

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:

- *BWO19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCAFC 181: unled – appeal from decision of Federal Circuit Court concerning legal professional privilege and its application to a hearing before the Administrative Appeals Tribunal – whether the appellant had waived privilege by conduct inconsistent with the maintenance of legal professional privilege – whether the failure by the Tribunal to warn of privilege was material so as to amount to jurisdictional error.
- *DTW16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCA 356: unled – application for leave to appeal from Federal Circuit Court interlocutory decision to dismiss application to reinstate an earlier application for judicial review – where applicant claimed the proceedings were affected by fraud – review of findings of credit by the primary Judge.

- *AOQ16 v Minister for Immigration and Border Protection* [2020] FCA 103: unled – 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: unled – 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: unled – judicial review of delegate’s decision – statutory interpretation – excluded fast track applicant finding.
- *Kabbara v Australian National Sports Club Incorporated* [2020] NSWSC 1166: unled – incorporated associations – interlocutory applications – determination of separate questions – pleadings.
- *Feeny v Secretary, Department of Communities and Justice* [2020] NSWCATAD 269: led by B Tronson – *Government Information (Public Access) Act* – discretion decline to deal with application – how discretion should be applied – systemic factors.
- *Tran v Minister for Immigration & Anor* [2019] FCCA 2859: unled – 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.
- *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.
- *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.
- 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.

2006 – 2016

DLA Piper

Law Clerk, Solicitor, Senior Associate and Special Counsel

- 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'
- Model Litigants, Migration, Merits Review and... Mediation? (2013) 32(1) *University of Southern Qld Law Journal* 157
- 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

Memberships

- Law Council of Australia Federal Litigation & Dispute Resolution Section - Executive Member
- NSW Bar Association