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|  | **DAVID HOOKE SC** | +61 2 9233 7711 |
|  | *Barrister*  | hooke@jackshand.com.au  |
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| **ADMISSIONS**  | Appointed silk: 2009  |
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|  | Admitted to the Bar: 1994 |
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|  | Mr Hooke is also admitted in the High Court of Australia, Victoria, Queensland, South Australia, Western Australia, and the Australian Capital Territory. |
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|  | He has also been granted *ad hoc* admission in the Republic of Nauru  |
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| **QUALIFICATIONS** | LLB, University of Technology, Sydney |
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| **PRINCIPAL AREAS****OF PRACTICE** | AppellateCommon Law  |
|  | Competition and Consumer Law  |
|  | Constitutional Law  |
|  | Commercial Law  |
|  | Administrative Law  |
|  | Public Law  |
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| **PROFILE** | Mr Hooke was called to the Bar in 1994. |
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|  | Prior to that, he worked for a firm of solicitors, practising predominantly in major personal injury claims.  |
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|  | Mr Hooke was appointed Senior Counsel in 2009 and has a broad practice across the common law, insurance, public and administrative law, and commercial fields.  Mr Hooke has a special interest in appellate work and in disputes regarding statutory interpretation and the development of the law. |
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|  | Mr Hooke has served on the Bar Association’s Common Law Committee and Professional Conduct Committee.  In 2021 he was a member of the Senior Counsel Selection Committee. He currently co-chairs the Human Rights Committee.He has appeared in most States and Territories, as well as the High Court of Australia and the Federal Court, and is well-versed in conflicts of laws and in the application of foreign law. |
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| **SELECTED APPEALS** | **High Court of Australia (Appeals and original jurisdiction)** |
|  |  |
|  | *Alexander v Minister for Home Affairs* [2022] HCA 19 – Special case involving a Constitutional challenge to the validity of s 36B of the *Australian Citizenship Act* 2007; concerning legislative power under the “aliens” power (s 51(xxix) of the *Constitution*); and the power of a Minister to declare a loss of citizenship.  |
|  |  |
|  | *MZAPC v Minister for Immigration and Border Protection* [2021] HCA 17; 95 ALJR 441 – Constitutional writs; concerning the role of materiality in jurisdictional error. |
|  |  |
|  | *Hickson v Goodman Fielder Ltd* (2009) 237 CLR 130 – statutory interpretation; torts; workers compensation.  |
|  |  |
|  | *Andjelic v Marsland* (1996) 186 CLR 20 – damages; interest.  |
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|  | *Nominal Defendant v Gardikiotis* (1996) 186 CLR 49 – damages for the cost of fund management.  |
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|  | **High Court of Australia (Applications for Special Leave – only those granted an oral hearing as Senior Counsel or as a junior unled)**  |
|  |  |
|  | *DRY16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] HCATrans 15. |
|  |  |
|  | *PDWL v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] HCATrans 197. |
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|  | *Wallaby Grip Ltd v WorkCover Queensland* [2021] HCA Trans 128.  |
|  |  |
|  | *MZAPC v Minister for Immigration and Border Protection* [2020] HCATrans 113.  |
|  |  |
|  | *Allianz Australia Insurance Ltd v Pomfret* [2015] HCATrans 225. |
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|  | *Pascoe v Edsome Pty Ltd* [2008] HCATrans 312.  |
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|  | **Full Court of the Federal Court of Australia**  |
|  |  |
|  | *AIO21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 114. |
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|  | *BOE21 v AIO21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 99. |
|  |  |
|  | *Deng v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (judgment reserved).  |
|  |  |
|  | *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Mukiza* [2022] FCAFC 89. |
|  |  |
|  | *Doves v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (judgment reserved).  |
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|  | *Dunasement v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 13. |
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|  | *BCE20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 124.  |
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|  | *Tohi v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 125. |
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|  | *MNLR v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 35. |
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|  | *DVE18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCAFC 83. |
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|  | **NSW Court of Appeal**  |
|  |  |
|  | *Miller v Secretary, Department of Communities and Justice* (judgment reserved).  |
|  |  |
|  | *Amaca Pty Ltd v Cleary* (judgment reserved).  |
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|  | *Irlam v Byrnes* [2022] NSWCA 81. |
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|  | *Bird v Plaintiff A & Ors* [2022] NSWCA 119.  |
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|  | *Queanbeyan Racing Club v Burton* [2021] NSWCA 304. |
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|  | *Nestle Australia Ltd v Metri* [2021] NSWCA 303. |
|  |  |
|  | *Insurance Australia Group Ltd v Keen* [2021] NSWCA 287; 399 ALR 765; 98 MVR 164. |
|  |  |
|  | *Allianz Australia Insurance Ltd v Viksne; In the matter of Austral Bronze Co Ltd* (2021) 106 insurance aNSWLR 306.  |
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|  | *Theoret v Aces Incorporated* [2021] NSWCA 3.  |
|  |  |
|  | *JFIT Holdings Pty Ltd v Powell* [2021] NSWCA 137.  |
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|  | *Sydney Trains v Batshon* [2021] NSWCA 143.  |
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|  | *Sleiman v Gadalla Pty Ltd* [2021] NSWCA 236.  |
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|  | *Ballas v Department of Education* (2020) 102 NSWLR 783. |
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|  | *Whitton v Technical and Further Education Commission t/as TAFE NSW* (2020) 102 NSWLR 941.  |
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|  | *Carnemolla v Arcadia Funds Management Ltd* [2020] NSWCA 308.  |
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|  | *Ballina Shire Council v Knapp* [2019] NSWCA 146.  |
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|  | *Boatang v Dharamdas* [2019] NSWCA 233.  |
|  |  |
|  | *Miller v State of New South Wales* [2018] NSWCA 152.  |
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|  | *Fede v Gray* (2018) NSWLR 1149.  |
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|  | *Vannini v Worldwide Demolitions Pty Ltd* [2018] NSWCA 324.  |
|  |  |
|  | *Schneider v AMP Capital Investors Ltd* [2017] NSWCA 40; 268 A Crim R.  |
|  |  |
|  | *State of New South Wales v Smith* (2017) 95 NSWLR 662; 268 A Crim R 194.  |
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|  | *El-Mohamed v Celenk* [2017] NSWCA 242. |
|  |  |
|  | *Vincent v Woolworths Ltd* [2016] NSWCA 40.  |
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|  | *Hutchison Construction Services Pty Ltd v Les Quatres Musketeers Pty Ltd* [2016] NSWCA 135.  |
|  |  |
|  | *State of New South Wales v Roberson* [2016] NSWCA 151; 338 ALR 166. |
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|  | *IA v TA* [2016] NSWCA 179. |
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|  | *Boateng v Dharamdas* [2016] NSWCA 183; 77 MVR 151. |
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|  | *Gulic v Boral Transport Ltd* [2016] NSWCA 269.  |
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|  | *Benn v State of New South* Wales [2016] NSWCA 314.  |
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|  | *CGU Insurance Ltd v AAI Ltd* [2016] NSWCA 335.  |
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|  | *Allianz Australia Insurance Ltd v Pomfret* (2015) 88 NSWLR 192.  |
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|  | *Hawkins v Ross Human Directions Pty Ltd* [2015] NSWCA 265.  |
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|  | *Maxwell-Smith v S & E Hall Pty Ltd* (2014) 86 NSWLR 481; 308 ALR 149.  |
|  |  |
|  | *Howley v Principal Healthcare Finance Pty Ltd* [2014] NSWCA 447. |
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|  | *Galluzzo v Little* [2013] NSWCA 116.  |
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|  | *Smalley v Motor Accidents Authority of NSW* (2013) 85 NSWLR 580.  |
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|  | *Australian Winch & Haulage Co Pty Ltd v Collins* [2013] NSWCA 327.  |
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|  | *Minogue v Rudd* [2013] NSWCA 345. |
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|  | *TVH Australasia Pty Ltd v Chaseling* [2012] NSWCA 149; 60 MVR 535.  |
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|  | *Dean v Phung* [2012] NSWCA 223; (2012) Aust Torts Rep 82-111. |
|  |  |
|  | *Maxwell-Smith v Hall* [2012] NSWCA 284.  |
|  |  |
|  | *Taupau v HVAC Constructions* (Qld) Pty Ltd [2012] NSWCA 293.  |
|  |  |
|  | *Whitbread v Rail Corporation* *NSW* [2011] NSWCA 130.  |
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|  | *Amaca Pty Ltd v Doughan* [2011] NSWCA 169.  |
|  |  |
|  | *McKay v Palmers Removalists and Storage Pty Ltd* [2010] NSWCA 83. |
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|  | *Saint-Gobain Abrasives Pty Ltd v McPherson* [2009] NSWCA 214.  |
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|  | *Sea Coatings (Aust) Pty Ltd v Pascoe* [2008] NSWCA 54.  |
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|  | *Harrison v Melhem* (2008) 72 NSWLR 380; 26 ACLC 484; (2008) Aust Torts Rep ¶81–951. |
|  |  |
|  | *Suresh v Jacon Industries Pty Ltd* [2007] NSWCA 317.  |
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|  | *Estate of Mutton v Howard Haulage Pty Ltd* [2007] NSWCA 340.  |
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|  | *Walfertan Processors Pty Ltd v Dever* [2006] NSWCA 289; 47 MVR 140.  |
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|  | *Suresh v Jacon Industries Pty Ltd* [2005] NSWCA 202.  |
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|  | *AMC Caterers Pty Ltd v Stavropoulos* [2005] NSWCA 79.  |
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|  | *Berrico Estate Pty Ltd v Anderson* [2003] NSWCA 23. |
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|  | *Reeves v Reeves* [2002] NSWCA 181; 36 MVR 488. |
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|  | *Havas v Standard Knitting Mills Pty Ltd* (2001) 52 NSWLR 293.  |
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|  | *Ramadan v Leda Holdings* [2001] NSWCA 41.  |
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|  | *Harding v Bourke* (2000) NSWLR 598.  |
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|  | *Melville v Tadros* [1999] NSWCA 162.  |
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| **PAPERS AND PUBLICATIONS** | **Catastrophic Injuries and Assessment of Damages** (chapter)Goudkamp TJ & Morrison AS, Personal Injury Law Manual NSW, Law Book Co/Thomson Reuters |
|  |  |
|  | **Section 151Z – Prizes and Pitfalls**, Auckland Legal Conference 2011 |
|  |  |
|  | **Allianz Australia Insurance Ltd v Pomfret [2015] NSWCA 4 – Where to from Here?**, New Zealand Legal Conference 2015 |
|  |  |
|  | **Use of Documents and the “Harman Undertaking”,** New Zealand Legal Conference 2016 |
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