

## 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

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

### CASES

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***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

LEVEL

TWENTY  
SEVEN

CHAMBERS



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***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

***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**

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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

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### Doyle's Guide to the Australian Legal Profession –

- 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

- 2020 – Listed for Alternative Dispute Resolution, Commercial Law, Insurance Law, Planning and Environment Law
- 2019 – Listed for Commercial Law, Insurance, Planning & Environment
- 2018 – Listed for Planning & Environment

## APPOINTMENTS

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### 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**

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**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**

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**1997** Master of Laws, Queensland University of Technology

**1985** Bachelor of Laws (Hons), University of Queensland

**1983** Bachelor of Arts, University of Queensland

### **PUBLICATIONS**

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**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*