

ROGER TRAVES QC

YEAR OF CALL: 1985 | YEAR OF SILK: 2003

Roger applies over thirty years of wide-ranging experience in commercial, property, equity and administrative matters to help clients solve problems and meet their business and litigation objectives when legal action becomes necessary. Clients turn to him as a natural choice for major commercial matters and where property, planning and public law issues arise. Roger is highly regarded for his specific expertise in mining law, compulsory acquisition, compensation and valuation.

As an experienced appellate and trial advocate Roger has appeared for clients as leading counsel in the High Court, the Queensland Court of Appeal, the Full Court of the Federal Court, the Federal Court, the Land Court of Queensland, the Supreme Courts of Queensland, the Planning and Environment Court, and before a number of Commissions of Inquiry.

Roger has an extensive and broad ranging appellate, arbitration and mediation practice. He is a qualified mediator and mediates a wide range of disputes. He has also acted as an expert determiner.

Roger is an active member of the Australian and Queensland legal community having served in numerous roles for both Bar Associations, including as President of the Bar Association of Queensland.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Building & Construction, Commercial Equity, Contract, Corporations, Inquiries & Coronial Inquests, Insurance, Judicial Review & Administrative, Land Law & Property, Native Title & Cultural Heritage, Planning & Environment, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy, Sport, Succession, Tax.

CASES

***State of Queensland v Masson* [2020] HCA 28**

August 2020, Professional Negligence, Appellate

***Shun Pty Ltd v Logan City Council & Anor* [2020] QPEC 31**

June 2020, Planning & Environment

***BWP Management Limited & Anor v Ipswich City Council* [2020] QCA 104**

LEVEL

TWENTY
SEVEN

CHAMBERS



LEVEL 27, 239 GEORGE ST
BRISBANE QLD, 4000

level27chambers.com.au

T +61 7 3229 6077

M +61 438 690 204

[traves@](mailto:traves@level27chambers.com.au)

level27chambers.com.au

May 2020, Land Law & Property

Goldicott House Pty Ltd v Brisbane City Council & Ors[2020] QPEC 11

April 2020, Planning & Environment

MRV Metals Pty Ltd v Chief Executive, Department of Environment and Science[2020] QLC 9

March 2020, Judicial Review & Administrative

JRD No 2 Pty Ltd v Brisbane City Council & Ors[2020] QPEC 4

February 2020, Planning & Environment

State of Queensland v The Estate of the Late Jennifer Leanne Masson[2019] HCATrans

November 2019, Judicial Review & Administrative, Professional Negligence

Drivas Lakes Pty Limited as Tte v Valuer-General[2019] QLC 42*

November 2019, Land Law & Property

Ipswich City Council v BWP Management Limited & Anor[2019] QLAC 1

June 2019, Appellate, Land Law & Property

F A Pidgeon & Son Pty Ltd v Valuer-General; 310 Ann Street Nominees Pty Ltd v Valuer-General (No 2)
[2019] QLC 25

May 2019, Appellate, Land Law & Property

F A Pidgeon & Son Pty Ltd v Valuer-General[2019] QLC 26

May 2019, Land Law & Property, Judicial Review & Administrative

Traspunt No 4 Pty Ltd v Moreton Bay Regional Council[2019] QCA 51

March 2019, Planning & Environment

Queensland Nickel Sales Pty Ltd & Ors v Mount Isa Mines Limited[2019] QCA 32

February 2019, Appellate, Commercial Equity, Contract, Corporate Insolvency & Bankruptcy

China First Pty Ltd & Anor v Mount Isa Mines Limited & Ors[2018] QCA 350

December 2018, Appellate, Judicial Review & Administrative, Contract

Geoscience Resource Recovery LLC v Central Petroleum Ltd[2018] QCA 216

September 2018, Contract, International

China First Pty Ltd v Mount Isa Mines Ltd[2018] QSC 163

July 2018, Commercial Equity, Contract, Land Law & Property

Bowyer Group Pty Ltd v Cook Shire Council[2018] QCA 159

July 2018, Appellate, Planning & Environment

Singh Properties Pty Ltd v Scenic Rim Regional Council[2018] QPEC 27

May 2018, Planning & Environment

Mount Isa Mines Ltd v Queensland Nickel Sales Pty Ltd[2017] QSC 285

November 2017, Land Law & Property

Inkerman Station Pty Ltd as trustee for the Inkerman Station Trust v Allan & Ors (No 2)[2017] QSC 243

October 2017, Judicial Review & Administrative, Land Law & Property

Inkerman Station Pty Ltd as trustee for the Inkerman Trust v Allen[2017] QSC 147

July 2017, Judicial Review & Administrative

Aklia Holdings Pty Ltd v The Carter Group Pty Ltd (in liq)[2017] QSC 75

May 2017, Commercial Equity, Corporate Insolvency & Bankruptcy, Corporations

Matton Developments Pty Ltd v CGU Insurance Ltd[2016] QCA 208

August 2016, Appellate, Insurance

Lee v Crime and Corruption Commission & Commissioner of Police[2016] QCA 145

June 2016, Appellate, Judicial Review & Administrative, Professional Discipline & Regulatory

Bauer Equipment Australia Pty Ltd v ACN 153 866 114 Pty Ltd[2016] QSC 76

April 2016, Corporations

Boon v Summs of Qld Pty Ltd[2016] QCA 038

February 2016, Insurance, Appellate

Lee v Crime and Corruption Commission[2015] QSC 226

September 2015, Judicial Review & Administrative, Professional Discipline & Regulatory

APT Petroleum Pipelines Pty Ltd v Western Downs Regional Council[2014] QLC 18

August 2014, Land Law & Property

Yolla Holdings Pty Ltd v Aion Co Pty Ltd[2014] QCA 137

June 2014, Appellate, Land Law & Property, Planning & Environment

Agripower Australia Limited v J & D Rigging Pty Ltd[2014] HCATrans 106

May 2014, Appellate, Building & Construction

Wright and Anor v The Minister for Employment, Skills & Mining for the State of Queensland and Ors
[2014] HCATrans 18

February 2014, Judicial Review & Administrative, Resources & Energy, Appellate

Cox v Brisbane City Council[2013] QPEC 44

December 2013, Planning & Environment

Aion Corporation Pty Ltd v Yolla Holdings Pty Ltd and Anor[2013] QSC 191

July 2013, Commercial Equity

Queensland Health Payroll System Commission of Inquiry(2013)

July 2013, Contract, Intellectual Property, Inquiries & Coronial Inquests

Agripower Australia Ltd v J and D Rigging Pty Ltd and Ors[2013] QSC 164

June 2013, Building & Construction, Judicial Review & Administrative

Barnet, in the matter of Fulkoto Pty Ltd (in Liquidation)[2013] FCA 595

June 2013, Corporate Insolvency & Bankruptcy, Appellate

Wright and Anor v Minister for Employment, Skills and Mining for the State of Queensland and Ors [2013] QCA 141

May 2013, Appellate, Judicial Review & Administrative, Resources & Energy

Mark Joseph O'Donnell v Colleen Mary Gillespie and Anor[2010] QSC 22

February 2013, Succession

Herrod v Johnston [2012] QCA 360

December 2012, Commercial Equity, Appellate

McDonalds Australia Ltd v Logan City Council(BC20125011)

December 2012, Planning & Environment, Appellate

McPherson v Byrne and Ors [2012] QSC 394

December 2012, Succession

Hansen Yuncken Pty Ltd v Ian James Ericson trading as Flea's Concreting[2012] QSC 51

March 2012, Commercial Equity, Tax

Hyatt of Australia Ltd v Coolum Resort Pty Ltd[2012] QSC 49

March 2012, Contract, Corporations

Chesney v Tognola [2011] QSC 340

November 2011, Succession

Paroz v Paroz [2011] HCATrans 205

August 2011, Appellate, Commercial Equity

Deng v Q-Comp [2011] QSC 191

June 2011, Judicial Review & Administrative

Hansen v President of the Industrial Court of Queensland[2011] QSC 130

May 2011, Appellate, Employment & Industrial

Board of Trustees of the State Public Sector Superannuation Scheme v Edington (includes Corrigendum dated 10 February 2011) [2011] FCAFC 8

November 2010, Appellate, Employment & Industrial

***Heslop v Secretary, Department of Families, Housing, Community Services and Indigenous Affairs*[2010] FCA 1345**

November 2010, Appellate, Judicial Review & Administrative

***Babcock & Brown Pty Ltd v Arthur Andersen*[2010] QSC 287**

August 2010, Professional Negligence

***Pingel v Toowoomba Newspapers Pty Ltd*[2010] QCA 175**

July 2010, Appellate, Media & Defamation

***Chief Executive, Department of Natural Resources and Mines v Kent Street Pty Ltd*[2010] QCA 56**

March 2010, Appellate, Land Law & Property

***ING Management Limited (as responsible entity) v Department of Natural Resources and Water* [2009] QLC 0094**

July 2009, Land Law & Property

***GPT RE Limited (as responsible entity) and Anor v Department of Natural Resources and Water* [2009] QLC 78**

June 2009, Land Law & Property

***Hack v Kettering Pty Ltd and Ors* [2009] QSC 27**

February 2009, Commercial Equity

EXPERIENCE

An overview and examples of recent and high profile matters Roger has been involved in include:

ADMINISTRATIVE LAW

Roger's experience encompasses a broad range of cases in administrative and public law. He has particular expertise of matters concerning mining and natural resources and the *Building and Construction Industry Payments Act*.

- Appearing for the successful applicant in a case concerning the proper construction of the *Land Act*.
- Appearing in and successfully resisting a challenge to the power of the Crime and Corruption Commission to assume responsibility for an investigation of the appellant's misconduct.
- Appearing in and successfully resisting an appeal to the Queensland Court of Appeal in a case concerning the principles applicable to the renewal of a mining lease (application for special leave refused).
- Appearing in the Full Court of the Federal Court of Australia concerning the Superannuation Complaints Tribunal.
- Acting in a case concerning the BCIPA (application for special leave refused).
- Appearing in a judicial review of a departmental decision to revoke welfare payments on the basis of a

misconceived application of the law of trusts.

COMMISSIONS OF INQUIRY

Roger has been briefed in numerous and varied roles in Commissions of Inquiry.

- Appearing as Counsel for members of the Queensland Public Service, Queensland Department of Health Payroll Inquiry (2013).
- Appearing as Counsel for Mr Nichol, Connolly/Ryan Inquiry into the Criminal Justice Commission (1996).
- Acting as Counsel Assisting the Cooke Trade Union Inquiry (1991).
- Acting as Counsel Assisting the Parliamentary (Judges) Commission of Inquiry (1989).

COMPULSORY ACQUISITION, COMPENSATION AND VALUATIONS

Clients are able to draw upon Roger's in depth expertise in valuation and planning law which includes extensive experience of matters concerning compensation upon the compulsory acquisition of land.

- Appearing in a challenge by APT Petroleum Pipelines Pty Ltd to categories and descriptions of rateable land for a compressor station in the Council's area of responsibility.
- Appearing in various appeals in respect of shopping centres and a high value commercial and a high-rise residential property in the Brisbane Central Business District which resulted in the enactment of new laws concerning the valuation of land in Queensland.
- Acting on behalf of the land owners to discuss and negotiate changes in those laws which have seen the basis for the valuation of land in Queensland change from unimproved value to the site value of land.

CONTRACT LAW AND COMMERCIAL LAW

Acting upon a wealth of experience concerning contract and commercial law, Roger is able to advise and act for clients for their commercial benefit on matters related to commercial contracts, contracts for the sale and development of land, commercial leases, contract of loan and partnership disputes should they arise.

- A case concerning Clive Palmer's termination of the management agreement with the Hyatt at his luxury golf resort and spa at Coolum on Queensland's Sunshine Coast.
- Appearing in a case concerning the application of the *Building and Construction Industry Payments Act 2004* (Qld) and its application to building work on land the subject of a mining lease (special leave refused).
- Acting in a case concerning the *Taxation Administration Act 1953* (Cth), statutory charges created thereby and the priority of charges.

EQUITY AND TRUSTS

Roger's practice includes assisting clients at all stages of matters in the area of equity and trusts.

- A case concerning the Integrated Resort Development Act 1987.
- A case concerning commercial contracts and equitable remedies.
- Acting in a case and subsequent related proceedings concerning whether a trust deed authorised distribution of capital only upon determination of the trust.

INSURANCE LAW

Roger regularly assists professional indemnity insurers as well as those for/against insurers of business interests in all areas of insurance law.

- Appearing for the successful appellant in the Queensland Court of Appeal in a case concerning whether the respondent must indemnify the appellant under an insurance policy for extensive damage to a mobile crane.
- Acting in the Queensland Court of Appeal in a case concerning the question of liability and quantum under the *Civil Liability Act 2003* (Qld) where the principle issue surrounded the classification of the risk.

LAND LAW AND PLANNING LAW

Roger has significant experience in all aspects of land and planning law.

- Acting for a local council and successfully resisting an appeal against refusal of development application.
- Appearing in the Planning Court on a development approval appeal for a commercial groundwater extraction.
- Appearing in the Planning court on an application for declaratory and consequential relief pursuant to s 456 of the Sustainable Planning Act 2009 (“SPA”).
- Appearing for Mount Isa Mines Ltd in a case considering the nature and extent of the right which a leasee of land has to remove physical objects left on the land by a third party.
- Acting in an appeal against the Council’s decision to approve the co-respondent’s development application for a development permit for a material change of use for multi-unit dwelling.
- Appearing for the successful appellant in the Queensland Court of Appeal in a case concerning the Integrated Resort Development Act 1987.

MINING LAW, COMPENSATION UPON THE GRANT OF MINING TENEMENTS

Roger is consulted on and appears for clients in complex and high profile issues regarding the grant of mining leases and the administrative review of decisions relating to mining leases. He is currently working on a number of such matters which are awaiting decision.

- Appearing in the Queensland Court of Appeal and the High Court (special leave refused) for the tenement holder in a decision concerning the judicial review of a decision to grant renewal of a mining lease.

SUCCESSION LAW

Roger has appeared in a number of cases in the area of equity, trusts, succession law and related areas concerning equitable rights of action.

- Claim for an order for provision out of the estate of the late father.

- Appearing in a matter regarding the construction and effect of testamentary dispositions and rectifications of wills.

RECOMMENDATIONS

Doyle's Guide to the Australian Legal Profession

- 2020 – Recommended Leading Counsel for Wills & Estates (Queensland)
- 2020 – Recommended Leading Counsel for Planning & Environment (Queensland)
- 2019 – Recommended Leading Counsel for Insurance (Queensland)
- 2019 – Recommended Leading Counsel for Planning & Environment (Queensland)
- 2018 – Recommended Leading Counsel for Commercial Litigation & Dispute Resolution (Queensland)
- 2018 – Recommended Leading Counsel for Planning & Environment (Queensland)
- 2018 – Recommended Leading Counsel for Wills & Estates (Queensland)
- 2018 – Recommended as a Leading Mediator (Queensland)
- 2017 – Recommended Leading Counsel for Planning & Environment (Queensland)
- 2016 – Recommended Leading Counsel for Insurance (Queensland)

Australian Financial Review's Best Lawyers

- 2021 – Recognised in Alternative Dispute Resolution, Commercial Law, Insurance Law, Planning and Environmental Law
- 2020 – Recognised in Alternative Dispute Resolution, Commercial Law, Insurance Law, Planning and Environment Law
- 2019 – Recognised in Commercial Law, Insurance, Planning & Environment
- 2018 – Recognised in for Planning & Environment

APPOINTMENTS

Professional Leadership and Public Life

2014–current Chairman, Bar Association of Queensland Ethics Committee

2014 Australian Bar Association, Advanced Trial Advocacy Course

2011-2012, 2012-2013 President, Bar Association of Queensland

2010–2011 Vice-President, Bar Association of Queensland

2011–2012 Director, Law Council of Australia

2011-2012 Member, Council of the Australian Bar Association

2010–2011 Chair, Professional Discipline and Conduct Committee, Bar Association of Queensland

2007–2009 Honorary Secretary, Bar Association of Queensland

2003–2013 Member, Bar Council

Community Involvement and Leadership and Public Life

2011–present Director, Cancer Council of Queensland & Member, Management and Finance Committee, Cancer Council of Queensland.

2002–2014 President, Breast and Prostate Cancer Association of Queensland (previously Breast Cancer Association of Queensland)

1993–1994 President, University of Queensland Cricket Club

CAREER

2013 Appointed Queen's Counsel

2003 Appointed Senior Counsel

1985 Barrister at Law, admitted

1985 Associate to the Honourable the Chief Justice, Sir Walter Campbell

1981–1982 Queensland Sheffield Shield Cricket

EDUCATION

1997 Master of Laws, Queensland University of Technology

1985 Bachelor of Laws (Hons), University of Queensland

1983 Bachelor of Arts, University of Queensland

PUBLICATIONS

Appeals: When is a Trial Judge "Wrong"?

October 2020, Appellate

Does a Stitch in Time Really Save Nine? Issues Surrounding Mitigation Costs Under a Policy of Liability Insurance

December 2018, Insurance, Contract

Directors' Liability for the Execution of Corporate Guarantees

November 2015, Corporate Insolvency & Bankruptcy, Corporations

Guarantees and Assignments of Leases

November 2015, Judicial Review & Administrative, Land Law & Property

Conditions Precedent and Promissory Obligations in the Context of Guarantees

November 2015, Judicial Review & Administrative, Commercial Equity, Contract, Corporate Insolvency & Bankruptcy, Corporations

Testamentary Promises, Estoppel and Remedies

September 2015, Commercial Equity

Establishing a claim against liability insurers

May 2015, Insurance

Chasing the (w)right decision

November 2014, Judicial Review & Administrative

Recent Developments in Respect of Section 54 and Section 48 of the Insurance Contracts Act

November 2014, Insurance

Liability Insurance and Defence Costs

November 2014, Insurance

The Future of the Bar

November 2013

Professional Ethics 2013

February 2013

The extent to which an insurer is bound by a judgment or settlement against the insured

November 2012, Insurance, Judicial Review & Administrative

Equitable interests in estates and equitable remedies

November 2012, Succession

Breaches of trust, negligence of trustees and the exercise of discretion by trustees of discretionary trusts

September 2012, Commercial Equity

Misleading or deceptive conduct and circumstances relevant to the interpretation of contracts

May 2012, Contract

Professional Ethics 2012

February 2012

Constructive Trusts and Unconscionable Conduct

September 2011, Commercial Equity

Common Challenges for the Legal and Medical Professions

August 2009

Professional Ethics 2009

March 2009

Ethics In Mediation

July 2008, Insurance

Defence Costs Clauses in Insurance Policies

July 2008, Insurance

Legal Responsibility for the Poorly Performing Surgeon and Organizational Responses to Minimize Risk and Improve Performance

May 2008

Defence Costs Clauses in Liability Insurance Policies

November 2007, Insurance

Liability limited by a scheme approved under professional standards legislation