

DOMINIC DELANY

Alinea Chambers
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Dominic commenced practice at the bar midway through 2018. He accepts briefs in commercial law, equity, insolvency, insurance, public and administrative law, planning and environment law (including prosecutions), white-collar crime, and real property.

Since coming to the bar Dominic has acted led and unled in a broad range of areas and jurisdictions. In each year he has been at the bar, Dominic has been named by *Best Lawyers* in the area of litigation. The Legal 500 has ranked Dominic as one of the Rising Stars at the Australian Bar in 2021 and 2022. The publication noted feedback that Dominic *‘displays a level of ability well in excess of his seniority – and indeed uncommon at any level of the junior bar; ‘I would place Dominic in the company of other exceptional junior barristers at the commercial bar. He is smart, sensible, responsive and commercial.’*

Prior to coming to the bar, Dominic practiced as a commercial litigator in Sydney for 7 years, initially at Baker & McKenzie, and then for 6 years at Arnold Bloch Leibler, including as a senior associate. Before then, Dominic worked as an associate to Drummond AJA working on *Westpac Banking Corporation v Bell Group Ltd (in liq)* (No 3) (2012) 44 WAR 1; (2012) 270 FLR 1; (2012) 89 ACSR 1; [2012] WASCA 157.

Dominic speaks Chinese (Mandarin) to a professional working proficiency, having spent two years studying in China, including one year at Tsinghua University studying Chinese law and literature as part of his undergraduate degree.

EDUCATION

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| 2010 | Bachelor of Laws (Honours) / Bachelor of Asian Studies (Specialist) (Chinese), ANU |
| 2004 | Diploma of Chinese Language, Liaoning University |
| 2002 | Associate Diploma of Music (Piano Performance), Australian Music Examination Board, University of Melbourne |

PROFESSIONAL EXPERIENCE

2018 to date

Barrister

Alinea Chambers June 2019 to date

5th Floor St James Hall May 2018 to May 2019

Selected cases:

Commercial law, equity, insolvency, insurance

- *In the matter of Laava ID Pty Ltd* (Federal Court) (led by M Condon SC) (expedited hearing concerning the conduct of a technology company involving oppression, breach of contract, unconscionable conduct) (ongoing matter)
- *Alto Pty Ltd v GM Holden Ltd & Ors* (NSW Supreme Court) (led by M Henry SC) (breach of contract, misleading or deceptive conduct) (ongoing matter)
- *Electra Cables (Aust) Pty Ltd v Navigate Global Payments Pty Ltd* (NSW Supreme Court) (led by M Henry SC) (breach of contract, negligence, misleading or deceptive conduct) (ongoing matter)
- *In the matter of ACN 004 410 833 Ltd (formerly Arrium Limited)* (NSW Supreme Court) (led by P Crutchfield QC, M Borsky QC, P Holmes, and D Snyder, and with B Ng) (administrators' examinations, acting for the deed administrators including unled; then insolvent trading claim for the liquidators against former officers; settled prior to the conclusion of the final hearing, and see *In the matter of ACN 004 410 833 Ltd (formerly Arrium Limited) (in Liquidation)* [2021] NSWSC 799)
- *In the matter of Forum Group Pty Ltd (Receivers Appointed) (Administrators Appointed)* (Federal Court) (led by M Henry SC) (dispute concerning administrators' obligations in the context of large claims made by Westpac and others; administrators' position resolved)
- *Ellimark v Calvo* (NSW Supreme Court) (led by S Lawrance) (expedited shareholders dispute; settled before final hearing)
- *Cherwell Creek Coal Pty Ltd v BHP Queensland Coal Investments & Ors* (QLD Land Court) (Led by B Walker SC, J Gleeson SC, N Owens SC, D De Jersey QC, J Redwood SC, L Sheptooha and ors) (dispute in the QLD Land Court concerning loss of an opportunity; settled prior to final hearing, and see *Cherwell Creek Coal Pty Ltd v BHP Queensland Coal Investments Pty Ltd & Ors (No 27)* [2020] QLC 32)
- *Tern Hill Pty Limited as trustee for the Imaging Trust trading as X-Ray @ the Gardens v Philips Electronics Australia Limited* (NSW Supreme Court) (led by M Henry SC) (misleading or deceptive conduct, contract; settled prior to final hearing)
- *In the matter of Equada Pty Ltd* (NSW Supreme Court) (led by R Foreman SC) (proceedings concerning liquidator's conduct; settled prior to final hearing)
- *In the matter of Premier Vacations Pty Ltd* [2020] NSWSC 619 (unled) (application to set aside statutory demand)
- *Techfront Australia Pty Ltd v QMS Media Ltd & Ors* (NSW Supreme Court) (unled) (breach of contract claim, settled before final hearing)
- *Carol Mei Hui & Ors v Dale Champion & Ors* [2019] FCA 1111 (led by D Sulan) (expedited proceedings concerning alleged breaches of directors' duties)

- *Gigi Investment Group v Vividas Technologies* (NSW Supreme Court) (led by S Lawrance) (allegations concerning share transfers, directors' duties; settled prior to final hearing)
- *In the matter of SG Capricorn Investments Pty Limited (in liquidation)* (NSW Supreme Court) (unled) (liquidator's examinations, acting for an examinee)
- *Citystar International Pty Ltd v Elite 100 Australia Pty Ltd* [2019] NSWDC 454 (unled) (proceedings concerning oral contracts, misleading or deceptive conduct)
- *Jun International Property Pty Ltd v Fullerton Property Pty Ltd* [2019] NSWSC 450 (unled) (application for pre-judgment interest, costs, in circumstances where matter had substantively settled)
- *Sweetpea Petroleum Pty Limited v Paltar Petroleum Limited* [2018] NSWSC 1649 (led by SJ Free SC) (interlocutory application, stay of proceedings pending reference to expert determination)
- Appearances at ASIC examinations
- Appearances at ICAC investigations

Administrative, public, and environmental law

- Prosecutions under the *Water Management Act 2000* for the Natural Resources Access Regulator (NSW Land and Environment Court) (Led variously by S Callan SC and subsequently D Tynan (ongoing), R Beasley SC and R White (resolved))
- *Plaintiff S193/2018 v The Judges of the Federal Court of Australia & Anor* [2019] HCATrans 065 (led by C Lenehan SC) (application in the original jurisdiction)
- *BEB16 v Minister for Home Affairs* [2019] FCA 2097 (unled for the Minister) (judicial review application)
- *CJS17 v Minister for Immigration & Border Protection & Anor* [2019] FCCA 440 (unled for the Minister) (judicial review application); [2019] FCA 1870 (on appeal, unled for the Minister)
- *FQD18 & Ors v Minister for Immigration & Border Protection & Anor* [2019] FCCA 648 (unled for the Minister) (judicial review application)
- *Ghumaan v Minister for Home Affairs (Citizenship)* [2019] AATA 200 (unled for the Minister) (appeal against revocation of citizenship)
- *Harris v Mathieson* [2019] NSWSC 1064 (led by C Lenehan SC) (application for judicial review of notices issued under the *Water Management Act 2000*)

Professional negligence

- *Obrart v Orliżki & Anor* (led by B Walker SC) (District Court) (advocate's immunity; defending motion for summary judgment; motion dismissed by consent)

Other

- *Ford Motor Company of Australia v Tallevine Pty Limited* [2018] NSWSC 2002 (unled) (criminal contempt proceedings - successful application for orders dispensing with civil procedure rules on basis of privilege against self-incrimination, discovery motion)
- *Re the Estate of Stanley Marsh* (NSW Supreme Court) (unled) (family provision matter, acting for the estate; matter settled at mediation)

2013 to 2018

Solicitor / Senior Associate, Arnold Bloch Leibler

During his 6 years at the firm, Dominic practiced in the litigation team in Sydney. He acted in a range of matters for a variety of commercial clients, including in the Federal Court, the NSW Supreme Court and Court of Appeal, and the QLD Supreme Court

Selected cases:

- *Adani Abbot Point Terminal Pty Ltd v Lake Vermont Resources Pty Limited & Ors*, [2020] QSC 260; [2021] QCA 187 (contractual construction, breach of contract, unconscionable conduct) (Dominic acted during the commencement of the matter before leaving for the bar)
- *Woolworths Ltd v About Life Ltd* [2017] NSWSC 1117; (2017) 18 BPR 36,983 (contractual construction, equity - priority, notice)
- *Australia Capital Financial Management Pty Ltd v Linfield Developments Pty Ltd* [2017] NSWCA 99; (2017) 18 BPR 36,683 (equity – priority, notice)
- *Akea Ltd & Ors v Paltar Petroleum Ltd & Ors*, NSW Supreme Court Proceeding no 250753 of 2014 (misleading and deceptive conduct, unconscionable conduct)
- *Guo & Anor v Song & Ors*, NSW Supreme Court Proceeding no 92649 of 2015 (ongoing) (breach of contract, fiduciary duties, oppression)
- *Ellimark v Calvo Pty Ltd*, [2016] HCASL 238; *Calvo v Ellimark Pty Ltd* [2016] NSWCA 136 (construction of notice issued under a deed, Contracts Review Act); *Ellimark Pty Ltd v Calvo* [2015] NSWSC 1240 (construction of notice issued under a deed, unconscionable conduct, Contracts Review Act)
- *Investec Australia Finance Pty Limited v Naude* [2016] FCA 731 (bankruptcy)
- *Minumbra Pty Ltd v AM Lancewood Investment Nominees Pty Limited* (2015) 17 BPR 33,781; [2015] NSWSC 302 (construction of a contract of guarantee, subrogation)
- *Bettervale v Warehouse Solutions International (No 3)* [2015] NSWSC 1356 (validity of notices to quit, options under sub-leases)
- *Blairgowrie Trading Ltd v Alco Finance Group Ltd (Recs & Mgrs Apts) (In Liq)* (2015) 325 ALR 539; (2015) 108 ACSR 1; [2015] FCA 811 ('common fund' application)
- *Ashton v Pratt* (2015) 88 NSWLR 281; (2015) 318 ALR 260; [2015] NSWCA 12 (estoppel, contract)
- *In the matter of Brickworks Limited v M.H. Carnegie & Co Pty Limited* [2014] FCA 1313 (oppression)
- *In the matter of the Australian Securities and Investments Commission v Black* (criminal prosecution of the former chief financial officer of the company then known as ABC Learning Centres Ltd for contraventions of s. 1309(1) of the Corporations Act)
- *Minumbra Lancewood Pty Ltd v AM Lancewood Investment Nominees Pty Limited* [2013] NSWSC 1929 (construction of clause in loan agreement)

2012 Solicitor, Baker & McKenzie

Dominic commenced practice in the banking and finance department, before practicing for a short period in the litigation team in Sydney

2011 Associate to Drummond AJA, Western Australian Supreme Court, Court of Appeal

Dominic worked exclusively on the 'Bell Appeal', being *Westpac Banking Corporation v Bell Group Ltd (in liq) (No 3)* (2012) 44 WAR 1; (2012) 270 FLR 1; (2012) 89 ACSR 1; [2012] WASCA 157