

DOUGLAS McDONALD-NORMAN

EIGHTH FLOOR SELBORNE CHAMBERS

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ADMISSIONS

Barrister	2018
Solicitor	2015

RELEVANT EXPERIENCE

University of Technology Sydney Casual Academic (Administrative Law, Foundations of Law, Ethics Law and Justice)	Mar 2017 – present
Australian Catholic University Casual Academic (Contract Law)	Feb 2018 – May 2018
The Hon Dyson Heydon AC QC, 8 Selborne Chambers Research Assistant	Dec 2016 – Dec 2017
The Hon Justice Darke, Supreme Court of New South Wales Tipstaff	Jan 2016 – Dec 2016
Craddock Murray Neumann Lawyers Solicitor Researcher/Consultant	Mar 2010 – Dec 2015 March 2015 – December 2015 March 2010 – March 2015

OVERVIEW

I predominantly practice in commercial law, migration and refugee law, administrative law, property law and the law of equity and trusts. Before coming to the Bar in September 2018, I worked as a solicitor and migration agent, as a tipstaff at the Supreme Court of New South Wales, and as a university lecturer and tutor.

I have appeared as counsel in the High Court of Australia, the New South Wales Court of Appeal, the Supreme Court of New South Wales, the Full Court of the Federal Court, the Federal Court and the Federal Circuit Court.

I am an experienced legal writer and researcher. I have published numerous peer-reviewed articles and have presented papers at international conferences. My areas of research include international refugee law, comparative constitutional law and judicial biography.

AREAS OF PRACTICE

Administrative law (merits and judicial review)	Equity and trusts
Commercial law	Immigration and refugee law
Contract law	Property law

EDUCATION

2008 - 2014	University of Technology Sydney	Bachelor of Laws (Hons I and University Medal) Bachelor of Arts in Communications (Social Inquiry)
2011 - 2012	National Law School of India University	(exchange student)

Subject Prizes and Awards

2015	University Medal (Bachelor of Laws)
2014	Commendation, UTS Creative Media Social Justice Award
2013	Thomson Reuters Award for Civil Litigation
2013	Inner West Law Society Award for Ethics & Professional Conduct
2011	Prime Minister's Australia Asia Award
2009	NSW Bar Association Award for Administrative Law
2009	NSW Bar Association Award for Equity and Trusts
2008	Thomson Reuters Award for Contracts
2008	NSW Bar Association Award for Australian Constitutional Law

Extracurricular Activities

2012 - 2014	Undergraduate Representative, UTS University Council
2013	Secretary, UTS Students' Association
2010 - 2011	Undergraduate Representative, UTS Law Faculty Board
2010	U:PASS Leader, Real Property Law
2009 - 2011	President, UTS Red Cross Society

SELECT PUBLICATIONS

- 'Deprived of Life: Rohingya Asylum Seekers and the Limits of Constitutional Protections in India' (2021) *Indian Law Review* (forthcoming).
- 'Purity and pollution: a feminist rewriting of *State of Uttar Pradesh v. Kaushailiya* AIR 1964 SC 416' (with Anindita Pattanayak) (2021) *Indian Law Review* (forthcoming).
- 'Young's "Fact finding made easy" in Refugee Law: A Former Practitioner's Perspective' (2018) 92(5) *Australian Law Journal* 349-359.
- 'No One To Bear Witness: Country Information and LGBTQ Asylum Seekers' (2017) 33(2) *Refuge: Canada's Journal on Refugees* 88-100.
- 'Escaping the Lions: Religious Conversion and Refugee Law' (2016) 22(1) *Australian Journal of Human Rights* 135-158.
- 'Worlds Apart: The Appointment of Former Politicians as Judges' (2016) 41(1) *Alternative Law Journal* 17-22.
- '*Koushal v. Naz Foundation* and the Lessons of International Refugee Law' in Sarasu E. Thomas (ed), *Gender, Human Rights and Law*, vol 4 (Centre for Women and the Law, 2015, India) 161-183.
- 'Becoming Indian: William Broome and Colonial Continuity in Post-Independence India' (2015) 42(2) *Indian Historical Review* 303-331.
- 'Comparative Law and the Role of the Judiciary: An Australia-India Comparison' (with Arun K. Thiruvengadam) in Shaun Star (ed), *Australia and India: A Comparative Overview of the Law and Legal Practice* (Universal Law Publishing, 2015, India) 20-45.
- 'Freedom To Be: Assessing the Claims of LGBTQ Asylum Seekers' (2014) 10 *Socio-Legal Review* 35-52.
- 'Credibility Assessment in Refugee Status Determination' (2014) 26(2) *National Law School of India Review* 115-126.
- 'Simply Impossible: Plausibility Assessment in Refugee Status Determination' (2014) 39(4) *Alternative Law Journal* 241-245.

SELECT CASES

High Court of Australia

Minister for Immigration and Border Protection v CED16 (2020) 380 ALR 216; (2020) 94 ALJR 706; [2020] HCA 24 (Gageler, Keane, Nettle, Gordon and Edelman JJ, led by Julian Gormly for first respondent – non-disclosure certificates in Immigration Assessment Authority, definition of “new information”)

Minister for Home Affairs v CLM18 [2020] HCATrans 53 (Nettle and Gordon JJ, led by Julian Gormly for first respondent – application for special leave to appeal, existence of ‘personal procedural decision’, *Migration Act* s 46A)

New South Wales Court of Appeal

Clarke v Nursing and Midwifery Council of New South Wales [2021] NSWCA 86 (Gleeson JA and Emmett AJA, led by Brenda Tronson for respondent – application for leave to appeal, defamation)

Lawrence v Ciantar [2020] NSWCA 89 (Bathurst CJ, Meagher and Gleeson JJA, led by John Kelly SC for appellant – contractual interpretation, *Home Building Act 1989*)

New South Wales Supreme Court

CSR Ltd v Ewins [2020] NSWSC 511 (Adamson J, led by Brenda Tronson for first defendant – review of decision of Workers Compensation Commission Medical Appeal Panel, procedural fairness)

Sydney Advanced Plumbing Pty Ltd v Smoothflow Australia Pty Ltd [2019] NSWSC 1839 (Harrison AsJ, led by David Knoll AM for defendant – appeal from Local Court, adequacy of reasons, procedural fairness)

Cornish v Secretary, Department of Planning, Industry and Environment (2019) 244 LGERA 26; [2019] NSWSC 1134 (Basten J, led by Brenda Tronson for defendant – review of decision of NCAT, powers of local council to discipline councillor, powers of NCAT)

Lawrence v Ciantar [2019] NSWSC 464; [2019] NSWSC 722 (Henry J, led by John Kelly SC for plaintiff – contractual interpretation, *Home Building Act 1989*, costs)

Mahony v Dental Council of New South Wales [2019] NSWSC 276 (Wilson J, led by Andre Zahra for plaintiff – review of decision of NCAT, powers of Assessment Committees of Dental Council of New South Wales)

Full Federal Court

AMICMSMA v CWY20 [2021] FCAFC 195 (Allsop CJ, Kenny, Besanko, Kerr and Charlesworth JJ, led by Nick Wood for first respondent – *Migration Act 1958* s 501A, consideration of international non-*refoulement* obligations and the national interest)

MICMSMA v FAK19 [2021] FCAFC 153 (Allsop CJ, Kerr and Mortimer JJ, led by Stephen McDonald SC for first respondent – *Migration Act 1958* s 501CA, non-*refoulement* obligations)

MICMSMA v CTB19 (2020) 280 FCR 178; [2020] FCAFC 166 (McKerracher, Kerr and Wigney JJ, led by Theresa Baw for first respondent – duty to engage with representation to fear harm upon removal)

MHA v CSH18 (2019) 269 FCR 206; (2019) 367 ALR 488; [2019] FCAFC 80 (Jagot, Robertson and Stewart JJ, led by Sarah Pritchard SC and Theresa Baw for first and second respondents – powers of Administrative Appeals Tribunal)

MZZGE v MHA [2019] FCAFC 72 (Besanko, Farrell and Thawley JJ, led by Patrick Reynolds for appellant – irrationality and illogicality, duty to evaluate relevant material)

Federal Court

CZT16 v MICMSMA [2021] FCA 819 (Halley J, unled for appellant – illogicality and irrationality)

BYH19 v MICMSMA [2021] FCA 157 (Anastassiou J, unled for appellant – illogicality and irrationality, requirement to consider relevant country information)

CWY20 v MICMSMA (2020) 282 FCR 62; [2020] FCA 1855 (Griffiths J, led by Nick Wood for applicant – refusal of visa on national interest grounds, consideration of international non-*refoulement* obligations)

CLI16 v MIBP [2020] FCA 1769 (Anastassiou J, led by Tom Bagley for appellant – consideration of internal relocation alternative in protection visa application)

Chandra v MICMSMA [2020] FCA 966 (Yates J, led by Tom Bagley for applicant – cancellation of visa on character grounds, interpretation of Ministerial Direction 79)

CRL18 v MICMSMA (2020) 171 ALD 50; [2020] FCA 917 (Stewart J, unled for appellant – illogicality and irrationality, materiality of error in reasoning)

DHJ16 v MICMSMA [2020] FCA 414; [2021] FCA 364 (Collier J, unled for appellant – extension of time in which to file and serve notice of appeal from Federal Circuit Court, powers of the Immigration Assessment Authority)

Gajurel v MICMSMA [2020] FCA 295 (Yates J, unled for first respondent – obligation to provide procedural fairness in Administrative Appeals Tribunal)

Hedari v MIBP [2020] FCA 298 (Bromwich J, led by Stephen McDonald for appellant – materiality of error to exercise of jurisdiction by Administrative Appeals Tribunal)

CTB19 v MICMSMA (2019) 168 ALD 254; [2019] FCA 2128 (Stewart J, led by Theresa Baw for applicant – cancellation of visa on character grounds, duty to engage with claim to fear harm upon return)

Fuge v Commonwealth Bank of Australia [2019] FCA 1621 (Lee J, led by Andre Zahra for respondents – contracts, unjust contractual terms, obligation to participate in mediation in good faith, misleading and deceptive conduct)

DDM17 v MHA [2019] FCA 1510 (Reeves J, unled for appellant – whether Immigration Assessment Authority unreasonable not to consider seeking ‘new information’, *Migration Act 1958* s 473DC)

AHG18 v MHA [2019] FCA 410 (Wheelahan J, unled for appellant – whether failure to consider relevant information, irrationality or illogicality)