

# RESUME

**NAME** Dr Jason Harkess

**EMAIL** [jharkess@vicbar.com.au](mailto:jharkess@vicbar.com.au)

**PHONE** (03) 9225 6180 (Direct)  
(03) 9225 7777 (Clerk)

**ADDRESS** c/- Foley's List  
205 William Street  
MELBOURNE VIC 3000

**PRESENT POSITIONS** Barrister, Victorian Bar (since 2003)  
Chief Examiner, Victorian Bar Examinations (since 2013)  
Lecturer, Faculty of Law, Monash University (since 2007)  
Principal Examiner (Criminal Law), Law Institute of Victoria (since 2016)

**QUALIFICATIONS** Doctor of Juridical Science, Monash University (conferred 2019)  
Bachelor of Laws (Hons), University of Auckland (conferred 1998)  
Bachelor of Arts, University of Auckland (conferred 1998)  
Barrister & Solicitor, Supreme Court of Victoria (admitted 2002)  
Barrister & Solicitor, High Court of New Zealand (admitted 1998)

**PRIOR POSITIONS** Member, Administrative Appeals Tribunal (Cth) (2018-2022)  
Detention Review Officer, Department of Health & Human Services (Vic) (2021)  
Solicitor, Arnold Bloch Leibler, Melbourne (2002-2003)  
Solicitor, Preston Russell Law, Invercargill (2000-2001)  
Solicitor, Russel McVeagh, Auckland (1998-1999)

**BOARD MEMBERSHIPS** Treasurer, Australian Institute of Administrative Law (Victorian Chapter)  
Member, Academic Course Appraisal Committee, Victorian Legal Admissions Board (since 2018)  
Member, Human Rights Committee, Victorian Bar (2022)  
Member, Professional Development Committee, AAT (2021-2022)

**BIOGRAPHY** Dr Jason Harkess is a barrister practising in the areas of criminal and administrative law. He is the Chief Examiner of the Victorian Bar Entrance Examinations and Principal Examiner for the Law Institute of Victoria's criminal law specialist accreditation program. He lectures evidence, administrative law and contracts at Monash University and is a member of the Victorian Legal Admissions Board's Academic Course Appraisal Committee.

Dr Harkess has considerable experience in the practice of administrative law, appearing regularly as counsel in judicial review applications in the superior courts. From 2018 to 2022, he served as a part-time member of the Administrative Appeals Tribunal and determined over 900 appeals brought against the Commonwealth by foreign citizens (including asylum seekers) whose visas had been refused or cancelled under the *Migration Act 1958* (Cth). In 2021, he was a Detention Review Officer appointed under the *Public Health and Wellbeing Act 2008* (Vic) to determine appeals brought by individuals detained in hotel quarantine as part of the Victorian state government's COVID-19 pandemic response. He is the current Treasurer for the Australian Institute of Administrative Law (Victorian Chapter).

Dr Harkess was awarded his doctorate following the completion of an inquiry into the moral implications arising out of anti-competitive cartel conduct, with particular reference to Australia's criminal cartel laws that were introduced by the *Trade Practices (Cartel Conduct and Other Measures) Act 2009* (Cth).

# SELECTED CASES

## Criminal Law

- *DPP v Cetinkaya* [\[2022\] VCC 151](#)
- *DPP v McArdle* [\[2022\] VCC 1205](#)
- *DPP v Tovey* [\[2022\] VCC 1211](#)
- *DPP v Lawlor (a pseudonym)* [\[2022\] VCC 856](#)
- *DPP v Haidarie* [\[2022\] VCC 843](#)
- *DPP v Lay* [\[2022\] VCC 493](#)
- *DPP v Tyers* [\[2022\] VCC 114](#)
- *Re ML* [\[2022\] VSC 10](#)
- *DPP v Jackson* [\[2021\] VCC 2042](#)
- *DPP v Renooy* [\[2021\] VCC 1224](#)
- *DPP v Taylor* [\[2020\] VCC 176](#)
- *Richmond v Saunders (Sentence)* [\[2019\] VCC 1980](#)
- *Richmond v Saunders (Judgment)* [\[2019\] VCC 1963](#)

AS  
**COUNSEL**

## Administrative Law (Judicial Review)

- *Kassam v Hazzard* [\[2022\] HCATrans 131](#)
- *Kassam v Hazzard (No 2)* [\[2021\] NSWSC 1599](#)
- *Kassam v Hazzard* [\[2021\] NSWCA 299](#)
- *Harding v Sutton (No 2)* [\[2021\] VSC 789](#)
- *Harding v Sutton* [\[2021\] VSC 741](#)
- *Kassam v Hazzard* [\[2021\] NSWSC 1320](#)
- *Henry v Hazzard (No 2)* [\[2021\] NSWSC 1235](#)
- *Henry v Hazzard* [\[2021\] NSWSC 1218](#)
- *Loiello v Giles (No 2)* [\[2020\] VSC 864](#)
- *Loiello v Giles* [\[2020\] VSC 722](#)
- *Loiello v Giles (Ruling No 2)* [\[2020\] VSC 723](#)
- *Loiello v Giles* [\[2020\] VSC 619](#)
- *Stanojlovic v Kokas* [\[2020\] VSC 305](#)
- *Makeham v Sheppard* [\[2019\] VSC 749](#)

## Administrative Appeals Tribunal Decisions

- 2017468 (Refugee) [\[2022\] AATA 2664](#)
- 1700349 (Refugee) [\[2022\] AATA 2422](#)
- 1715712 (Refugee) [\[2022\] AATA 1662](#)
- 1731012 (Refugee) [\[2022\] AATA 1084](#)
- *Zhu (Migration)* [\[2021\] AATA 5428](#)
- 2013260 (Refugee) [\[2021\] AATA 631](#)
- 2013299 (Refugee) [\[2021\] AATA 576](#)
- *Ratho (Migration)* [\[2020\] AATA 6012](#)
- *Bin Hadyan (Migration)* [\[2020\] AATA 5058](#)
- *Cho (Migration)* [\[2020\] AATA 5031](#)
- *Ghanvi (Migration)* [\[2020\] AATA 4770](#)
- *Osahon (Migration)* [\[2020\] AATA 4769](#)
- *Nguyen (Migration)* [\[2020\] AATA 4661](#)
- *Murtaza (Migration)* [\[2020\] AATA 2020](#)
- *Singh (Migration)* [\[2020\] AATA 2078](#)
- *Pahonchiya (Migration)* [\[2020\] AATA 861](#)
- *Ali (Migration)* [\[2020\] AATA 479](#)

AS  
**TRIBUNAL  
MEMBER**