

DOMINIQUE HOGAN-DORAN SC

B Ec (Soc Sc), LLB (Hons I), LLM (USyd), BCL (Hons I) (Oxon)

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RECENT CASES

Australian Securities and Investments Commission v Westpac Banking Corporation (2021) Federal Court

Enforcement proceedings for pecuniary penalties and compliance orders for contraventions of ss 912A(1) and 1041H of the *Corporations Act* 2001 (Cth) and ss 12DB, 12DA, and 12DM of the *Australian Securities & Investments Commission Act* 2001 (Cth) in connection with the issuing of duplicate home & contents and landlord insurance policies to retail customers for no genuine reason, and for issuing policies and demanding payment without customer consent.

Ms Hogan-Doran SC is instructed by the Australian Government Solicitor on behalf of ASIC. [\[Media Release\]](#)

Re QSuper Board [2021] QSC 276 Supreme Court of Queensland ([link](#))

Application for judicial advice by the trustee of the Queensland Public Sector Superannuation Scheme. The Australian Prudential Regulation Authority appeared *amicus curiae*.

Ms Hogan-Doran SC was instructed for the QSuper Board by King & Wood Mallesons, Brisbane.

Re CareSuper (2021) Supreme Court of Victoria (pending)

Application for judicial advice by the trustee of the Clerical Administrative and Retail Employees Superannuation Fund. The Australian Prudential Regulation Authority appears *amicus curiae*.

Ms Hogan-Doran SC is instructed for CareSuper by Mills Oakley, Melbourne.

Re NGS Super (2021) Supreme Court of New South Wales (pending)

Application for judicial advice by the trustee of a superannuation fund for the non-government schools sector. The Australian Prudential Regulation Authority appears *amicus curiae*.

Ms Hogan-Doran SC is instructed for NGS by MinterEllison, Sydney.

Australian Securities & Investments Commission v RM Capital & The SMSF Club (2021) Federal Court (reserved)

Enforcement proceedings for pecuniary penalties and compliance orders in connection with alleged contraventions of s 963G *Corporations Act* 2001 (Cth) in relation to acceptance of conflicted remuneration by an authorised representative.

Ms Hogan-Doran SC was instructed for The SMSF Club by Hall & Wilcox, Sydney.

Expert Determination (2021)

Ms Hogan-Doran SC is jointly retained to determine a commercial dispute between a trustee of a major superannuation fund and its administrator.

In re Black Range Metals (Resources) P/L (subject to DOCA) [2021] NSWSC 608

Termination of administration of a deed of company arrangement, on foot since 2003. *Ex parte* application successfully obtained orders to finalise the administration, including distributions and approval of remuneration of the administrators.

Ms Hogan-Doran SC was instructed by Norton Rose Fulbright on behalf of the deed administrators (McGrath Nicol).

Liquidators of The Ralan Group (2021)

Liquidation following the collapse of one of Australia's largest private property developers, with c.\$238 million owed to secured creditors, c.\$323 million to unsecured creditors and c.\$3 million in priority claims (employees). Recovery claims include unreasonable director-related transactions and unfair preferences.

Ms Hogan-Doran SC was instructed on behalf of the liquidators, Grant Thornton.

In the matter of Ovato Print Group [2020] NSWSC 1683 and [2020] NSWSC 1882 ([link](#))

Proceedings raising public policy implications in the interplay between schemes of arrangement for trade creditors and employee claims proposed pursuant to ss 411 and 413 of the *Corporations Act 2001 (Cth)* and the implementation of the *Fair Entitlements Guarantee Act 2012 (Cth)* Scheme, particularly in the context of the fiscal support provided by the Commonwealth Government to corporate Australia during the COVID-19 pandemic.

Ms Hogan-Doran SC was instructed by Norton Rose Fulbright on behalf of the Commonwealth Government.

In re NULIS Nominees (Australia) Ltd Supreme Court of New South Wales (unreported, orders August 2020)

Successful application by the NAB group pursuant to s 63 of the *Trustee Act 1925 (NSW)*. The plaintiff superannuation trustee (part of NAB's MLC Wealth business) sought the Court's opinion, advice and direction in relation to issues that had arisen in the administration of the MLC Super Fund.

Ms Hogan-Doran SC was instructed by MinterEllison on behalf of the National Australia Bank group.

Royal Commission into National Natural Disaster Arrangements (2020) ([link](#))

Sometimes referred to as the 'Black Summer' or 'Bushfires' Royal Commission, this inquiry examined coordination, preparedness for, response to and recovery from disasters as well as improving resilience and adapting to changing climatic conditions and mitigating the impact of natural disasters across the nation. The inquiry also considered the legal framework for Commonwealth involvement in national emergencies, and its recommendations led to passage of the *National Emergency Declaration Act 2020 (Cth)* on 15 December 2020.

Logistics for this public inquiry were very challenging, getting underway during the height of the COVID-19 pandemic. Over 300 witness appearances using remote hearings technology and thousands of exhibits and public submissions were canvassed. Some witnesses, with first-hand experience of natural disasters, were examined in-situ, including in the coastal Victorian town of Mallacoota, where over 4000 people, including some 3000 tourists, had been trapped by the approaching fires on New Year's Eve 2019.

Ms Hogan-Doran SC, appointed by the Commonwealth Attorney-General, led the Counsel Assisting team, instructed by Solicitors Assisting King & Wood Mallesons.

ICAC Operation Ember (2019 – 2020) ([link](#))

Public inquiry by the NSW Independent Commission Against Corruption into the state transport agency and awarding of government contracts for the Heavy Vehicle Safety program.

Ms Hogan-Doran SC was instructed by Norton Rose Fulbright on behalf of the NSW Government's Roads and Maritime Services agency (now Transport for NSW) in the inquiry, as well as related Supreme Court of NSW proceedings, for injunctions and freezing orders against contractors the subject of the ICAC investigation. Those proceedings were ultimately resolved favourably, securing repayment of substantial amounts of public money.

Registered Organisations Commissioner v CEPU [2020] FCA 96 (2020)

Successful enforcement proceedings for declarations and civil penalties for multiple contraventions of the *Fair Work (Registered Organisations) Act 2009 (Cth)* by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union.

Ms Hogan-Doran SC was instructed by Lander & Rogers on behalf of the Registered Organisations Commissioner.

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (2018-2019) ([link](#))

Ms Hogan-Doran SC was instructed by Clayton Utz on behalf of the Commonwealth Bank of Australia in relation to the Consumer Lending hearings, including the Case Study into CBA-owned Aussie Home Loans and mortgage broker misconduct (March 2018).

Ms Hogan-Doran SC was also instructed by Hall & Wilcox for EISS Super, trustee of the Energy Industry Superannuation Scheme, in relation to the Superannuation hearings (September 2018).

Royal Commission into Aged Care Quality and Safety (2018-2020) ([link](#))

Ms Hogan-Doran SC acted for:

- AMP Capital, instructed by Hall & Wilcox (Sydney Hearing 5 - *Funding, Financing and Prudential Regulation*) (September 2020)
- Anglican Care, instructed by Hall & Wilcox (Mildura Hearing - *Carers for Older Australians*) (July 2019)
- Garden View Aged Care instructed by Sparke Helmore (Sydney Hearing 1 - *Dementia and Residential Care: Use of Physical and Chemical Restraints Case Study*) (March 2019)
- Anglican Care, instructed by Hall & Wilcox (ABC TV 'Four Corners' and Written Response of Approved Providers)
- Catholic Healthcare, instructed by Moray & Agnew (Written Response, January 2019)
- RSL LifeCare, instructed by Clayton Utz (Written Response, January 2019)
- Aegis Aged Care Group, instructed by Hall & Wilcox (Written Response, January 2019)
- United Protestant Association of NSW, instructed by Hall & Wilcox (Written Response, January 2019)

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