

Katherine Hooper

Admissions

- 2006 Solicitor – Admitted by the Supreme Court of South Australia and the High Court of Australia
- May 2019 Barrister – New South Wales
Name entered in the High Court Register of Practitioners

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

Practice areas

My core practice area is administrative law. I act for both private parties and government agencies and have considerable experience defending agencies as respondents to judicial review applications.

Annually since 2016, I have been listed by Best Lawyers in the categories of Government Practice and Immigration Law. I was recognised by Best Lawyers as the 2023 ‘Lawyer of the Year’ award recipient for my work in Immigration Law in Sydney.

My specific areas of practice include: immigration and citizenship law, incorporated associations/clubs/sports law, professional discipline and regulation, commissions of inquiry, commercial law, contract and equity.

Recent legal experience

May 2019 – present **Nine Wentworth Chambers**

Barrister

Selected experience includes:

- *Mailau v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 610: unled – application in the Federal Court’s original jurisdiction for judicial review of an Administrative Appeals Tribunal decision – whether Tribunal

erred by considering the cumulative best interest of the relevant minor children – whether use of hearsay evidence legally unreasonable – whether Tribunal failed to consider impact of non-revocation of visa on a victim.

- *NZYQ and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2022] AATA 378: unled – merits review proceedings concerning refusal to grant Protection visa on the basis that applicant convicted by final judgment of a particularly serious crime and a danger to the Australian community.
- *Fu v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FedCFamC2G 161: unled – application for judicial review of Partner visa refusal – family violence provisions of the *Migration Regulations 1994* (Cth) – evidentiary requirements of non-judicially determined family violence claim – statutory interpretation.
- *Pavlis v Pavlis* [2021] NSWSC 1117: led by G Waugh SC – equitable charges and liens – contribution to acquisition or improvement of property – claimed estoppel, resulting trust, constructive trust or charge over property where adult children contributed to substantial improvement of family home.
- *TGWR v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 200: unled – appeal from dismissal of application for judicial review of Administrative Appeals Tribunal decision – mandatory visa cancellation – application of Ministerial Direction – whether ‘no evidence’ error.
- *EGW17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1177: unled – appeal from decision of the Federal Circuit Court – consideration by the Immigration Assessment Authority of expert reports concerning the risk to Shia Hazaras in Afghanistan – legal unreasonableness.
- *Chandrasekaran v Commonwealth of Australia* [2021] NSWSC 1149: unled – application for summary dismissal – whether proceedings an abuse of process because of re-litigation.
- *Chandrasekaran v Commonwealth of Australia (No 3)* [2020] FCA 1629: unled – summary judgment – breach of confidence – privacy – bailment – negligence – intentional infliction of nervous shock. Leave to appeal refused in *Chandrasekaran v Commonwealth of Australia* [2021] FCA 481, also unled.

- *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.
- *Kabbara v Australian National Sports Club Incorporated* [2020] NSWSC 1166: unled – incorporated associations – interlocutory applications – determination of separate questions – pleadings.
- *Feeney 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. On appeal, again led by Ms Tronson, appeal dismissed: *Secretary, Department of Communities and Justice v Feeney* [2021] NSWCATAP 139.
- *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

- Legalwise, 17 March 2022, 9th Annual Immigration Law Conference ‘Running a Matter at the Federal Circuit and Family Court of Australia’
- Legalwise, 22 June 2021, ‘Immigration Law: Critical Review’
- College of Law, 18 March 2021, ‘Migration Practice Essentials’
- 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

Memberships

- Law Council of Australia Federal Litigation & Dispute Resolution Section - Executive Member
- NSW Bar Association
- Signatory to the National Pro Bono Target