

Doran L. Cook SC

Level 9, Wentworth Chambers, 180 Phillip Street, Sydney, 2000, Tel: (02) 8815- 9293
dcook@ninemwentworth.com.au

Education

BACHELOR OF COMMERCE (1990)
BACHELOR OF LAWS (1992)

Career Experience

BARRISTER

- 1994-2003 Junior counsel at Johannesburg Bar

SOLICITOR

- 2004-2005 Ashurst, Insolvency and Reconstruction Group
- 2005 Senior Associate, Henry Davis York, Banking and Finance Group

BARRISTER

- 2005-2016 Junior counsel at NSW Bar
- 2016 Appointed Senior Counsel at NSW Bar

Distinctions

- 2016 Doyle's Guide recommended Leading Insolvency & Reconstruction Junior Counsel NSW
- 2016 Doyle's Guide recommended Leading Insolvency & Reconstruction Junior Counsel Australia Wide
- 2017 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2017 Doyle's Guide recommended Leading Commercial Litigation & Dispute Resolution Senior Counsel NSW
- 2018 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2018 Doyle's Guide recommended Leading Commercial Litigation & Dispute Resolution Senior Counsel NSW
- 2019 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2020 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2021 Recognised in Best Lawyers (Insolvency & Restructuring)

Experience as counsel

- Represented trader in high-profile ASX share manipulation case brought by ASIC.
- Represented banned directors in appeals against ASIC banning orders.
- Representing a liquidator in disciplinary proceedings brought by ASIC.
- Representing witnesses in ASIC investigations.
- Conducting witness examinations on behalf of ASIC.
- Defending proceedings to set aside DOCAs.

- Prosecuting and defending insolvent trading claims.
- Prosecuting and defending voidable transactions, including preferences and uncommercial transactions.
- Prosecuting and defending directors on breach of duties claims.
- Conducting public examinations for liquidators.
- Advising litigation funders on prospects of success.
- Prosecuting and defending oppression suits in respect of minority shareholders.
- Prosecuting and defending commercial lease claims.
- Defending multi-million dollar building claim.
- Prosecuting and opposing appeals arising out of diverse claims.
- Cross-border insolvency applications.
- Acting for receivers and managers in respect of mining tenements.
- Prosecuting claims brought by ASIC in respect of managed investment schemes.
- Advising ASIC on various corporations law matters.
- Prosecuting unconscionable lending claims on behalf of ASIC.
- Defending adverse possession claim in respect of Torrens land.
- Advising on mortgages.
- Prosecuting and defending claims under the ACL (TPA).
- Advising on partnerships and acting in partnership disputes.
- Defending restraint of trade claims against employees.
- Contractual disputes.
- Disputes involving the sale of land, easements and other interests in land, including caveats.
- Acting for banks in recovering debts and defending cross-claims brought against the bank.
- Advising on beaches of continuing disclosure obligations on the ASX.
- Prosecuting claim against Chinese parastatal in respect of port access.
- Applications for judicial advice and directions.
- Advising on trusts.
- Prosecuting large fraud claim against former hotel manager.

Reported Cases

NORTHERN ENERGY CORP LTD, In re (2020) 147 ACSR 572

- Client legal privilege in respect of auditors' working papers

CITADEL FINANCIAL CORP PTY LTD (SUBJECT TO DOCA) (2020) 146 ACSR 220

- Application to terminate DOCA

FUSSELL v DEIGAN (2019) 019 BPR 39,853

- Appeal concerning contract construction and specific performance of sale of land contract

FUSSELL v DEIGAN (2018) 019 BPR 38,755

- Contract construction and specific performance of sale of land contract

SANDERSON as liquidator of SAKR NOMINEES PTY LTD (IN LIQ) (2017) ALR 343 524; (2017) NSWLR 459; (2017) 118 ACSR 333

- Remuneration of liquidators and proportionality of fees

LIGON 158 PTY LTD v HUBER (2016) 117 ACSR 495

- Setting aside of statutory demands

BCI FINANCES PTY LTD (IN LIQ) v BINETTER (NO. 4) (2016) 348 ALR 227; (2016) 117 ACSR 18; (2016) 104 ATR 248

- Breach of director and fiduciary duties in the context of tax avoidance scheme

STREL v CORDIA (2016) 18 BPR 36,443

- Adverse possession of land

MINERALOGY PTY LTD v SINO IRON PTY LTD (2015) 329 ALR 1

- Administrative law, breach of contract and equity – dispute over the ownership of a port used to export iron ore to China

RECYCLING HOLDINGS PTY LTD, Re (2015) 107 ACSR 406

- Termination of a Deed of Company Arrangement

Re PIONEER CRYOGENICS PTY LTD - (2015) 108 ACSR 461

- Leave to raise grounds under s 459S in respect of statutory demands

SHEAHAN and LOCK (Liquidators) Re Binqld Finances Pty Ltd (in liq) (2015) 107 ACSR 163

- Legal professional privilege

COMMISSIONER OF TAXATION v MOODIE and Another – (2014) 308 ALR 571; (2014) 98 ACSR 274

- ATO's entitlement to indemnity from directors in unfair preference action

MUSTANG MARINE AUSTRALIA SERVICES PTY LTD (IN LIQ) (2014) ACSR 461

- Insolvent trading claim against foreign bank

ALPHENA PTY LTD (IN LIQ) V PS SECURITIES PTY LTD (2013) 94 ACSR 160

- Entitlement to fees of liquidator of corporate trustee

SK FOODS LP (CALIFORNIA LTD PARTNERSHIP) (UNDER CHAPTER 11) V SK FOODS AUSTRALIA PTY LTD (IN LIQ) (2013) 302 ALR 260

- Res judicata and issue estoppel in the context of a judgment given by the US Bankruptcy Court

Re REAL ESTATE CAPITAL PARTNERS MANAGED INVESTMENTS LTD (as responsible entity of the REAL ESTATE CAPITAL PARTNERS USA PROPERTY TRUST) - (2013) 93 ACSR 96

- Managed investments

Re ACN 002 408 040 PTY LTD (in liq) - (2013) 94 ACSR 485

- Meaning of “interested person” in context of de-registered company

RE WAN ZE PROPERTY DEVELOPMENT (AUST) PTY LTD - (2012) 90 ACSR 593

- Constructive trusts and derivative proceedings

ASIC v AUSTRALIAN LENDING CENTRE PTY LTD (2011) 283 ALR 299 & (2012) 302 ALR 260

- Unconscionable conduct in the context of micro-lending transactions

DIB GROUP PTY LTD v VENTOURIS ENTERPRISES PTY LTD (2011) 284 ALR 601

- Causation and loss in respect of future representations under the Trade Practices Act

ONEFONE AUSTRALIA PTY LTD and Others v ONE.TEL LTD and Others - (2010) 80 ACSR 11

- Liquidator’s remuneration and the appropriate approach to quantification

ASIC v SOMERVILLE (2009) 259 ALR 574; (2009) 77 NSWLR 110

- Director’s duties and civil penalties

INGOT CAPITAL INVESTMENTS PTY LTD and Others v MACQUARIE EQUITY CAPITAL MARKETS LTD and Others (No 6) - (2007) 63 ACSR 1 & (2008) 65 ACSR 324

- Misleading and deceptive conduct in the context of a capital raising