

Abbreviated CV

ANDREW KITCHIN

Barrister-at-Law

AMDRAS Nationally Accredited Mediator¹

Mediator – QCAT Mediation Panel

Panel member - The National Appeals and Reviews Panel – Australian Catholic Safeguarding Limited

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EXPERIENCE - Summary

- 35 years of experience in the law. Barrister for 28 years.
- Panel member of The National Appeals and Reviews Panel – Australian Catholic Safeguarding Limited².
- Appointed Mediator - Queensland Civil & Administrative Tribunal (QCAT) Panel of Mediators.
- Diverse practice over the years – including, but not limited to, personal injuries, general insurance (including motor vehicle and householder property damage claims and insurance fraud and indemnity matters), commercial and contracts law, criminal law, consumer law, workers compensation and workplace disputes, assessments and investigations of historical and contemporary allegations of sexual and other abuse.
- Mentor for QUT Law Faculty.
- Lead Assessor under Towards Healing and the National Response Protocol (Catholic Church).
- Bi-annual Presenter for Queensland Bar Practice Course and Leo Cussen Centre for Law.
- Editor for LexisNexis. Administrative Decision writer for the Workers Compensation Regulator.
- Experienced and nationally accredited Mediator.

EDUCATION (reverse chronological order)

- August 2023 – Mediators Course – College of Law. Accredited NMAS Mediator (formerly an accredited NMAS Mediator).
- 2018 - *Certificate IV in Government Investigations*.
- May 1997 - Admission to the High Court of Australia as a Barrister-at-Law.
- April 1997 – Admission to the Supreme Court of Queensland as a Barrister-at-Law.
- February 1997 - completed the QUT Bar Practice Course - awarded the course prize – Queensland University of Technology.
- 1996 - completed the Barristers Board Course examinations undertaken by the Supreme Court of Queensland (Bachelor of Laws equivalent) (having commenced study for same in 1991 – part time study whilst working in law firms).
- 1995 - obtained Chambers Certificate in the Supreme Court of Queensland (enabling appearances as an advocate in contested chamber applications).

DETAIL

- Extensive trial, chambers and appeals experience - Magistrates Court (including in many regional courts); Coroners Court; District Court; Supreme Court; Full Federal Court on Appeal; Queensland Court of Appeal; Queensland Industrial Relations Commission; the Industrial Court of Queensland; the Administrative Appeals Tribunal and the (then) Mining Warden's Court.
- Over the years a diverse practice including general insurance, personal injuries (extensive experience of all types and sources – eg CTP claims, negligence, breach of statutory duties, direct torts alleged to have been committed by police officers and other government employees as well as church/institution workers), workplace injuries, occupier's liability claims, medical negligence, pure psychiatric injury); summary offences (and additionally, defending offences alleged to have been committed by a mining company relating to Aboriginal Cultural Heritage – i.e. indictable offences), workplace statutory compensation

¹ <https://darrowchambers.com.au/our-barristers/andrew-kitchin/>

² <https://www.acsltd.org.au/panel-member-andrew-kitchin/> chaired by the Hon Duncan Kerr

claims, workplace health and safety offences, workplace disputes, commercial and contract matters and maritime claims. Extensive experience with victims of childhood and institutional sexual abuse, civil claims for and against WorkCover Queensland, CTP insurers and the Crown. Panel Barrister for many years for the Crown and multiple insurers (including WorkCover) and the Workers' Compensation Regulator (and its predecessor Q-Comp), and the State of Queensland/Crown Law/QGIF.

- Experienced Assessor/Investigator - Towards Healing protocol and National Response Protocol (for the Office of Professional Standards, Catholic Church Queensland in relation to allegations of sexual/general physical and psychological abuse - extensive experience in such investigations and assessments as a Lead Assessor. Assessments and investigations for the Anglican Church, Southern Queensland's Office of Professional Standards. A complex investigation for a national employer of complaints of workplace harassment.
- Experienced Mediator - from pastoral responses in claims of abuse (involving self-represented parties), to direct tort damages claims (conduct of QPS officers and assault), motor vehicle accidents cases etc (including where parties are First Nations or psychiatrically injured/impaired).
- Presenter on the Bar Practice Course, typically in Court Etiquette, Evidence, Practice and Procedure and Witness Proofing and General Trial Preparation (usually 4 times a year). Presenter and moot judge for the Leo Cussen Centre for Law. Editing for LexisNexis – on the following legal research resources - Declaratory Judgments and Orders - Court Forms, Precedents and Pleadings Queensland; Contracts - Court Forms, Precedents and Pleadings Queensland, Defamation Law.
- Provision of comprehensive written opinions on a range of complex legal and factual matters including the interpretation and application of various iterations of the workers compensation legislation, CTP legislation and Personal Injuries Proceedings legislation. Extensive experience writing Review Decisions for (and appearing for) the Workers Compensation Regulator ("the Regulator").

PAPERS (some of)

- To the Australian Insurance Law Association on the then new Supreme Court Expert Evidence Rules³
- To the Medico-Legal Association delivered to approximately 120 doctors on how to improve their expert reports⁴
- Personal Injuries – Case Preparation – 24 March 2017 – Brisbane (paper available on request)
- Submission to Qld Government – “Submission for Changes to the *Corrective Services Act 2006* (Qld) – Offenders Assaulted by Prison Officers or Others in Similar Positions – Victim Trust Funds”

³ https://www.aila.com.au/docs/default-source/speaker-papers/05-10-31_andrew_kitchin.pdf?sfvrsn=2;

⁴ http://www.medico-legal.com.au/files/Working%20With%20WorkCover%20Workshop%20Invitation_0.pdf