

Katherine Hooper

Admissions

- 2006 Solicitor - Admitted by the Supreme Court of South Australia and the High Court of Australia
- May 2019 Barrister

Education

- 2009 - 2011 **University of Sydney**
Master of Administrative Law and Public Policy
- 2002 - 2006 **Flinders University**
Bachelor of Laws and Legal Practice (Hons)
- 2006 Dean's Certificate: Current Issues in Law
 - 2005 Chancellor's Letter of Commendation
 - 2005 DLA Phillips Fox Prize in Intellectual Property

Recent legal experience

May 2019 – present **Nine Wentworth Chambers**

Barrister

Selected experience includes:

- *ZMBZ v Minister for Home Affairs* [2019] FCAFC 195: led by HPT Bevan, acted for the successful appellant in a challenge to a decision to refuse to grant a visa on character grounds.
- *AOQ16 v Minister for Immigration and Border Protection* [2020] FCA 103: appeal from decision of Federal Circuit Court in relation to decision refusing grant of protection visas – validity of notices issued under s 438 of the *Migration Act 1958* (Cth) – procedural fairness obligations and legal unreasonableness.
- *AZAFF v Minister for Immigration & Anor* [2020] FCCA 1540: judicial review of decision of the Immigration Assessment Authority – s 91W of the *Migration Act 1958* (Cth) – nature of review by the Immigration Assessment Authority.

- *ACM17 v Minister for Immigration* [2020] FCCA 1056: judicial review of delegate's decision – statutory interpretation – excluded fast track applicant finding.
- *ENP19 v Minister for Immigration & Anor* [2020] FCCA 1216: judicial review of decision of the Immigration Assessment Authority – exercise of power under s 473DD of the *Migration Act 1958* (Cth).
- *Tran v Minister for Immigration & Anor* [2019] FCCA 2859: judicial review of decision of the Administrative Appeals Tribunal concerning a Prospective Marriage (Temporary) (Class TO) visa – whether Tribunal applied arbitrary standards of conduct when determining whether the parties had a genuine intention to marry and to live together – legal unreasonableness.
- *HME Services Pty Ltd v Ortado* [2019] NSWSC 1325: led by D Stewart, judgment for the plaintiff following the grant of a freezing order.

2018 – April 2019

MinterEllison Lawyers

Legal Consultant – administrative law and government litigation

- Undertook solicitor advocacy in complex judicial and merits review proceedings on behalf of the Minister for Immigration, including matters in which counsel was unable to be retained at short notice.
- Developed and led training for solicitors at various levels covering subjects including oral advocacy, evidence, and practice and procedure.
- Mentored and coached junior team members in the administrative law and government litigation team.
- Provided advice to pro bono clients as part of the Homeless Persons Legal Service.
- Delivered training to external audiences including officers of the Department of Home Affairs and Department of Foreign Affairs and Trade.

2016 – 2018

HWL Ebsworth Lawyers

Special Counsel – administrative law and government litigation

- May - July 2017: Seconded Senior Legal Officer, (then) Department of Immigration and Border Protection, Civil

Litigation and Discretionary Compensation Section: managing foreshadowed claims and civil proceedings, including class actions; advising on issues including negligence, wrongful imprisonment, customs, trespass to property, privacy, misfeasance in a public office, contract, employment law, migration and migration agent regulation; drafting guides for, and presenting training to, administrative decision-makers.

- Regular conduct of litigation on behalf of Federal government clients in the range of Commonwealth Courts; regular appearances in the Federal Court and Federal Circuit Court as a solicitor advocate.

2006 – 2016

DLA Piper

Law Clerk, Solicitor, Senior Associate and Special Counsel

- Retained the carriage of complicated matters for the (then) Minister for Immigration and Border Protection, including merits review of migration agent regulatory decisions, matters concerning Article 33(2) of the Refugees Convention and matters raising complex and significant issues of statutory construction. Instructed the (then) Solicitor General of Australia in proceedings before the High Court of Australia, including a successful appeal by the Minister for Immigration and Border Protection in a matter involving whole of Commonwealth implications: *Minister for Immigration and Citizenship v SZJSS* (2010) 243 CLR 164.
- Retained the carriage of complex litigated matters on behalf of the Commonwealth of Australia involving alleged wrongful detention.
- Undertook pro bono work, including travelling to Apia, Western Samoa, in July 2014 and presenting a two-day workshop on administrative law to officials of the Samoan Office of the Attorney General, Government Ministries, and private practitioners; leading a pro bono project in Vientiane, Lao PDR presenting four days of legal skills training workshops for the International Organisation for Migration, participants from non-government organisations, and participants from the Lao PDR Government.
- Acted as solicitor assisting Counsel assisting the Royal Commission into Institutional Responses to Child Sexual Abuse; assisted the Review Leaders on the Australian Defence Force Review of Allegations of Sexual and Other Abuse in Defence.

Selected presentations and publications

- Law Council of Australia Immigration Law Conference, March 2020, Showcase session, 'The Year in Judicial Review'
- Law Council of Australia Immigration Law Conference, March 2019, 'Advocacy Skills/Persuasion before Decision-Makers, Tribunals and Courts'
- Law Council of Australia Immigration Law Conference, February 2018, 'Judicial Review – IAA Emerging Issues'
- Law Council of Australia Immigration Law Conference, February 2017, 'Family Violence in the Immigration Law Context'
- Nomos Legal Education, June 2016, 'Case Law Roundup'
- Law Council of Australia Immigration Law Conference, March 2016, member of an expert panel discussing 'Developments in Judicial Review'
- The Ending of Impunity and the Fight for Justice for Victims of Human Rights Violations: A Chasm too Great to be Crossed? (2006) 9(2) *Flinders Journal of Law Reform* 181
- Model Litigants, Migration, Merits Review and... Mediation? (2013) 32(1) *University of Southern Qld Law Journal* 157