

DOUGLAS McDONALD-NORMAN

EIGHTH FLOOR SELBORNE CHAMBERS

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ADMISSIONS

Barrister	2018
Solicitor	2015

RELEVANT EXPERIENCE

University of Technology Sydney Lecturer Casual Academic (Administrative Law, Foundations of Law, Ethics Law and Justice)	July 2025 – present Mar 2017 – June 2023
National Law School of India University Visiting Scholar	July 2024 – Oct 2024
University of New South Wales Casual Academic and Co-Convenor (Administrative Law)	Sep 2023 – Dec 2023
Western Sydney University Casual Academic and Course Convenor (Visa Cancellation and Review)	Mar 2022 – Mar 2023
Australian Catholic University Casual Academic (Contract Law)	Feb 2018 – May 2018
The Hon Dyson Heydon, Eight 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 Mar 2015 – Dec 2015 Mar 2010 – Mar 2015

OVERVIEW

As a barrister, I practice in administrative law, migration law and refugee law.

I am a full-time lecturer at the University of Technology Sydney and a PhD candidate at the University of New South Wales. My research areas include comparative public law, international refugee law, and judicial biography.

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, as a research assistant and as a casual academic.

AREAS OF PRACTICE

Administrative law (merits and judicial review)

Immigration and refugee law

EDUCATION

2023 – present	PhD candidate, Gilbert + Tobin Centre of Public Law, UNSW
University of New South Wales	
2008 – 2014	Bachelor of Laws (Hons I and University Medal)
University of Technology Sydney	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)
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

SELECT PUBLICATIONS

- 'Deprived of Life: Rohingya Asylum Seekers and the Limits of Constitutional Protections in India' (2022) 6(3) *Indian Law Review* 243-262.
- 'The Curate's Egg: when illogical premises infect ultimate conclusions' (2021) 103 *ALAL Forum* 117-132.
- 'Purity and pollution: a feminist rewriting of *State of Uttar Pradesh v. Kaushailiya* AIR 1964 SC 416' (with Anindita Pattanayak) (2021) 5(3) *Indian Law Review* 358-381.
- '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)

Full Federal Court

Tonakie v Director of Professional Services Review (2024) 302 FCR 335; [2024] FCAFC 60 (Charlesworth, Thawley and Jackson JJ, led by Bora Kaplan for third respondent – *Health Insurance Act 1973* s 94(1), statutory consequences of invalid referral)

Jama v MICMSMA (2023) 299 FCR 410; [2023] FCAFC 148 (Markovic, Sarah C Derrington and Feutrill JJ, unled for first respondent – *Migration Act 1958* s 501CA, weighing of criteria under Direction 79)

SLGS v MICMSMA (2023) 299 FCR 148; [2023] FCAFC 104 (Rares, Jackson and Snaden JJ, led by Patrick Knowles SC for first respondent – *Migration Act 1958* s 36(1C), “danger to the Australian community”)

FKV17 v MHA (2022) 292 FCR 201; (2022) 402 ALR 492; [2022] FCAFC 93 (Greenwood, Rangiah and Beach JJ, led by Bora Kaplan for appellant – *Migration Act 1958* s 477(2), discretion to extend time for commencement of proceedings)

MICMSMA v DOM19 (2022) 289 FCR 499; (2022) 402 ALR 483; [2022] FCAFC 21 (Mortimer, Halley and O’Sullivan JJ, led by Patrick Knowles for appellant – *Migration Act 1958* s 500(6H), construction of term “written statement”)

AMICMSMA v CWY20 (2021) 288 FCR 565; (2021) 395 ALR 57; [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) 287 FCR 181; [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

BMH17 v MICMSMA [2023] FCA 1062 (Feutrill J, unled for first respondent – *Migration Act* s 473DC, whether unreasonable not to seek ‘new information’)

SXNC v MICMA (2022) 179 ALD 156; [2023] FCA 390 (Stewart J, unled for applicant – validity of visa cancellation decision under *Migration Act* s 501(3A), aggregate sentences, materiality)

Jama v MICMSMA [2023] FCA 263 (O’Sullivan J, unled for first respondent – assessment of ‘strength, nature and duration’ of applicant’s ties to Australia, illogicality and irrationality)

SLGS v MICMSMA (2022) 179 ALD 156; [2022] FCA 1055 (Abraham J, led by Patrick Knowles for first respondent – construction of term “danger to the Australian community”, *Migration Act* s 36(1C) and s 197C)

AXD21 v MICMSMA [2022] FCA 912 (Jackson J, unled for first respondent – “real chance” test, principles of construction of decision maker’s reasons)

BNZ20 v MICMSMA [2022] FCA 647 (Snaden J, unled for appellant – illogicality and irrationality)

DEO19 v MICMSMA [2022] FCA 608 (Cheeseman J, unled for appellant – complementary protection, reasonableness of internal relocation)

Ngatupuna v MICMSMA [2022] FCA 390 (Bromwich J, led by Brenda Tronson for applicant – failure to consider claims and evidence)

AFP20 v MICMSMA [2022] FCA 375 (Thawley J, unled for appellant – *Migration Act* s 425, errors of interpretation, materiality of error)

BBY21 v MICMSMA [2022] FCA 68 (Bromwich J, unled for first respondent – duty to make inquiries)

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)

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)

Western Australia Court of Appeal

Chappell v Goldspan Investments Pty Ltd (2021) 58 WAR 503; [2021] WASCA 205 (Buss P, Mitchell and Pritchard JJA, led by Ben Katekar SC for first and fourth respondents – misleading and deceptive conduct, exercise of state and federal jurisdiction)