

DOMINIQUE HOGAN-DORAN SC



Overview

Dominique Hogan-Doran SC is an Australian senior barrister ('QC'), arbitrator, mediator, & academic. She is recognised by *Doyle's Guide to the Australian Legal Profession* as a Leading Commercial Litigation & Disputes Resolution Senior Counsel, and was the *Lawyers Weekly* Australian Barrister of the Year in 2016.

Dominique graduated with a Bachelor of Economics (Social Sciences), Bachelor of Laws (Honours I), and Master of Laws from the University of Sydney, and a Bachelor of Civil Laws (Honours I) from Oxford University, where she was the Sir Robert Menzies Memorial Scholar.

Current Appointments

- Profession:* Australian Delegate, International Bar Association Regulation Committee
Deputy Chair, Australian Bar Association International Committee
- Arbitration:* Fellow, Chartered Institute of Arbitrators
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 Panel
Asian International Arbitration Centre Arbitrator and Mediator Panels
- Mediation:* Accredited Mediator, National Mediators Accreditation Scheme
Supreme Court of New South Wales Mediators Panel
Australian Franchising Code of Conduct Mediators Panel
- Academic:* Adjunct Associate Professor, UNSW Centre for Law, Markets, and Regulation

Select Previous Appointments

- Profession:* Law Council of Australia Future of the Australian Legal Profession Committee
Chair, Globalisation (Export of Legal Services) Working Group
President, Australian Women Lawyers
President, Women Lawyers Association of New South Wales
Research Director to the Chief Justice of New South Wales
- Not-for-Profit:* Director, Menzies Foundation
Director, National Foundation for Australian Women
- Academic:* Adjunct Lecturer, Australian Graduate School of Management
Adjunct Lecturer, University of New South Wales

Select Papers & Conference Presentations

International Law Developments - Australia (co-author) (2017) 51 *International Legal Developments Year in Review: 2016* at 579-82, published by the American Bar Association Section of International Law

Orthodoxy & Innovation in the Proof of Foreign Law (co-author) Sydney Law School's Commercial Issues in Private International Law Conference (publication forthcoming, 2018, Hart Publishing)

'Computer says "No"': *Automation, Algorithms and Artificial Intelligence in Government Decision-Making* (2017) 13 *The Judicial Review* 1, published by the Judicial Commission of New South Wales

Enforcing the new Banking Executive Accountability Regime
UNSW Centre for Law, Markets & Regulation (Sydney, May 2018)

Royal Commissions & Public Inquiries in Australia
South Australian Bar Association (Adelaide, March 2018)

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

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

Modern Corporate Governance
Governance Institute of Australia's 2017 Corporate Governance Forum (Sydney, May 2017)

Accountability Mechanisms - Beyond Merits Review and Jurisdictional Error
Law Council of Australia, Annual Immigration Law Conference (Sydney, February 2017)

Advocating the Complexity of Corporate Law
Governance Institute of Australia, 33rd National Conference (Sydney, November 2016)

Cross-Border Issues in International Commerce
28th LAWASIA Conference (Sydney, November 2015)

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

Select Cases

Commonwealth Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry - for Commonwealth Bank of Australia subsidiary t/a Aussie Home Loans (2018).

NSW Ombudsman's Inquiry into Water Compliance and Enforcement - for WaterNSW (2017-2018).

Public Inquiry under the Charitable Fundraising Act 1991 (NSW) into the RSL Charities - for veterans & aged care services provider RSL LifeCare Limited; also in related investigation by Australian Charities and Not-for-profits Commission (2017-2018).

NSW ICAC Operation Spicer (Political Donations) & Operation Credo (Australian Water Holdings) – for Sen. the Hon. Arthur Sinodinos AO, past Treasurer, Liberal Party of Australia (NSW Division), and past Chairman of Australian Water Holdings Pty Limited (2014-2017); also in related claim by AWH minority shareholders: *TSDack Pty Limited v Australian Water Holdings Pty Limited* [2015] FCA 931 (settled) and related investigation by the NSW Electoral Commission (2016-2017).

Energy Industries Superannuation Scheme in 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 prudential matters (2012-2017).

Special Commission of Inquiry into the Greyhound Racing Industry in NSW - for Chief Executive Officer of NSW Regulator Greyhounds NSW (2015-2016).

Commonwealth Royal Commission into Trade Union Corruption & Governance (AWU Case Study) – for Executive General Manager, Thiess/John Holland, re his negotiations with the Hon. Bill Shorten MP (2015).

NSW ICAC Operation Tunic (NSW Mine Subsidence Board) – for NSW Mine Subsidence Board, a State-owned corporation, re adequacy of fraud & corruption prevention policies and procedures (2014-2015).

ASIC appointed investor representative in winding up of unregistered managed investment scheme - *ASIC v GDK Financial Solutions Pty Ltd (in liq)* (2016) FCA; *ASIC v GDK (No 14)* [2013] FCA 459; *ASIC v GDK (No 11)* [2012] FCA 1034; *ASIC v GDK (No 12)* [2012] FCA 1035; *ZMB Australia Pty Ltd v Warne* [2011] FCA 311; *ZMB Australia Pty Ltd v Warne* [2011] FCAFC 65 (appeal); *ASIC v GDK (No 8)* [2011] FCA 997 (*ex parte* for approval of compromise); *ASIC v GDK* [2010] FCA 710; *ASIC v GDK (No 6)* [2010] FCA 1092; *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; *ASIC v GDK Financial Solutions Pty Ltd (in liq) No 3* [2008] FCA 448 (2008) 169 FCR 497; and *ASIC v GDK (No 4)* [2008] FCA 858.

MF Global Clients in first liquidation of an Australian financial services licensee & complex priority dispute with counter parties MF Global Singapore Pte (in liq) & Deutsche Bank AG: *In re MF Global Australia Ltd (in liq)* [2012] NSWSC 994; *In re MF Global Australia Ltd (in liq) (No 2)* [2012] NSWSC 1426; (2012) 267 FLR 27.

Special Commission of Inquiry into The Medical Research & Compensation Foundation (the James Hardie Inquiry) - Junior Counsel Assisting the Commission (2004); subsequently for Australian Securities & Investments Commission in civil penalty proceedings against directors & officers: *ASIC v Macdonald (No 12)* [2009] NSWSC 714; 73 ACSR 638 and *ASIC v Macdonald (No 11)* [2009] NSWSC 287; (2009) 71 ACSR 368 (2007-2010).

Commonwealth Royal Commission into collapse of HIH Insurance Ltd before Hon. Justice Neville Owen - for international reinsurer Hannover Re & senior executives (2001-2003); subsequently in disciplinary proceedings against Australian Prudential Regulation Authority: *Applicant X v APRA* [2005] FCA 1288; (2006) 14 ANZ Ins Cases 61 (2004-2007); *Applicant Y v APRA* [2006] FCAFC 37; *X & Ors v Australian Prudential Regulation Authority* [2007] HCA 4; (2007) 226 CLR 630 and in shareholder class action: *Johnstone v HIH Insurance Ltd* [2004] FCA 1414; *Johnstone v HIH Ltd* [2004] FCA 190 (settled, 2005).