

## **ANDREW LUCHICH**

Year of Call: 2004

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### **AREAS OF PRACTICE**

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- Health Law;
- Medical Negligence;
- Personal Injuries;
- Professional Negligence;
- Insurance;
- WorkCover;
- Motor Accidents;
- Disciplinary Tribunals;
- Regulatory Tribunals;
- Coronial Inquests & Commissions of Inquiry;
- Aviation Law.

### **CAREER**

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#### **Barrister-at-Law (Called 2004)**

- Admitted to the Supreme Court of Queensland and High Court of Australia 2004;
- James Archibald Douglas Prize 2004 – Queensland University of Technology Bar Practice Course No. 42 [Awarded to a Reader for outstanding performance during the course];
- Australian Bar Association – Advanced Trial Advocacy Intensive (13<sup>th</sup> Edition, 21-25 January 2019 Melbourne Australia).

#### **Solicitor, Senior Associate Flower & Hart Lawyers (now K & L Gates) (1997 – 2004)**

- Articles of Clerkship 1997-1999;
- Solicitor 1999-2003;
- Appointed Senior Associate 2003.

### **EDUCATION**

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#### **BACHELOR OF ECONOMICS**

Queensland University 1994;

#### **BACHELOR OF LAWS**

Queensland University 1996.

## PROFESSIONAL ACCREDITATIONS/ASSOCIATIONS

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- Admitted to the Supreme Court of Queensland and High Court of Australia;
- Member Bar Association of Queensland;
- Chair of the Bar Association of Queensland Future & Technologies Committee (2020 – present);
- Member of the Medico-Legal Society of Queensland;
- Committee Member of the Medico-Legal Society of Queensland (2015 – 2022).

## CASES/PUBLICATIONS

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### CASES

#### **Civil/Common Law Proceedings**

- *Coulon v Adams* [2022] QDC 291  
Personal Injuries – Medical Negligence – Civil Claim;
- *James v State of Queensland* [2018] QSC 188  
Personal Injuries – Workers' Compensation – Negligence – Civil Claim;
- *Kerle v BM Alliance Coal Operations Pty Ltd & Ors* [2017] QSC 7  
Personal Injuries – Workers' Compensation – Negligence – Costs;
- *Kerle v BM Alliance Coal Operations Pty Ltd & Ors* [2016] QSC 304  
Personal Injuries – Workers' Compensation – Negligence – Civil Claim;
- *Coles Group Limited v Costin* [2015] QCA 140  
Personal Injuries – Workers' Compensation – Limitation Period Extension – Appeal;
- *James v State of Queensland* [2015] QSC 065  
Personal Injuries – Workers' Compensation – Practice & Procedure (Amendment of Pleadings);
- *McLoughlin v State of Queensland* [2015] QDC 050  
Personal Injuries – Health Law/Public Liability – Civil Claim;
- *Scott v State of Queensland* [2014] QSC 306  
Personal Injuries – Public Liability – Limitation Period Extension;
- *Cowen v Bunnings Group Limited* [2014] QSC 301  
Personal Injuries – Workers' Compensation – Civil Claim;
- *Birkett v State of Queensland* [2014] QSC 035  
Personal Injuries – Workers' Compensation – Practice & Procedure (Amendment of Pleadings);
- *Swainson v Carruthers & Anor* [2010] QDC 543  
Personal Injuries – Motor Vehicle Accident – Civil Claim;
- *Osborne v Downer EDI Mining Pty Ltd & Anor* [2010] QSC 470  
Personal Injuries – Workers' Compensation – Civil Claim;
- *Caroline Shaw v Broadbent & Anor* [2010] QSC 433  
Personal Injuries – Health Law – Limitation Period Extension;
- *Peterson v Broadbent & Anor* [2010] QSC 432  
Personal Injuries – Health Law – Limitation Period Extension;

- *Marsden v Broadbent & Anor* [2010] QSC 431  
Personal Injuries – Health Law – Limitation Period Extension;
- *McWhae v Broadbent & Anor* [2010] QSC 430  
Personal Injuries – Health Law – Limitation Period Extension;
- *Morrison v Broadbent & Anor* [2010] QSC 429  
Personal Injuries – Health Law – Limitation Period Extension;
- *O'Donnell v Broadbent & Anor* [2010] QSC 428  
Personal Injuries – Health Law – Limitation Period Extension;
- *Hodgson v Broadbent & Anor* [2010] QSC 427  
Personal Injuries – Health Law – Limitation Period Extension;
- *Buchanan-Davies v Broadbent & Anor* [2010] QSC 426  
Personal Injuries – Health Law – Limitation Period Extension;
- *Gail Shaw v Broadbent & Anor* [2010] QSC 425  
Personal Injuries – Health Law – Limitation Period Extension;
- *Malcolm v Hertess* [2010] QDC 372  
Personal Injuries – Health Law – Limitation Period Extension;
- *Blind v Hertess* [2010] QDC 322  
Personal Injuries – Health Law – Limitation Period Extension;
- *Australasian Medical Insurance Limited & Anor v CGU Insurance Limited* [2009] QSC 235  
Insurance – Double Insurance – Civil Claim;
- *ACN 070 037 599 P/L & Anor v Larvik P/L & Anor* [2008] QCA 416  
Breach of Contract – Trade & Commerce – Appeal;
- *ACN 070 037 599 Pty Ltd & McEwen v Larvik Pty Ltd & Anor* [2008] QSC 095  
Breach of Contract – Trade & Commerce – Civil Claim;
- *Hegarty v Queensland Ambulance Service* [2008] HCATrans 121  
Personal Injuries – Workers' Compensation – Special Leave to Appeal;
- *Hegarty v Queensland Ambulance Service* [2007] QCA 366  
Personal Injuries – Workers' Compensation – Appeal;
- *Hegarty v Queensland Ambulance Service* [2007] QSC 090  
Personal Injuries – Workers' Compensation – Civil Claim;
- *Cotter v Stathakis* [2007] QDC 060  
Personal Injuries – Health Law – Limitation Period Extension;
- *Calvert v Mayne Nickless Ltd* [2006] 1 Qd R 106  
Personal Injuries – Workers' Compensation – Appeal;
- *Mulcahy v Monsour & Ors* [2005] QSC 348  
Personal Injuries – Health Law – Dismissal for Want of Prosecution;
- *Leonhardt v Aphthomas & Ors* [2005] QDC 273  
Personal Injuries – Health Law – PIPA Provision of Information;
- *Bryce v Anderson & Anor* [2005] QSC 216  
Personal Injuries – Health Law – PIPA Provision of Information/Waiver of Privilege;

- *Weeks v Nominal Defendant* [2005] QCA 118  
Personal Injuries – Motor Vehicle Accident – Appeal;
- *Vlies v Commonwealth of Australia* [2004] QSC 404  
Personal Injuries – Master/Servant – Leave to Proceed;
- *Mollenhauer v Gilroy & Ors* [2004] QSC 377  
Personal Injuries – Health Law – Civil Claim;
- *Higgins v Morris* [2004] QDC 161  
Personal Injuries – Health Law – Dismissal for Want of Prosecution;

#### **Disciplinary/Regulatory Proceedings**

- *Health Ombudsman v Orth* [2023] QCAT 491  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Boundary Violation – Appropriate Sanction;
- *Health v Dahl* [2023] QCAT 246  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Inappropriate Prescribing – Appropriate Sanction;
- *Health Ombudsman v Jonsson* [2023] QCAT 142  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Boundary Violation – Treating Family Members – Appropriate Sanction;
- *Medical Board of Australia v Bradford* [2023] QCAT 29  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Inappropriate Prescribing and Record Keeping – Appropriate Sanction;
- *Health Ombudsmen v Grigg* [2022] QCAT 266  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Record Keeping – Prescription of Controlled and Restricted Drugs – Appropriate Sanction;
- *Health Ombudsmen v O'Reilly* [2021] QCAT 362  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Boundary Violation – Appropriate Sanction;
- *Health Ombudsmen v BBH* [2021] QCAT 197  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Boundary Violation – Appropriate Sanction;
- *Health Ombudsmen v Farrar* [2021] QCAT 78  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Notification of Criminal History – Appropriate Sanction;
- *Health Ombudsmen v Alinia* [2021] QCAT 43  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Record Keeping – Prescription of Controlled and Restricted Drugs – Appropriate Sanction;
- *Medical Board of Australia v McCombe* [2020] QCAT 511  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Performance Enhancing Medications – Appropriate Sanction;
- *Health Ombudsmen v McDonald* [2019] QCAT 287  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Physical Slapping of Patient – Appropriate Sanction;

- *Health Ombudsmen v Wabersinke* [2019] QCAT 156  
Disciplinary Proceeding – Medical Practitioner – Professional Misconduct – Appropriate Sanction;
- *Veterinary Surgeons Board of Queensland v Brown* [2016] QCAT 234  
Disciplinary Proceeding – Veterinary Surgeon – Misconduct in a Professional Respect;
- *Pharmacy Board of Australia v Louis* [2015] QCAT 242  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE;
- *Psychology Board of Australia v Cameron* [2015] QCAT 227  
Disciplinary Proceeding – Psychologist – Failure to Disclose Convictions;
- *Pharmacy Board of Australia & McAllan* [2015] QCAT 20  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE;
- *Speech Pathologists Board of Queensland v Clark* [2013] QCAT 237  
Disciplinary Proceeding – Speech Pathologist – Social Relationship with Patient/Acceptance of Gifts;
- *Pharmacy Board of Australia v Ludwick* [2013] QCAT 235  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE;
- *Pharmacy Board of Australia v Fitzpatrick* [2012] QCAT 552  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE & Wrong Medication;
- *Pharmacy Board of Australia v Beattie* [2012] QCAT 550  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE;
- *Pharmacy Board of Australia v Chung* [2012] QCAT 483  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE;
- *Pharmacy Board of Australia v Kinsey* [2012] QCAT 359  
Disciplinary Proceeding – Pharmacist – Dispensing of PSE;
- *Pharmacy Board of Australia v Kent* [2012] QCAT 329  
Disciplinary Proceeding – Pharmacist – Dispensing of Anabolic Steroids/Social Relationship with Customer;
- *Medical Board of Queensland v Kwan* [2009] QHPT 10  
Disciplinary Proceeding – Medical Practitioner – Supervision of Medical Practitioners;

### **Coronial Inquests**

- *Inquest into the Death of Manmeet Sharma* – 27 October 2023;
- *Inquest into the Death of Omid Masoumali* – 1 November 2021;
- *Inquest into the Death of Cahill* – 14 May 2021;
- *Inquest into the Death of Rangi [Appearing as Counsel Assisting the Northern Coroner]* – 29/6/20;
- *Inquest into Deaths of Nyholt and Clark arising from the Ravenshoe Café Explosion* – 26/6/20;
- *Inquest into the Death of Simons* – 19/12/18;
- *Inquest into the Death of Statis* – 24/10/18;
- *Inquest into the Death of John* – 31/8/17;
- *Inquest into the Death of Langley* – 28/6/17;
- *Inquest into the Death of Tonkin* – 28/6/17;

- *Inquest into the Death of Cowley-Persch* – 21/2/17;
- *Inquest into the Death of Plumb* – 19/8/16;
- *Inquest into the Death of Sweet* – 6/5/2016;
- *Inquest into the Death of Steer* – 3/11/2015;
- *Inquest into the Death of Mills* – 28/7/2015;
- *Inquest into the Death of Davies* – 28/9/2012;
- *Inquest into the Death of Krog* – 13/08/2012;
- *Inquest into the Death of Saunders* – 7/10/2011;
- *Inquest into the Death of Hoy* – 5/4/2011;
- *Inquest into the Death of Muller* – 10/6/2010;
- *Inquest into the Death of Congoo* – 8/12/2009;
- *Inquest into the Death of Allan* – 20/11/2009;
- *Inquest into the Death of Duggan* – 13/8/2009;
- *Inquest into the Death of Tilse* – 13/5/2009;
- *Inquest into the Death of Hoy* – 5/5/2009;
- *Inquest into the Death of Broe* – 24/4/2009;
- *Inquest into the Willowbank Aircraft Accident* – 24/11/2008;
- *Inquest into the Death of Cvitic* – 29/10/2007;
- *Inquest into the Lockhart River Aircraft Crash* – 17/8/2007;
- *Inquest into the Death of Dee* – 23/3/2007;

#### PRESENTATIONS/PUBLICATIONS

- Coronial Inquest Part 1 (General Overview), Part 2 (Making Submissions) and Part 3 (Privilege Against Self-Incrimination) Hemmant's List Video Presentations 2018 in conjunction with Dr Katrina Kluss;
- Medico-Legal Society of Queensland 2017 Annual Conference – Conference Debate “Bring Back Paternalism” 2017;
- Presenter: Medico-Legal Society of Queensland 2015 Annual Conference – “A Claim Cycle – The Crossroads of Law and Medicine” 2015;
- Co-author of the loose-leaf service “*Personal Injury Law Manual Queensland*” published by Thomson Lawbook Company 2006 – 2010;
- Lexis Nexis Seminar: “Issues Concerning Pure Psychiatric Injury Claims” 2007;
- Legalwise Seminar: “Practical Guide to Finishing Proceedings Early” 2006;
- “Advocates’ Immunity Retained”, Proctor – The Queensland Law Society Journal – May 2005;

- “Expert Evidence – The New Rules”, Proctor – The Queensland Law Society Journal – September 2004;
- “Strike Two for Wrongful Life Claims”, The Monitor – The Medico-Legal Society of Queensland Newsletter – vol. 3 September 2004.