, instructed by Norton Rose Fulbright & Clayton Utz (2015-2016).

Australian Senate Standing Committee on Economics Inquiry into Foreign Bribery - for Mr Stephen Sasse, former executive Leightons Holdings (2016-2018).

NSW ICAC Operation Spicer (Political Donations) - for Sen. the Hon. Arthur Sinodinos AO, former Treasurer, Liberal Party of Australia (NSW Division), instructed by Arnold Bloch Leibler (2014-2016). Also related investigation by NSW Electoral Commission (2016-2017).

Commonwealth NSW ICAC Operation Credo (Australian Water Holdings) - for Senator the Hon. Arthur Sinodinos AO, former Chairman of Australian Water Holdings Pty Limited, instructed by Arnold Bloch Leibler (2014-2017); also related Federal Court proceedings: *TSDack Pty Limited v Australian Water Holdings Pty Ltd* [2015] FCA 931 (settled).

Royal Commission into Trade Union Corruption & Governance, before former High Court of Australia Justice, the Hon. J. Dyson Heydon QC - for Mr Stephen Sasse, Executive General Manager, Thiess/John Holland, re his negotiations with the Hon. Bill Shorten MP (then National Secretary of the Australian Workers Union and now Federal Opposition Leader) (2015).

Corporate & Prudential Regulation

International manufacturer of consumer products re Australian Competition & Consumer Commission allegations of breaches of Franchising Code of Conduct and the Australian Consumer Law, instructed by Holman Webb (2018).

Canberra Raiders Club re appeal against financial penalty & additional licence conditions imposed by ACT Gambling and Racing Commission for breaches of *Gaming Machine Act 2004* (ACT), instructed by Snedden, Hall & Gallop, Canberra (2018).

Corporate authorised representative of Australian Financial Services Licensee re alleged breaches of conflicted remuneration prohibitions in Pt 7.7A, Div. 4 of the *Corporations Act 2001* (Cth), instructed by Hall & Wilcox (2017-2018).

Trustee of the Energy Industries Superannuation Scheme re negotiations with the State of New South Wales to ensure the long-term funding of the defined benefits superannuation provision for state electricity workers, following privatization of the State's Electricity Network Assets; and related matters (2012-2018).

ASX listed company director re ASIC investigation into suspected insider trading and breaches of continuous disclosure obligations contrary to Part 7.10, Div. 3 & Ch 6CA of *Corporations Act 2001* (Cth) (no further action letter obtained) (2016).

Commercial Disputes & Representative Claims

Various confidential advices to representative groups, litigation funders, and law firms re potential class actions for compensation for claims arising under Australian Consumer Law, Corporations Act, ASIC Act, Franchise Code of Conduct.

Investor representative in winding up of unregistered managed investment scheme at first instance and on appeal - *ASIC v GDK Financial Solutions Pty Ltd (in liq)* (2016) FCA (Middleton J); *ASIC v GDK (No 14)* [2013] FCA 459 (Gordon J); *ASIC v GDK (No 11)* [2012] FCA 1034 and *ASIC v GDK (No 12)* [2012] FCA 1035 (Dodds-Streton J); *ZMB Australia Pty Ltd v Warne* [2011] FCA 311 (Ryan J); *ZMB Australia Pty Ltd v Warne* [2011] FCAFC 65 (appeal); *ASIC v GDK (No 8)* [2011] FCA 997 (Dodds-Streton

J) (*ex parte* for approval of compromise); ASIC v GDK [2010] FCA 710 (Gray J); ASIC v GDK (No 6) [2010] FCA 1092 (Finkelstein J); AVS Property Pty Ltd v McMaster [2010] FCAFC 81; (2010) 79 ACSR 89 (appeal); AVS Property Pty Limited v Western Retirement Village Management Ltd (In Liq) [2009] FCA 512 (Ryan J); ASIC v GDK Financial Solutions Pty Ltd (in liq) No 3 [2008] FCA 448 (2008) 169 FCR 497 (2008) 248 ALR 766; and ASIC v GDK (No 4) [2008] FCA 858 (Finkelstein J).

National Australia Bank in defence of claim by high net worth investors concerning complex financial product advice, instructed by Corrs Melbourne: Hanley v National Australia Bank & Anor Victorian Supreme Court (settled, 2015).

Senator the Hon. Arthur Sinodinos AO, in defence of claim by minority shareholders, instructed by Arnold Bloch Liebler: TSDack Pty Ltd & 4 Ors v Australian Water Holdings Pty Ltd & 10 Ors [2015] FCA 93 (settled).

Securcorp Ltd: Leda Holdings Pty Ltd v Securcorp Ltd as Responsible Entity of Securcorp Mortgage Income Scheme & 2 Ors [2013] FCA 1364; FCA (Queensland) (settled March 2015).

Trusts & Associations

Income beneficiary of testamentary trust, instructed by Bradley, Allen, Love Lawyers, Canberra: Simpson v Simpson & 5 Ors, Supreme Court of Queensland No 7887/16 (settled at final hearing, March 2018).

Greek Atlas League Inc, incorporated association dispute, instructed by Athena Touriki Lawyers: Gotsis & 6 Ors v Kotis & 11 Ors Supreme Court of NSW No 2017/213531 (settled at final hearing, February 2018).

Executor of deceased estate involving land in Australia, Serbia and Croatia & complex foreign law questions: Cupic v Cupic; Zelenovic v Cupic Supreme Court of NSW (settled at second mediation, 2017).

Recent Presentations

South Australian Bar Association, Royal Commissions & Public Inquiries in Australia, 22 March 2018.

"Computer says "No": Automation, Algorithms and Artificial Intelligence in Government Decision-Making, published by the Judicial Commission of New South Wales in The Judicial Review, volume 13, 2017.

Association of Superannuation Funds of Australia, Annual Conference: Impact Investing - Harnessing the Latest Developments (Chair), 30 November 2017

International Bar Association, Annual Conference: What role has good advocacy in mediations and arbitrations? 10 Oct 2017

Fiji Law Society, Annual Convention: Challenges for the Legal Profession: Data Management, Confidentiality and Cyber Security, 2 September 2017

Australian Bar Association, Bi-Annual Conference in London: In Conversation with His Excellency His Honour Judge James Crawford, International Court of Justice, 3 July 2017

Governance Institute of Australia, 2017 Corporate Governance Forum: Modern Corporate Governance: The Practice of Minutes, 31 May 2017

UNSW Centre for Law, Markets & Regulation, Practitioners' Forum: Directors and Officers Duties - Recent Cases and Regulatory Developments, 10 March 2017

Law Council of Australia, Annual Immigration Law Conference: Accountability Mechanisms - Beyond Merits Review and Jurisdictional Error, 24 February 2017

Governance Institute of Australia, 33rd National Conference: Advocating The Complexity of Corporate Law, 29 Nov 2016

28th LAWASIA Conference: Cross-Border Issues in International Commerce, 7 November 2015

NSW Bar Association: The Future of Financial Advice & Liability of Financial Advisors, February & March 2015

American Chamber of Commerce and Australian Chamber of Commerce Joint Seminar: Challenges for Investment Going out of China to Australia: Legal and Regulatory Issues, Hong Kong, 19 January 2014