



KATE BONES
Barrister

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ADMISSIONS

- 2023** Barrister, New South Wales Bar
- 2014** Solicitor, Supreme Court of New South Wales

ACADEMIC

- 2019** **Harvard Law School**, Master of Laws
Frank Knox Memorial Fellowship
Dean's Scholar Prize
- 2013** **University of Sydney**, Bachelor of Laws (Hons I)
Nancy Gordon Smith Prize for Honours at Graduation (2013)
Playfair Prize in Migration Law (2013)
Harmers Workplace Lawyers Prize for Labour Law (2013)
Sir Alexander Beattie Prize in Industrial Law (2013)
University of Sydney Academic Merit Prize (2013)
Monahan Prize for Evidence (2012)
University of Sydney Outstanding Achievement Scholarship (awarded for admission with UAI of 100) (2009-2013)
- 2011** **University of Sydney**, Bachelor of Arts
Major in Government and International Relations

EXPERIENCE

- Since 2023** **Barrister**, Banco Chambers
- 2019 - 2023** **Legal Aid NSW**, Solicitor, Government Law
Advised and acted in immigration, citizenship, social security, NDIS, mental health, guardianship and coronial matters
Appeared in the Administrative Appeals Tribunal and NSW Civil and Administrative Tribunal
Instructed in judicial review proceedings in the High Court, Federal Court, Federal Circuit and Family Court (Division 2); and in inquests in the Coroners Court

2022	University of Sydney , Lecturer, Administrative Law
2015 - 2018	Refugee Legal , (formerly the Refugee & Immigration Legal Centre), Solicitor and Policy Officer
2017	Victoria Legal Aid , Solicitor, Civil Justice Program
2012 - 2015	University of Sydney Researcher for Professor Mary Crock (public law) on an international comparative migration law project (2014 - 2015) Researcher for Professor Ben Saul (international law) (2012 – 2013)
2014	UN Committee on the Rights of Persons with Disabilities , Assistant to Emeritus Professor Ron McCallum AO, Vice-Chair

SELECTED MATTERS

Unled

<i>WKBF v Minister for Immigration, Citizenship and Multicultural Affairs</i> [2024] FCA 465	Judicial review of visa cancellation decision, interaction of the <i>Sentencing Act 1991</i> (Vic) and s 85ZR of the <i>Crimes Act 1914</i> (Cth) – for the applicant (instructed by Victoria Legal Aid)
<i>CEL23 v Minister for Immigration, Citizenship and Multicultural Affairs</i> , Federal Circuit and Family Court of Australia (Division 2) SYG2956/2020	Judicial review of decision to refuse resident return visa to refugee travelling overseas, consideration of pending criminal charges – for the applicant, against senior counsel, jurisdictional error conceded by the Minister prior to hearing (instructed by Legal Aid NSW)
<i>Abdel-Hady v Minister for Home Affairs</i> , Federal Circuit and Family Court of Australia (Division 2) SYG2040/2021	Interlocutory injunction restraining removal of the applicant from Australia, medical fitness to travel – for the applicant (instructed by Legal Aid NSW)
<i>BSA23 v Minister for Immigration, Citizenship and Multicultural Affairs</i> , Federal Circuit and Family Court of Australia (Division 2) SYG1237/2023	Judicial review of notification of visa cancellation decision to applicant in prison – for the applicant, conceded by the Minister prior to hearing (instructed by Legal Aid NSW)
<i>FZI v Children’s Guardian</i> [2024] NSWCATAD 124	Working with Children Check enabling order application – for the applicant (instructed by Legal Aid NSW)
<i>RGM Property Surveys Pty Ltd v Matthew and Son Civil Pty Ltd</i> , Local Court of NSW 2021/00201494	Negligence, damage to property – for the plaintiff, settled prior to hearing (instructed by ACD Legal)

BKTS and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, Administrative Appeals Tribunal 2022/4169 (remitted)

Review of visa cancellation decision following remittal from the Federal Court – for the applicant, conceded by the Minister prior to hearing (instructed by Legal Aid NSW)

HKRC and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration) [2024] AATA 1119

Review of visa cancellation decision following remittal by the Federal Court – for the applicant (instructed by Legal Aid NSW)

Led

NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs (2023) 97 ALJR 1005; [2023] HCA 37

Constitutional limits on immigration detention, overruling *Al-Kateb v Godwin* – for the Human Rights Law Centre and Kaldor Centre for International Refugee Law as amici curiae (led by R Higgins SC, A Hochroth and J Murphy)

Jones v Commonwealth (2023) 97 ALJR 936; [2023] HCA 34

Constitutional validity of citizenship revocation provision – for the plaintiff (led by S Hartford-Davis, D Reynolds and S Hoare, instructed by Fisher Dore Lawyers)

YBFZ v Minister for Immigration, Citizenship and Multicultural Affairs, High Court of Australia S27/2024 (ongoing)

Constitutional validity of the Minister's powers to impose curfew and electronic monitoring conditions on bridging R visas – for the plaintiff (led by C Lenehan SC and T Wood, instructed by Refugee Legal)

University of Sydney v National Tertiary Education Industry Union [2024] FCAFC 57

Appeal, alleged contraventions of s 50 of the *Fair Work Act 2009* (Cth), intellectual freedom – for the University of Sydney (led by J Gleeson SC and S Hartford-Davis, instructed by Ashurst)

Blooms the Chemist Management Services Ltd v Pharmacy Council of New South Wales [2024] NSWSC 296

Application for summary dismissal or stay, declaratory relief in regulatory matter – for the Pharmacy Council of NSW (led by K Richardson SC, instructed by MinterEllison)

HKRC v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FCA 1487

Judicial review of visa cancellation decision, denial of procedural fairness by the Tribunal's questioning of unrepresented applicant – for the applicant (led by A Hochroth, direct access pursuant to court referral)

Maxi Shine (Belmont) Pty Ltd v Polito, Supreme Court of NSW 2021/00134673

Interpretation of commercial lease, estoppel by convention, unconscionable conduct – for the defendants (led by A Hochroth, instructed by Battersby Bateman Lawyers)

<i>Mason v State of New South Wales</i> , Australian Human Rights Commission 2023-09178	Racial discrimination complaint to the Australian Human Rights Commission, native title rights and cultural fishing practices – for the State (led by C Lenehan SC, instructed by Crown Solicitor’s Office)
Special Commission of Inquiry into LGBTIQ Hate Crimes	Submissions on investigative practices and the operation of the <i>State Records Act 1998</i> (NSW), for the Commissioner of Police (led by M Tedeschi SC and A Mykkeltvedt, instructed by Corrs Chambers Westgarth)
<i>Infrastructure Services Luxembourg S.A.R.L. v Kingdom of Spain</i> , Federal Court of Australia NSD602/2019	Application for set aside of subpoenas, breach of foreign laws – for Navantia S.A. and Navantia Australia (led by A Hochroth, instructed by Holding Redlich)
<i>Abdel-Hady v Minister for Home Affairs</i> , Federal Circuit and Family Court of Australia (Division 2) SYG2040/2021	Application for habeas corpus and declarations concerning medical fitness to travel and lawfulness of detention – for the applicant, settled prior to hearing (led by A Hochroth, instructed by Legal Aid NSW)
As Solicitor	
<i>Inquest into the death of LT</i> (2019/146621); <i>Inquest into the death of KT</i> (2019/126969)	Coronial inquests into the deaths in custody of two brothers – for KT and LT’s family
<i>Minister for Immigration v CBW20 & Anor</i> (2021) 285 FCR 667; [2021] FCAFC 63 Special leave application: [2021] HCATrans 217	Statutory construction, determining the validity of protection visa applications made by about 2,200 asylum seekers – for CBW20 (instructing J Kirk SC and J King)
<i>Minister for Immigration, Citizenship and Multicultural Affairs v EVE21</i> (2023) 298 FCR 57; [2023] FCAFC 91	Validity of regulation deeming receipt of documents posted to visa holders in prison – for EVE21 (instructing A Hochroth and K Heath)
<i>BLTY and Minister for Immigration, Citizenship and Multicultural Affairs (Migration)</i> [2023] AATA 1064	Review of visa cancellation decision, potential contravention of international obligations by prolonged detention of refugee with schizophrenia – for the applicant (as solicitor advocate)
<i>SCDZ and Minister for Immigration, Citizenship and Multicultural Affairs (Migration)</i> [2022] AATA 4442	Review of visa cancellation decision – for the applicant (as solicitor advocate)

PUBLICATIONS

'Juvenile offending, convictions and visa cancellation: *Thornton and Lesianawa*', *AUSPUBLAW* (2 April 2024)

Mary Crock and Kate Bones, 'The Creeping Cruelty of Australian Crimmigration Law' (2022) 44(2) *Sydney Law Review* 169

Mary Crock, Kate Bones, Daniel Ghezelbash, Mary Anne Kenny and Jemma Hollands, *Children and Young People in Asylum and Refugee Processes: Towards Best Practice* (Federation Press, 2020)

Timnah Baker and Kate Bones, 'Children and Refugee Law in Australia and the US', in Mary Crock and Lenni Benson (eds), *Protecting Migrant Children: Central Issues in the Search for Best Practice* (Elgar, 2018)

Mary Crock and Kate Bones, 'Australian Exceptionalism: Temporary Protection and The Rights of Refugees' (2015) 16 *Melbourne Journal of International Law* 522

CONFERENCES AND OTHER EXPERIENCE

Conference presentation, 'Implications of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs*' at Law Council Immigration Law Conference (15 March 2024)

Conference presentation, 'Children as Convention Refugees' at *Children, Migration and the Right to Health*, University of Sydney Law School (25 July 2019)

Panel presentation for the book launch of *Protecting Migrant Children*, Harvard Human Rights Program at Harvard Law School (8 November 2018)

NSW Bar Association, Human Rights Committee member (2023 – ongoing)

American Gateways, Texas – Volunteer Attorney (June 2019)

Harvard Law School Immigration Project – Board Member (2018 – 2019)