

Dominique Hogan-Doran SC



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PRINCIPAL LEGAL ROLES	<p>Barrister-at-Law, 1995 (appointed Senior Counsel 2015) Lawyer, Mallesons Stephen Jacques, Sydney (1994) Research Director to the Chief Justice of New South Wales, A.M. Gleeson AC (1993) Research Assistant to Dean, Sydney Law School, Professor James Crawford (1992)</p>
QUALIFICATIONS AND AWARDS	<p>Master of Laws 2004 Bachelor of Laws (First Class Honours) 1988 – 1992 Bachelor of Economics (Social Sciences) 1988 – 1990 <i>University of Sydney</i></p> <ul style="list-style-type: none">Convocation Medal (1993) (for ‘<i>outstanding academic achievement and contribution to University life</i>’)Nancy Gordon Smith Memorial Prize at Graduation (1992)Tress Cox Maddox Scholarship in Law (1991)Phillips Fox John L Mant Memorial Scholarship in Law (1990)Aaron Levine Prize for Criminal Law (1990) <p>Bachelor of Civil Law (First Class Honours) 1994 - 1995 <i>University of Oxford (Balliol College)</i></p> <ul style="list-style-type: none">Sir Robert Menzies Memorial Scholarship in Law (1994) <p>Practitioner’s Certificate in Mediation 2013 <i>Institute of Arbitrators and Mediators Australia</i></p> <p>Program on Negotiation and Leadership 2015 <i>Harvard Law School</i></p>
PROFESSIONAL RANKINGS COMMENTARY	<p>Chambers & Partners Asia Pacific/Global “Dominique is a standout.” “Maintains an impressively varied practice.” “She’s a joy to work with - intelligent, hard-working and personable.” “Has an amazing eye for detail. She can get across a huge amount of material and identify the key issues rapidly.” “She’s a safe pair of hands, commercial and easy to work with.”</p> <p>The Legal 500 “A preeminent silk in relation to inquiries, investigations and Royal Commissions.” “Has a diverse practice and is recognised for her experience in financial services and superannuation, along with numerous arbitral appointments.” “Well regarded for her incisive & practical understanding of the financial sector regime.”</p>

PROFESSIONAL RANKINGS AND AWARDS	<ul style="list-style-type: none"> ▪ <i>Best Lawyers/Australian Financial Review</i> – Litigation, Alternative Dispute Resolution, Financial Institutions, Superannuation Law (2020-2024) 'Lawyer of the Year, Sydney: Superannuation Law' (2022) ▪ <i>The Legal 500</i> – Regulatory (including White Collar Crime) (Leading Silk, Tier 1), Commercial (Leading Silk, Tier 1) (2021-2024) ▪ <i>Chambers & Partners</i> – Dispute Resolution (Band 4) (2021-2024) ▪ <i>Doyle's Guide to Australian Legal Profession</i> – Leading Mediators (2018-2024) and Leading Commercial Litigation Senior Counsel NSW (2016-2022) ▪ <i>Lawyers Weekly Australian Law Awards</i> – Barrister of the Year (2016) ▪ <i>Edna Ryan Award (Workforce)</i> - for activity advancing the status of women (2004)
TRIBUNAL AND DISPUTE PANELS	<ul style="list-style-type: none"> ▪ <i>Cricket Australia</i> – Playing Contracts Grievance Panel ▪ <i>NBN Co</i> – Panel of Arbitrators ▪ <i>Australian Energy Regulator</i> – Panel of Arbitrators ▪ <i>Essential Services Commission of SA</i> – Arbitrator Panel ▪ <i>Economic Regulation Authority of WA</i> – Panel of Arbitrators ▪ <i>Australian Centre for International Commercial Arbitration</i> – Mediators Panel ▪ <i>Chartered Accountants Australia New Zealand</i> – Disciplinary Tribunal Member (2021-24), Professional Conduct Committee Member (2018-21)
ACADEMIC	<ul style="list-style-type: none"> ▪ <i>University of Sydney</i> – Guest Lecturer <i>Financial Services Law Compliance</i> (since 2022) ▪ <i>University of Melbourne</i> – Guest Lecturer <i>Superannuation Law & Regulation</i> (since 2022) ▪ <i>University of New South Wales</i> – Adjunct Associate Professor in <i>Centre for Law, Markets and Regulation</i> (2016-2019); Guest lecturer in <i>Regulation, Litigation & Enforcement</i> (2013); Lecturer in <i>Australian Graduate School of Management Executive MBA</i> (2000-2002); Lecturer in <i>Contracts</i> (2000-2002)
PROFESSIONAL ASSOCIATIONS	<ul style="list-style-type: none"> ▪ <i>Australian Academy of Law</i> – Fellow ▪ <i>Governance Institute of Australia</i> – Fellow ▪ <i>Chartered Institute of Arbitrators</i> – Fellow ▪ <i>International Bar Association</i> – Bar Issues Commission Regulation Committee (Chair), Forum for Barristers and Advocates (Vice-Chair) ▪ <i>Law Council of Australia</i> – Superannuation Law Committee ▪ <i>Australian Bar Association</i> – Practice Development Committee (Chair) (2022-24), Futures Committee (Chair) (2019-21), International Committee (Deputy Chair) (2018-19) ▪ <i>Australian Institute of Company Directors</i> – Law Policy Committee (2018-2021) ▪ <i>Australian Women Lawyers</i> – President (2002-2003), Director (1999-2003) ▪ <i>Women Lawyers Association of New South Wales</i> – President (1999-2002)
BOARDS	<ul style="list-style-type: none"> ▪ <i>Natural Hazards Research Australia</i> (Commonwealth grant supported research centre) – Independent Director; Audit & Risk Committee (since 2022) ▪ <i>Australian Cricketers' Retirement Account</i> (Investment fund) – Board Member (since 2017) ▪ <i>Players Cordon Foundation</i> (Australian cricket charity) – Director (since 2023) ▪ <i>Club Plus Superannuation</i> (AFS/RSE Licensee) – Director; Investment Committee, Audit, Risk & Compliance Committee; Insurance & Claims Committee (2015-2018) ▪ <i>Sixth Floor St James Hall Chambers Pty Ltd</i> – Director, Company Secretary (2009-2016) ▪ <i>Menzies Foundation Ltd</i> – Alumni Director (2004) ▪ <i>National Foundation for Australian Women</i> – Director (2004) ▪ <i>University of Sydney Union</i> – President (1990-1991), Director (1989-1991)

RECENT CASES**Federal Court of Australia**

Commonwealth of Australia (Federal Circuit and Family Court of Australia) v Comcare & Anor (QUD33/2024, Raper J, resolved by consent, orders made 27 June 2024) - for Federal Circuit & Family Court of Australia - *judicial review; FOI Act*

Lehrmann v Network Ten Pty Ltd (Trial Judgment) [2024] FCA 369 (Lee J) - for Fiona Brown, former Director of Operations, Prime Minister's Office - *defamation; public interest immunity*

Australian Securities & Investments Commission v RM Capital & The SMSF Club [2024] FCA 151 (Jackson J) (penalty hearing December 2024) - for The SMSF Club - *financial services; conflicted remuneration*

Muffet v Qantas Superannuation Ltd & Australian Financial Complaints Authority [2024] FCA 39 (Yates J) - for Qantas Super trustee - *appeal by Australian & International Pilots Association re AFCA's affirmation of trustee's defined benefits calculation*

Australian Securities and Investments Commission v Westpac Banking Corporation (Omnibus) [2022] FCA 515; (2022) 407 ALR 1; (2022) 159 ACSR 381 (Beach J) - for ASIC - *financial services; civil penalties*

Registered Superannuation Entity Licensee (confidential) v Australian Prudential Regulation Authority (2022) (settled) - for RSE licensee - *challenge to APRA decision to impose licence conditions; additional conditions revoked*

Sweeney v Australian Financial Complaints Authority & NULIS Nominees (Australia) Ltd [2022] FCA 1525 (O'Callaghan J) - for MLC Super trustee - *appeal; jurisdiction*

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland v Queensland Master Builders Association & Anor [2022] FCA 283 (Greenwood J) - for BUSSQ trustee - *shareholder dispute re board vacancies*

Registered Organisations Commissioner v Communications, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union [2020] FCA 96 (Flick J) - for Commissioner - *registered organisations; civil penalties*

Arcare Pty Ltd v Aged Care Quality & Safety Commissioner (Federal Court VID1395/2019) (settled) - for Arcare - *Aged Care Act 1997 (Cth); challenge to directions*

Supreme Court of New South Wales

Re AUSCOAL Superannuation P/L atf Mine Superannuation Fund [2024] NSWSC 32 (Robb J) - for Mine Super trustee - *judicial advice; defined benefits schemes*

Nature's Care Holdings v Chen [2024] NSWSC 14 (Rees J) - for plaintiff manufacturer - *breach of directors' duty; injunction*

Westpac Banking Corporation v Jammal & Ors (NSWSC 2021/366051) (settled July 2024)- for Westpac Bank - *equitable mortgage; subrogation*

Application by AUSCOAL Superannuation P/L (NSWSC 2023/438881) (resolved April 2024) - for Mine Super trustee - *determination under s 23 Coal and Oil Shale Miners Superannuation Act 1941 (NSW); Industrial Relations Amendment Act 2023 (NSW)*

Applications by abrdn Australia Ltd & abrdn Asia PLC (NSWSC, Rees J, 20 June 2023) - for the Aberdeen Group - *consent pursuant to s 249E Crimes Act 1900 (NSW) on retirement of Responsible Entities of Australian funds management business*

Re Energy Industries Superannuation Scheme P/L atf Energy Industries Superannuation Scheme (Pool A and Pool B) t/a EISS Super [2022] NSWSC 1202 (Ball J) - for EISS Super trustee - *judicial advice; deed amendment to fund new trustee capital reserve to pay Commonwealth fines and penalties*

	<p><u>Re SCS Super P/L atf Australian Catholic Superannuation Fund</u> [2022] NSWSC 686 (Hallen J) -for Australian Catholic Super trustee - <i>judicial advice; deed amendment to pay Commonwealth fines and penalties</i></p> <p><u>Re NGS Super P/L atf NGS Super</u> [2021] NSWSC 1694 (Henry J) - for Non-Government Schools Superannuation trustee - <i>judicial advice to fund new trustee capital reserve to pay Commonwealth fines and penalties</i></p> <p><u>In re DSHE Holdings Limited</u> [2021] NSWSC 608 (Williams J) - for administrators McGrath Nicol. - <i>termination of DOCA</i></p> <p><u>In re Ovato Print Group</u> [2020] NSWSC 1683 and [2020] NSWSC 1882 (Black J) - for the Commonwealth - <i>scheme of arrangement</i></p> <p><u>Re NULIS Nominees (Australia) Ltd</u> (NSWSC, Foster J, 8 August 2020) - for MLC Super Fund trustee - <i>judicial advice; lost trust deed</i></p> <p><u>Martin v Commonwealth Superannuation Corporation</u> (NSWSC 2018/277432) (settled 2020) - for Public Sector Superannuation Scheme trustee - <i>challenge to TPD determination</i></p>
Supreme Court of Western Australia	<u>Reynolds v Higgins & Sharaz</u> (SCWA CIV1840/2023) (Tottle J) - for Fiona Brown, former Prime Minister’s Office Director of Operations - <i>defamation; public interest immunity</i>
Supreme Court of Queensland	<p><u>HEST Australia v Attorney-General for State of Queensland and Attorney-General for State of Victoria</u> [2022] QSC 221; (2022) 12 QR 144 (Kelly J) - for Mercy Super trustee - <i>declaratory relief; Queensland Criminal Code and Victorian Crimes Act and benefits in context of successor fund transfer (merger)</i></p> <p><u>Re QSuper Board</u> [2021] QSC 276 (Kelly J) - for Queensland Public Sector Superannuation Scheme trustee - <i>judicial advice; deed amendment to fund new trustee capital reserve to pay Commonwealth fines and penalties</i></p>
Supreme Court of Victoria	<p><u>Application by Diversa Trustees atf Future Super Fund</u> [2023] VSC 279 (Delany J) - advised Future Super Group – <i>consent to change of trustee</i></p> <p><u>Re Care Super (No 1)</u> [2021] VSC 805 & <u>(No 2)</u> [2021] VSC 854 (Lyons J) - for Clerical, Administrative, Retail Employees Fund trustee - <i>judicial advice; lost trust deed; shareholdings; exercise of remuneration power to fund resilience reserve to pay fines and penalties</i></p>
ROYAL COMMISSIONS	<p><u>Royal Commission into the Robodebt Scheme</u> (2022-2023) - for the Commonwealth of Australia</p> <p><u>Royal Commission into National Natural Disaster Arrangements</u> (2020) - Senior Counsel Assisting the Royal Commission</p> <p><u>Royal Commission into Aged Care Quality and Safety</u> (2018-2020) - for AMP Capital - <i>Funding, Financing & Prudential Regulation</i> (2020); for Garden View Aged Care - <i>Dementia and Residential Care: Use of Physical & Chemical Restraints hearing</i> (2019); also re <u>ABC TV 7.30 Report</u> (2019); for Anglican Care - <i>Carers for Older Australians hearing</i> (2019) and re <u>ABC TV Four Corners program “Who Cares”</u> (2018) and related complaints</p> <p><u>Royal Commission into Misconduct in Banking, Superannuation & Financial Services Industry</u> (2018) - for Commonwealth Bank of Australia & Aussie Home Loans</p>

REGULATORY INVESTIGATIONS

ACNC investigation of registered charities (2023-ongoing) - for the Australian Charities & Not-for-Profits Commission

ACTGRC investigation of gambling licensee (2022-ongoing) - for the ACT Gambling & Racing Commission

Australian Prudential Regulation Authority investigation into FirstSuper co-chair (2023-2024) - for First Super trustee - *payments to trade union shareholder*

ASIC v Australian Financial Services Licensee (2023) - for responsible entity of registered managed investment scheme - *license cancellation hearing; 'no further action' confirmation obtained*

ASIC investigation of Australian Financial Services Licensee (2022) - for superannuation fund trustee - *investment choice campaign; no enforcement action taken*

APRA investigation of Registered Superannuation Entity Licensee (2021-2022) - for superannuation fund trustee - *compliance with Prudential Standard CPS 520 Fit and Proper; additional license conditions imposed*

APRA investigation of Registered Superannuation Entity Licensee (2022) - for superannuation fund trustee - *compliance with Prudential Standard CPS 520 Fit and Proper; compulsory examinations of CEO*

ASIC investigation of Registered Superannuation Entity Licensee (2021) - for superannuation fund trustee - *advertising and disclosure notices; no enforcement action*

ASIC investigation into REST Super (2019-2021) - for General Counsel of retail superannuation trustee - *compulsory examinations involving complex legal professional privilege claims*

ASIC investigation into Westpac Banking Corporation (Royal Commission referrals) (2021) - for ASIC - *financial services law compliance*

Aged Care Quality & Complaints Commission investigation and audit (2018) - for Garden View Aged Care – *Aged Care Act compliance*

OPINIONS

Financial Services Council (2024) – re *Treasury Laws Amendment (Delivering Better Financial Outcomes) Bill 2024* (Cth)

Council of Australian Life Insurers (2024) – re *Life Insurance Act 1995* (Cth)

Apple (2024) - for Apple

HUB24 Ltd (2024) - for HUB24

Royal Automobile Association of South Australia Inc (2024) - for RAA SA

Law Society of South Australia/Law Claims (2024) – professional indemnity scheme

Public Service Association of NSW (2024) – re *Astill Inquiry*

Australian Federal Police (2023-2024) – for AFP & Comcover

Girl Guides Association of NSW, ACT & NT (2023) – for GGA

Merger between Mine Super and TWU Super to create TEAM Super (2023-2024) - for Mine Super trustee

Merger of Alcoa Super to Australian Retirement Trust (2023-2024) - for Alcoa Super trustee

Perpetual Ltd (2023) – for Perpetual’s traditional trustee services business

**SELECTED
PAPERS**

Acquisition by Betashares of Bendigo and Adelaide Bank superannuation business (2023) - for Betashares Group

Replacement of trustee for Future Super Fund (2023) - for Future Super Group

RSE Licensee (2022-2023) - greenwashing allegations

Merger of Australian Ethical Super with Christian Super (2022) - for Australian Ethical Super trustee

Superannuation trustee and fund administrator (2021-2022) - Expert Determination

Merger between QSuper and Sunsuper to create Australian Retirement Trust (2021) - for QSuper trustee

Commonwealth Bank of Australia sale of Colonial First State business to KKR Inc (2020) - for Commonwealth Bank of Australia

Australian Institute of Company Directors and Governance Institute of Australia (2019) – law & practice of board minutes

“The Extent and Limits of the Powers of ASIC and APRA in Superannuation”, forthcoming *Australian Institute of Administrative Law Forum* (Pt I Feb 2025, Pt II April 2025, Pt III Sept 2025), presented to the Law Council of Australia’s *2024 Superannuation Lawyers Conference* [[Link to SSRN](#)]

“Reputation, Risk and Governance”, Keynote Address to the Association of Independent Schools NSW *2024 Governance Symposium* (2024) [[Link to SSRN](#)]

“Uberisation of Legal Practice”, International Bar Association *Annual Conference*, Mexico City (Sept 2024) ([Link to Substack](#))

“Humanity on the Move - Climate Change, Refugees, and the Limits of International Institutions”, *World Bar Conference*, Dublin (May 2024) ([Link to Substack](#))

“Assisting Royal Commissions – Reflections from Counsel” (2024) *Australian Bar Review*, previously presented to the Australian National University’s School of Regulation & Global Governance [[Link to SSRN](#)]

“Implementing Royal Commission Recommendations” (2024) *Australian Institute for Administrative Law Forum*, previously presented to the Australian Institute of Administrative Law’s *2024 National Conference* [[Link to SSRN](#)]

“Computer says “no”: automation, algorithms and artificial intelligence in Government decision-making” in *Handbook for Judicial Officers*, Judicial Commission of New South Wales also published (2017) 13(3) *Judicial Review* 345 [[Link to Handbook](#)]

“Insolvency of regulated superannuation trusts and their licensed trustees” in (2024) *Australian Restructuring, Insolvency & Turnaround Assn Journal* 26 [[Link to Article](#)]

“New approaches to proof of foreign law: a practitioners’ assessment” chapter (with Justin Hogan-Doran SC) in *Commercial Issues in Private International Law: A Common Law Perspective* - Hart Publishing (2019)

“Minutes of directors meetings: minimizing the risk” *Governance Directions* (Vol 71, Issue 1) Governance Institute of Australia (2019)

“The Problem of Lost Trust Deeds” in *Retirement and Estate Planning Bulletin* (Vol 19, Issue 10) Lexis Nexis (2017) [[Link to Article](#)]