

KYLIE EVANS KC

BARRISTER

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CURRENT POSITIONS

2008	Senior Fellow, Melbourne Law School
2011	Barrister, Victorian Bar
2020	Member, Human Rights Advisory Panel, Queensland Parliament
2023	Appointed Senior Counsel in and for the State of Victoria
2024	Appointed Kings Counsel
2025	Member of the Victorian Bar Council
2026	Member of the Victorian Legal Admissions Committee, Victorian Legal Admissions Board

QUALIFICATIONS

2003	LLM (First Class Honours), University of Cambridge, United Kingdom Subjects: Public law and international human rights law
1998	LLB (First Class Honours), University of Melbourne, Australia Awarded the Raynes Dixon Memorial Exhibition in International Human Rights Law
1996	BComm (First Class Honours), University of Melbourne, Australia

ADMISSIONS

2001	Barrister and Solicitor of the Supreme Court of Victoria
2005	Solicitor of the Supreme Court of England and Wales

PUBLICATIONS

2008	Pound and Evans, <i>An Annotated Guide to the Victorian Charter of Human Rights and Responsibilities</i> (LawBook Co, 2008)
2019	Pound and Evans, <i>Annotated Victorian Charter of Rights</i> (LawBook Co, 2019)
2022	Evans and Petrie, <i>Queensland Human Rights Act Annotated</i> (LawBook Co, 2022)
Ongoing	Editor, Victorian Administrative Law looseleaf service, Charter of Human Rights and Responsibilities chapter

PROFESSIONAL EXPERIENCE

The Victorian Bar – Melbourne, Victoria
May 2011 –

Appointed silk in 2023, I am an experienced Senior Counsel in the fields of public, administrative and human rights law and subject matter expert on the Australian statutory human rights Acts. A non-exhaustive list of cases and inquiries I have appeared in is **attached**.

I am a leader of the Victorian Bar, currently serving on the Victorian Bar Council and as the Victorian Bar's representative on the Law Council of Australia's Legal Education Committee and Equal Opportunity and Equality Committee.

In 2026, I was appointed a member of the Victorian Legal Admissions Committee, a committee of the Victorian Legal Admissions Board.

In addition to practising at the Victorian Bar, since 2020 I have advised the Queensland Parliament on human rights issues as a member of the Human Rights Advisory Panel.

I also design and deliver training programs for government and the judiciary on administrative law matters. Most recently, I trained staff at the National Anti-Corruption Commission on the role of Counsel Assisting. Between 2017 and 2019, I trained over 500 housing officers on administrative law and human rights. In 2019, I delivered training programs in Queensland on the *Human Rights Act 2019* (Qld) to public entities including the Human Rights Unit in the Queensland Department of Justice and Attorney-General and the Queensland Civil and Administrative Tribunal.

The University of Melbourne, Faculty of Law – Melbourne, Victoria
Senior Fellow
July 2008 –

In my role as Senior Fellow, I research and teach Australian human rights law in the Master of Law program.

Department of Human Services and Department of Health – Melbourne, Victoria
Principal Solicitor (VPS 6.1)
May 2008 – Jan 2011

As Principal Solicitor, I provided legal advice to departmental officers and ministerial staff in a wide range of areas including administrative law, human rights, residential tenancies, child protection and disability. In addition, I wrote authoritative resource materials on the Charter for departmental staff.

Department of Justice – Melbourne, Victoria
Legal Policy Officer, Human Rights Unit (VPS 5.4)
March 2006 – April 2008

I joined the Department of Justice after returning from studying and working in Cambridge. My role was directed to work undertaken in preparation for the enactment and implementation of the Charter. It included:

- co-ordinating a cross-governmental Charter legislative review group;
- preparing drafting instructions for Parliamentary Counsel on the Charter;
- drafting parliamentary materials relating to the Charter including the explanatory memorandum;
- authoring the Victorian Government Charter Guidelines for legal and policy officers;
- providing policy and legal advice in relation to human rights issues; and
- drafting ministerial and other correspondence on human rights issues.

Lauterpacht Centre for International Law – Cambridge, United Kingdom
Research Fellow to the Honourable Judge James Crawford AC SC FBA
June 2003 – Dec 2005

The Lauterpacht Centre for International Law (www.lcil.cam.ac.uk) is a preeminent international law research centre at the University of Cambridge. In my role of research fellow, I researched and drafted legal advice to governments on international law matters and legal submissions for proceedings in international tribunals including the International Court of Justice, Ethiopia/Eritrea Claims Commission, ICSID and the Permanent Court of Arbitration. I was a member of the legal team representing Palestine in advisory proceedings before the International Court of Justice and co-authored two chapters of Palestine's Written Statement.

Minter Ellison – Melbourne, Victoria
Solicitor, Commercial Disputes Division and registered Migration Agent
Feb 2000 – Feb 2002

MinterEllison (www.minterellison.com) is leading multinational law firm based in Australia. I worked as a solicitor and Migration Agent and managed a case load of litigious matters including drafting pleadings and letters of advice and appearing in directions hearings and to instruct Counsel. Whilst working at Minter Ellison, I also assisted to co-ordinate the Firm's pro bono practice.

Public Interest Law Clearing House – Melbourne, Victoria
Secundee Solicitor
Feb 2002 – June 2002

The Public Interest Law Clearing House in Victoria merged with PILCH NSW to become Justice Connect (justiceconnect.org.au) in July 2013. Justice Connect is a pro bono legal organisation assisting people to access pro bono legal services.

United Nations Office of the High Commission for Human Rights – Geneva, Switzerland
Intern to Special Rapporteur on Torture (Sir Nigel Rodley) and Working Group on Arbitrary Detention
Oct 1999 – Feb 2000

At the United Nations, I worked to further the mandate of the Special Rapporteur on Torture by analysing and drafting responses to communications raising allegations of torture and the annual report of the Special Rapporteur on matters communicated to him. I also met with government officials to discuss torture allegations conveyed to the Special Rapporteur.

International Criminal Tribunal for the Former Yugoslavia – The Hague, Netherlands
Legal Associate to the Honourable Judge David Hunt AO QC
March 1999 – Sept 1999

His Honour the late Judge David Hunt AO QC sat as a Justice of Appeal at the ICTY. I researched legal issues and drafted memoranda on topics of international law for his Honour and other judges of the Tribunal. I also assisted with the preparation of Court documents including orders and judgment proofing and participated in formulating a witness protection strategy for the Tribunal.

AWARDS

British Chevening scholarship
Foundation for Young Australians scholarship

Cambridge Commonwealth Trust LLM scholarship
Patrick Luckman Memorial Award
Raynes Dickson Memorial Award

MEMBERSHIPS

Victorian Bar
Victorian Bar Council
Bar Association of Queensland
Commercial Bar Association
Human Rights Law Association
Melbourne University Alumni Association
Cambridge University Alumni Association
Equality and Diversity Committee, Victorian Bar

NON-EXHAUSTIVE LIST OF DECIDED CASES AND INQUIRIES

Inquiries

Board of Inquiry into the McCrae Landslide, (Senior Counsel for the State of Victoria)

Yoorrook Justice Commission, June 2024 (appearing for the Minister for Health, Secretary to the Department of Health, Chief Health Office and Deputy Secretary)

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, February 2023 (appearing for the Victorian Disability Worker Commissioner)

Counsel Assisting Deputy Commissioner Wolf, Independent broad-based anti-corruption Commissioner, Operation Leo, 2023

Counsel Assisting the Hon Robert Redlich AC KC, former Independent broad-based anti-corruption Commissioner, Operation Daintree, 2020-22

Counsel Assisting Deputy Commissioner Wolf, Independent broad-based anti-corruption Commissioner, Operation Clara, 2020-21

Electoral law

Rae v Victorian Electoral Commission [2018] VSC 30 (appearing for the Victorian Electoral Commission in urgent proceedings concerning the printing of ballot papers in an election)

Rigoni v Victorian Electoral Commission [2015] VSC 97 (appearing for the Victorian Electoral Commission in proceedings before the Court of Disputed Returns challenging the outcome of the November 2014 Victorian general election)

Public law and human rights

Hubzin v The Commissioner for Social Housing; Van Loo v The Commissioner for Social Housing; Irwin v The Commissioner for Social Housing [2026] ACTSC 11 (appearing for the ACT Human Rights Commissioner intervening in the three proceedings concerning redevelopment of social housing)

MB (a pseudonym) v Children's Court of Victoria [2023] VSC 666 (appearing on a pro bono basis for the applicant in a judicial review concerning the retention of DNA of a child)

Bespoke Development Group Pty Ltd v Merri-bek CC [2023] VCAT 758 (appearing on a pro bono basis for objectors in a planning application raising the Charter of Human Rights and Responsibilities)

Harding v Sutton [2021] VSC 741 (appearing for the Victorian Human Rights and Equal Opportunity Commission intervening in the judicial review)

Vhalos v Director of Public Prosecutions and Forensicare [2021] VCC 1520 (appearing for Forensicare in a challenge to the admissibility of a forensic psychiatric report)

Inquest into the Death of Tanya Day [2020] COR 2017 6424 (appearing for the Victorian Human Rights and Equal Opportunity Commission in this Inquest concerning an Aboriginal death in custody)

Wilson Parking Australia (1992) Pty Ltd v Roads Corporation [2020] VSC 135 (appearing for the Roads Corporation in this appeal concerning pre-trial discovery to identify a defendant)

JT v Secretary to the Department of Health and Human Services [2019] VSC 783 (appearing for the Secretary to the Department of Health and Human Services in this application made in the *parens patriae* jurisdiction of the Supreme Court of Victoria)

Durney v Unison Housing [2019] VSC 6 (appearing for Unison Housing in this judicial review application)

Taylor v Attorney-General of the Commonwealth [2019] HCA 30 (led by Dr Stephen Donaghue, Solicitor-General for the Commonwealth and Tim Begbie) appearing for the Attorney-General in this case concerning the reviewability of a decision not to give consent to the prosecution in Australia of Ms Aung San Suu Kyi)

AB v CD and EF [2017] VSCA 338 (appearing in the Victorian Court of Appeal for the Victorian Equal Opportunity and Human Rights Commission)

AB v CD [2018] HCA 58 (appearing in the High Court of Australia for the Victorian Equal Opportunity and Human Rights Commission, led by Chris Horan QC)

Doyle v Rimmer (appearing for the Melbourne City Council in an application for an injunction, led by Jason Pizer QC)

Cemino v Cannan [2018] VSC 535 (appearing for the Victorian Equal Opportunity and Human Rights Commission in this judicial review proceedings concerning the power of the Magistrates' Court of Victoria to transfer proceedings to the Koori Court Division)

Secretary to the Department of Justice and Regulation v LLF (a pseudonym) [2018] VSCA 155 (appearing for the Secretary in this appeal from a decision of the VCAT concerning an assessment notice under the Working with Children Act 2005 (Vic), led by Chris Horan QC)

Certain Children v Minister for Families and Children (No 2) [2017] VSC 304 (appearing for the Victorian Equal Opportunity and Human Rights Commission as intervener in this case concerning the detention of children at Barwon Prison, led by Peter Gray QC)

Re LBT [2017] VSC 282 (appeared for the Secretary to the Department of Health and Human Services in this case concerning a forensic patient detained at Thomas Embling Hospital)

Magee v Secretary to the Department of Justice and Regulation (Review and Regulation) [2017] VCAT 1044 (appearing for the Secretary to the Department of Justice and Regulation concerning a Working with Children Check assessment)

Matsoukatidou v Yarra Ranges Council and Attorney-General for Victoria [2017] VSC 61 (appearing pro bono for the plaintiffs with Evelyn Tadros in this judicial review proceeding concerning self-represented litigants and the right to a fair hearing)

INJ v Secretary to the Department of Justice and Regulation (Review and Regulation) [2017] VCAT 296 (appearing for the Secretary to the Department of Justice and Regulation)

Minister for Families and Children v Certain Children by their litigation guardian Sister Marie Brigid Arthur [2016] VSCA 343 (appearing for the Victorian Equal Opportunity and Human Rights Commission intervening in this appeal)

Certain Children by their litigation guardian Sister Marie Brigid Arthur v Minister for Families and Children [2016] VSC 796 (appearing for the Victorian Equal Opportunity and Human Rights Commission intervening in these significant proceedings concerning the legality of detention of children at Barwon Prison)

Bare v IBAC [2015] VSCA 197 (appearing for the IBAC in this important case concerning the Charter of Human Rights and Responsibilities, led by Peter Gray QC, also appearing in the trial proceedings: *Bare v Small* [2013] VSC 129).

TRV v Department of Health and Human Services (Human Rights) [2015] VCAT 1188 (5 August 2015) (appearing for the Patient Review Panel in these proceedings concerning access to IVF treatment under the Assisted Reproductive Treatment Act)

Donohue v Victorian Electoral Commission [2015] VSC 98 (appearing for the Victorian Electoral Commission in related proceedings before the Court of Disputed Returns challenging the outcome of the November 2014 Victorian general election)

ZZD v Secretary to the Department of Justice and Regulation (Review and Regulation) [2015] VCAT 1479 (appearing for the Secretary of the Department of Justice and Regulation)

AG v Secretary of Justice [2013] NRSC 10 (appearing for the Government of Nauru in this important habeus corpus and constitutional law case, led by Stephen Donaghue QC)

Ahmed v Chief Commissioner of Police (appearing for the Chief Commissioner of Police in an application for leave to appeal and application for extension of time)

R v Chaouk [2013] VSCA 99 (appearing as junior Counsel on behalf of the Attorney-General of Victoria in an appeal, led by Stephen McLeish SC (former Solicitor-General for Victoria))

Kuriakose v Nursing and Midwifery Board of Australia (appearing for the Nursing and Midwifery Board in a merits review of a decision regarding registration under the Health Practitioner Regulation National Law)

In the matter of "HA" [2014] VSC 237 (appearing for the Secretary to the Department of Health and Human Services in this application for revocation of a non-custodial supervision order under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic))

Re HWL [2015] VSC 170 (appearing for the Secretary to the Department of Health and Human Services)

In the Matter of MP [2015] VSC 265 (appearing for the Secretary to the Department of Health and Human Services)

Professional disciplinary matters

Victorian Legal Services Commissioner v Booth (Legal Practice) [2021] VCAT 1463

Public interest immunity

Emily Scott (Informant) v Guerra-Ball (appearing with Dr Sue McNichol QC for the Independent Broad-Based anti-Corruption Commission) in Magistrates' Court committal proceedings concerning public interest immunity)

Tenancy law

Swan v Uecker and Greaves [2016] VSC 313 (appearing for the landlord in an appeal from VCAT to the Supreme Court concerning whether a tenant's use of Airbnb is a sub-lease)

Fauth v Director of Housing [2015] VSC 320 (appearing for the Director of Housing in this appeal from VCAT concerning s 248 of the *Residential Tenancies Act 1997* (Vic))

Burgess v Director of Housing [2014] VSC 648 (appearing for the Director of Housing led by Peter Gray QC in this important case about the Charter of Human Rights and Responsibilities)

Janusauskas v Director of Housing [2014] VSC 650 (appearing for the Director of Housing in an appeal from a decision of the VCAT concerning sub-letting by a tenant)

Director of Housing v Janusauskas [2014] VCAT 42 (appearing for the Director of Housing in a contested application for possession of rented premises on the basis of sub-letting)

Director of Housing v Burgess [2013] VCAT 926 (appearing for the Director of Housing in a contested application for possession of rented premises on the basis of drug trafficking)

Director of Housing v Caddaye [2014] VCAT 114 (appearing for the Director of Housing in an application for possession order of rented premises on the basis of illegal use of premises)

Guardianship and administration

Matters on behalf of applicants and respondents seeking guardianship and administration orders under the *Guardianship and Administration Act 1986* (Vic) and orders in relation to powers of attorney under the *Instruments Act 1958* (Vic) and *Powers of Attorney Act 2014* (Vic)

Freedom of information

Wilderness Society of Victoria v VicForests and Paper Australia Pty Ltd (appearing for Australian Paper in FOI proceedings concerning commercial-in-confidential information)