

Dominique Hogan-Doran SC



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LEGAL ROLES

- Barrister-at-Law (1995) 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)

FELLOWSHIPS

- Australian Academy of Law
- Chartered Institute of Arbitrators
- Governance Institute of Australia

QUALIFICATIONS AND AWARDS

University of Sydney

Master of Laws | 2004

Bachelor of Laws (First Class Honours) | 1988 – 1992

Bachelor of Economics (Social Sciences) | 1988 – 1990

- Convocation Medal (for ‘*outstanding academic achievement and contribution to University life*’)
- Nancy Gordon Smith Memorial Prize
- Tress Cox Maddox Scholarship
- Phillips Fox John L Mant Memorial Scholarship
- Aaron Levine Prize for Criminal Law

University of Oxford (Balliol College)

Bachelor of Civil Law (First Class Honours) | 1994 - 1995

- Sir Robert Menzies Memorial Scholarship in Law

Institute of Arbitrators and Mediators Australia

Practitioner’s Certificate in Mediation | 2013

Harvard Law School

Program on Negotiation and Leadership | 2015

PROFESSIONAL RANKINGS

- **Chambers & Partners - Asia Pacific/Global Guides:** Australia - Dispute Resolution: The Bar (Band 4) (since 2021)
- **The Legal 500 – Australia Guide:** Regulatory (including White Collar Crime) - Leading Silk, Tier 1; Commercial - Leading Silk, Tier 1 (since 2021)
- **Best Lawyers/Australian Financial Review** – recognised for: Litigation, Alternative Dispute Resolution, Financial Institutions, Superannuation Law (since 2020). Also ‘Superannuation Law: Lawyer of the Year, Sydney’ (2022)
- **Doyle’s Guide to Australian Legal Profession** – Leading Commercial Litigation Senior Counsel NSW (2016-2022); Leading Mediators (since 2018)

<p>PROFESSIONAL RANKINGS COMMENTARY</p>	<p>Chambers & Partners “Dominique is a standout.” “Maintains an impressively varied practice.” “She’s a joy to work with - intelligent, hard-working and personable.” “Smart and very good.” “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>
<p>TRIBUNAL & DISPUTE PANEL APPOINTMENTS</p>	<ul style="list-style-type: none"> ▪ Cricket Australia/Australian Cricket Players Inc – Playing Contracts Grievance Panel (since 2024) ▪ Chartered Accountants Australia New Zealand – Disciplinary Tribunal (2021-2024), Professional Conduct Committee (2018-2021) ▪ Australian Energy Regulator – Panel of Arbitrators ▪ NBN Co – Panel of Arbitrators ▪ Essential Services Commission of SA – Arbitrator Panel ▪ Economic Regulation Authority of Western Australia – Panel of Arbitrators ▪ Australian Centre for International Commercial Arbitration – Mediators Panel
<p>NOT FOR PROFIT BOARDS</p>	<ul style="list-style-type: none"> ▪ Australian Cricketers’ Retirement Account (Australian First Class Cricketers investment fund) – Independent Board Member (since 2017) ▪ Players Cordon Foundation (charity) – Independent Director (since 2023) ▪ Natural Hazards Research Australia (Commonwealth supported research centre) – Independent Director; Audit & Risk Committee (since 2022) ▪ Club Plus Superannuation (APRA & ASIC regulated licensee) – Trustee Director; Audit, Risk and Compliance Committee; Investment Committee; Insurance and Claims Committee (2015-2018) ▪ Menzies Foundation – Alumni Director (2004) ▪ University of Sydney Union – President (1990-1991), Director (1989-1991)
<p>PROFESSIONAL ASSOCIATIONS</p>	<ul style="list-style-type: none"> ▪ International Bar Association – Bar Regulation Committee (Chair 2025-2027), Forum for Barristers and Advocates (Vice-Chair 2025-2027) ▪ Law Council of Australia – Superannuation Law Committee (since 2023) ▪ Australian Institute of Company Directors – Law Policy Committee (2018-2021) ▪ Australian Bar Association – Practice Development Committee (Chair) (2022-2024), Futures Committee (Chair) (2019-2021) ▪ NSW Bar Association – Councillor (2019-2020) ▪ Australian Women Lawyers – President (2002-2003), Director (1999-2003) ▪ Women Lawyers Association of New South Wales – President (1999-2002)
<p>ACADEMIA</p>	<ul style="list-style-type: none"> ▪ University of Sydney – <i>Financial Services Law Compliance</i> Guest Lecturer (since ‘22) ▪ University of Melbourne – <i>Superannuation Law & Regulation</i> Guest Lecturer (since 2022) ▪ UNSW – <i>Centre for Law, Markets & Regulation</i> Adjunct Associate Professor (2016-2019)

RECENT MATTERS**Federal Court
of Australia**

Commonwealth of Australia (Federal Circuit and Family Court of Australia) v Comcare (QUD33/2024, Raper J, resolved by consent, orders made 27 June 2024) - for the Federal Circuit & Family Court of Australia (briefed by K&L Gates) - *judicial review; access to information concerning Federal Circuit and Family Court of Australia*

Australian Securities and Investments Commission v RM Capital & The SMSF Club [2024] FCA 151 (Jackson J) (penalty hearing December 2024, reserved) - for corporate authorized representative The SMSF Club (briefed by Hall & Wilcox) - *financial services; conflicted remuneration; civil penalties*

Muffet v Qantas Superannuation Ltd & Australian Financial Complaints Authority [2024] FCA 39 (Yates J) - for Qantas Super trustee (briefed by King & Wood Mallesons) - *appeal backed by the Australian & International Pilots Association re AFCA's affirmation of trustee's calculations of airline pilots' defined benefits*

Lehrmann v Network Ten Pty Limited (Trial Judgment) [2024] FCA 369 (Lee J) - for Fiona Brown, former Director of Operations, Prime Minister's Office and former Chief of Staff to Senator Reynolds (briefed by Russell Kennedy) - *defamation; public interest immunity*

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 (briefed by AGS) - *financial services; civil penalties and compliance programme ordered*

Registered Superannuation Entity Licensee (confidential) v Australian Prudential Regulation Authority (2022) (settled) - for licensee (briefed by Mills Oakley/Herbert Smith Freehills) - *challenge to APRA decision; additional conditions revoked*

Sweeney v Australian Financial Complaints Authority & NULIS Nominees (Australia) Ltd [2022] FCA 1525 (O'Callaghan J) - for MLC Super trustee (briefed by Minter Ellison) - *financial services; appeal dismissed based on no jurisdiction*

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland v Queensland Master Builders Association & Anor [2022] FCA 283 (Greenwood J) - for BUSSQ trustee (briefed by Thomson Geer) - *shareholder dispute re board vacancies on equal representation board of industry super fund*

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

Arcare v Aged Care Quality & Safety Commissioner (Federal Court VID1395/2019) (settled 2020) - for Arcare (briefed by Russell Kennedy) - *Aged Care Act 1997 (Cth); challenge to directions to aged care services provider*

**Supreme Court of
New South Wales**

Westpac Banking Corporation v Jammal & Ors (NSWSC 2021/366051) (settled 2024) - for Westpac Bank (briefed by HWL Ebsworth) - *claim on equitable mortgage; doctrine of subrogation; laches*

Re AUSCOAL Superannuation P/L atf Mine Superannuation Fund [2024] NSWSC 32 (Robb J) - for Mine Super trustee (briefed by Mills Oakley) - *judicial advice; approval re funding of defined benefits schemes in context of proposed merger*

Nature's Care Holdings v Chen [2024] NSWSC 14 (Rees J) - for plaintiff manufacturer (briefed by Clifford Chance) - *commercial dispute; injunction obtained*

Applications by abrdn Australia Ltd & abrdn Asia PLC (NSWSC, Rees J, 20 June 2023) - for the Aberdeen Group (briefed by Minter Ellison) - *consent pursuant to s 249E Crimes Act 1900 (NSW) granted 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 (briefed by Dentons) - *judicial advice obtained*

	<p><u>Re SCS Super P/L atf Australian Catholic Superannuation Fund</u> [2022] NSWSC 686 (Hallen J) - for Australian Catholic Super trustee (briefed by Minter Ellison) - <i>judicial advice obtained</i></p> <p><u>Re NGS Super P/L atf NGS Super</u> [2021] NSWSC 1694 (Henry J) - for Non-Government Schools Super trustee (briefed by Minter Ellison) - <i>judicial advice obtained</i></p> <p><u>In re DSHE Holdings Limited</u> [2021] NSWSC 608 (Williams J) - for administrators McGrath Nicol (briefed by Norton Rose Fulbright) - <i>DOCA termination approved; remuneration ordered</i></p> <p><u>In re Ovato Print Group</u> [2020] NSWSC 1683 and [2020] NSWSC 1882 (Black J) - for the Commonwealth (briefed by Norton Rose Fulbright) - <i>scheme of arrangement; public policy</i></p> <p><u>Re NULIS Nominees (Australia) Limited</u> (NSWSC, Foster J, 8 August 2020) - for MLC Super Fund trustee (briefed by Minter Ellison) - <i>judicial advice obtained re lost trust deed</i></p> <p><u>Roads & Maritime Services (Transport for NSW) v AZH Consulting</u> (NSWSC No. 2019/00162659) – for RMS/Transport for NSW (briefed by Norton Rose Fulbright) – <i>procurement fraud – freezing orders obtained</i></p> <p><u>Martin v Commonwealth Superannuation Corporation</u> (NSWSC 2018/277432) (2020) - for Public Sector Superannuation Scheme trustee (briefed by Ashurst) - <i>challenge to TPD determination</i> (settled)</p>
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 (briefed by Ashurst) - <i>declaratory relief obtained re 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 (briefed by King & Wood Mallesons) - <i>judicial advice obtained approving deed amendment to fund trustee capital reserve to pay Commonwealth fines and penalties</i></p> <p><u>Re Simpson’s Trust</u> (QSC No. 7887/16) (Crow J) (2018) – for income beneficiaries (briefed by Bradley Allen Love) - <i>classification of dividends following sale of business line – cross-examination of accountants - orders made for distribution</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 (briefed by Herbert Smith Freehills) – <i>consent to change of trustee</i></p> <p><u>Re Care Super (No 1)</u> [2021] VSC 805 & <u>Re Care Super (No 2)</u> [2021] VSC 854 (Lyons J) - for the Clerical, Administrative, Retail Employees Fund trustee (briefed by Mills Oakley) - <i>judicial advice obtained re lost trust deed; ownership of trustee shareholdings; exercise of remuneration power to fund resilience reserve to pay Commonwealth fines and penalties</i></p>
Supreme Court of Western Australia	<p><u>Reynolds v Higgins & Sharaz</u> (SCWA CIV1840/2023) (Tottle J) - for Fiona Brown, former Director of Operations, Prime Minister’s Office and former Chief of Staff to Senator Reynolds (briefed by Russell Kennedy) – <i>defamation; public interest immunity</i></p>
Supreme Court of South Australia	<p><u>Raptis Properties P/L v One Managed Investment Funds Ltd</u> (CIV-23-002352) – for the cross respondent, Capital Property Funds Ltd, investment manager (briefed by Hamilton Locke) – <i>commercial property; managed investment scheme</i></p>
Administrative Tribunals	<p><u>Hellenic Club of Canberra Ltd v ACT Gambling & Racing Commission</u> (2024-2025) ACT Civil & Administrative Tribunal - for ACTGRC – <i>review of disciplinary action notice</i></p> <p><u>Kender v Australian Securities and Investments Commission</u> (2018) AATA 4445 – for ASIC – <i>director disqualification – stay application</i></p>

	<p><u>Canberra Raiders Sports Club v ACT Gambling & Racing Commission</u> (2018) (ACT Civil & Administrative Tribunal) - for Canberra Raiders (briefed by Snedden, Hall & Gallop) – <i>problem gambling incidents - record civil penalty & restrictive licence conditions – decision set aside - reprimand substituted</i></p> <p><u>The Sharemarket College & Ors v ASIC</u> [2016] AATA 1057 – for applicant licensee and directors – <i>licence cancellation – director disqualification - administrative review – stay application</i></p>
<p>Royal Commissions</p>	<p><u>Royal Commission into the Robodebt Scheme</u> (2022-2023) - for Commonwealth of Australia (briefed by Australian Government Solicitor)</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 (briefed by Hall & Wilcox) in <i>Funding, Financing & Prudential Regulation Hearing</i> (2020); for Garden View Aged Care (briefed by Sparke Helmore) in <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 (briefed by Hall and Wilcox) in <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 (briefed by Clayton Utz)</p>
<p>Anti-Corruption Inquiries</p>	<p><u>National Anti-Corruption Commission</u> (2022-2023) – for the Commonwealth re Robodebt Scheme Royal Commission (briefed by Australian Government Solicitor) – <i>jurisdiction of NACC</i></p> <p><u>ICAC Operation Ember (Roads and Maritime Services)</u> (2019-2022) - for Transport for NSW/Roads and Maritime Services (briefed by Norton Rose Fulbright)</p> <p><u>ICAC Operation Ricco (City of Botany Bay Council)</u> (2017) - for City of Botany Bay Council Deputy General Manager (briefed by McCabes)</p> <p><u>ICAC Operation Credo (Australian Water Holdings)</u> (2014-2017) and <u>ICAC Operation Spicer (Political Donations)</u> (2014-2016) – for Senator the Hon. Arthur Sinondinos (briefed by Arnold Bloch Liebler)</p> <p><u>ICAC Operation Tunic (NSW Mine Subsidence Board)</u> (2015-2016) - for NSW Mine Subsidence Board (briefed by Kilmurray Lawyers)</p>
<p>Public Inquiries</p>	<p><u>NSW Public Inquiry into Charitable Fundraising</u> (aka the RSL Inquiry) (2017-2018) – for RSL Lifecare Limited (briefed by Clayton Utz)</p> <p><u>NSW Ombudsman's Inquiry into Water Compliance & Enforcement</u> (2017-2018) - for WaterNSW (briefed by Norton Rose Fulbright)</p> <p><u>NSW Special Commission of Inquiry into Greyhound Racing Industry in NSW</u> (2015-2016) - for CEO GreyhoundsNSW (briefed by Norton Rose Fulbright & Clayton Utz)</p>
<p>Opinions on Questions of Law</p>	<p><u>Australian Institute of Company Directors & Governance Institute of Australia</u> (2019, updating 2025) - <i>Opinion on Law & Practice of Minutes of Directors Meetings</i></p> <p><u>Financial Services Council</u> (2024) (briefed by Herbert Smith Freehills) – <i>Opinion on Treasury Laws Amendment (Delivering Better Financial Outcomes) Bill 2024</i> (Cth)</p> <p><u>Council of Australian Life Insurers</u> (2024) (briefed by Herbert Smith Freehills) – <i>Opinion on amendments to Life Insurance Act 1995</i> (Cth)</p>

**Major
Transactions
Advisory**

Apple (2024) (briefed by Herbert Smith Freehills)
Royal Automobile Association of SA Inc (2024) (briefed by King & Wood Mallesons)
Law Society of South Australia (2024) (briefed direct) - *professional indemnity scheme*
Australian Federal Police (2023-2024) (briefed by Maddox)
Girl Guides Association of NSW, ACT & NT (2023) (briefed by SJ Governance Solutions)
Perpetual (2023) (briefed direct) - *traditional trustee services business*
RSE Licensee (2022-2023) (briefed by King & Wood Mallesons) - *greenwashing & proxy voting*

HUB24 Ltd (2024) (briefed by Herbert Smith Freehills)
Merger between Mine Super and TWU Super to create TEAM Super (2023-2024) - for Mine Super (briefed by Mills Oakley)
Merger of Alcoa Super to Australian Retirement Trust (2023-2024) - for Alcoa Super (briefed by Hall & Wilcox)
Acquisition by Betashares of Bendigo and Adelaide Bank superannuation business (2023) - for Betashares Group (briefed by King & Wood Mallesons)
Replacement of trustee for Future Super Fund (2023) - for Future Super Group (briefed by Herbert Smith Freehills)
Merger of Australian Ethical Super with Christian Super (2022) - for Australian Ethical Super (briefed by Norton Rose Fulbright)
Merger between QSuper and Sunsuper to create Australian Retirement Trust (2021) - for Queensland Public Sector Scheme trustee (briefed by King & Wood Mallesons)
Sale by Commonwealth Bank of Australia of Colonial First State business to KKR Inc (2020) - for Commonwealth Bank of Australia (briefed direct)

**Regulatory
Investigations**

Australian Charities & Not-for-Profits Commission v Hillsong Church (2023-ongoing) - for ACNC (briefed by Australian Government Solicitor) – *major investigation – Court enforceable undertaking accepted 20.12.24 from Hillsong College*

ACT Gambling & Racing Commission v Hellenic Club of Canberra (2022-2024) - for ACTGRC (briefed by the ACT Government Solicitor) – *major investigation*

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

ASIC v Australian Financial Services Licensee (2023) - for responsible entity of registered managed investment scheme (briefed by Hall & Wilcox) – *license cancellation hearing; ‘no further action’ confirmation obtained*

ASIC investigation of EISS Super (2022) - for superannuation fund trustee (briefed by Dentons) - *investment choice campaign; no enforcement action taken*

APRA investigation into EISS Super (2021-2022) - for superannuation fund trustee (briefed by Dentons) - *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 (briefed by Thomson Geer and Ashurst) - *compliance with Prudential Standard CPS 520 Fit and Proper; compulsory examinations of CEO*

ASIC investigation into EISS Super (2021) - for superannuation fund trustee (briefed by Dentons) - *advertising and disclosure notices; no enforcement action*

RECENT PUBLICATIONS

ASIC investigation into REST Super (2019-2021) - for General Counsel (briefed by Minter Ellison) - compulsory examinations involving complex legal professional privilege claims

ASIC investigation into Westpac Banking Corporation (Royal Commission referrals) (2021) - for ASIC (briefed by the Australian Government Solicitor) - financial services

Aged Care Quality & Complaints Commission investigation and audit (2018) - for Garden View Aged Care (briefed by Sparke Helmore and Hall & Wilcox) – Aged Care Act compliance

- “The Extent and Limits of the Powers of ASIC and APRA in Superannuation” *Australian Institute of Administrative Law Forum* (forthcoming 2025), presented to the Law Council of Australia’s 2024 Superannuation Lawyers Conference [[Link to SSRN](#)]
- “Insolvency of regulated superannuation trusts and their licensed trustees” in (2024) *Australian Restructuring, Insolvency & Turnaround Assn Journal* 26 [[Link to Article](#)]
- “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](#)]
- “Regulation Risk and Governance” (2024) Keynote address to the Association of Independent Schools Governance Symposium [[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 (2020) also published (2017) 13(3) *Judicial Review* 345 [[Link to Handbook](#)]
- “Lessons for Government from Recent Royal Commissions and Public Inquiries” (2019) presented to the Law Society of NSW Government Solicitors Conference [[Link to SSRN](#)]