

# ROGER TRAVES KC

YEAR OF CALL: 1985 | YEAR OF SILK: 2003

Roger is a leading Queensland Silk with a wide-ranging commercial and public law practice.

He is adept conducting stringent cross-examination in a trial setting, in advancing legal arguments before appellate courts, and in the provision of specialist advice. Sought by clients for his ability to give strong strategic direction and for being calm under pressure, he leads teams in large and complex litigation where effective cross-examination and presentation of technical expert evidence is critical.

Recent instructions include appearances and specialist advisory work spanning a diverse range of areas including regulatory matters under Australian Consumer Law, commercial equity, native title and mining rights, the construction of infrastructure for significant community developments, judicial review, private international law, vegetation management, the compulsory acquisition of land and the valuation of land for taxation purposes.

The breadth of Roger's professional recognition reflects the extensive range of matters on which he is briefed. He is recognised in Doyle's Guide and the Australian Financial Review's *Best Lawyers®* for practice areas including Alternative Dispute Resolution, Commercial Law and Litigation, Insurance Law, Planning and Environment Law, Dispute Resolution and Wills and Estates.

He is a keen proponent of alternative dispute resolution. Roger's extensive experience, combined with his personable, adaptable and user-friendly approach, enables him to identify the issues incisively and successfully mediate commercial disputes of all types. Applying the specialist knowledge of the fields in which he practices, Roger acts as expert, accredited mediator or CIArb accredited arbitrator by agreement between parties to determine commercial disputes informally, efficiently and cost effectively.

## 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, Native Title & Cultural Heritage, Planning & Environment, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy, Sport, Succession, Tax.

LEVEL

TWENTY  
SEVEN

CHAMBERS



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## SELECTED CASES

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***Harvey v Minister for Primary Industry and Resources*[2022] FCAFC 66**

April 2022, Native Title & Cultural Heritage, Resources & Energy, Judicial Review & Administrative

***Australian Competition and Consumer Commission v Lorna Jane Pty Ltd*[2021] FCA 852**

July 2021, Competition & Consumer

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

August 2020, Professional Negligence, Appellate

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

May 2020, Land Law & Property

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

November 2019, Judicial Review & Administrative, Professional Negligence

***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, Contract

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

September 2018, Contract, International

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

July 2018, Appellate, Planning & Environment

***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

***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

***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

***Herrod v Johnston*** [2012] QCA 360

December 2012, Commercial Equity, Appellate

***Paroz v Paroz*** [2011] HCATrans 205

August 2011, Appellate, Commercial Equity

***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

***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

***Austin BMI Pty Ltd v Deputy Premier*** [2023] QSC 95

May 2023, Judicial Review & Administrative

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

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

***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

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

April 2016, Corporations, Corporate Insolvency & Bankruptcy

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

August 2014, Land Law & Property

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

July 2013, Commercial Equity

***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

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

February 2013, Succession

***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

***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

***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

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

February 2009, Commercial Equity

***Eumundi Group Hotels Pty Ltd v Valuer-General***[2021] QLAC 2

September 2021, Land Law & Property

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

June 2019, Appellate, Land Law & Property

***Deleje Pty Ltd & Anor v Butterworth*** [2021] QDC 328

December 2021, Planning & Environment

***Odna Group Pty Ltd v Logan City Council*** [2021] QPEC 41

August 2021, Planning & Environment

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

June 2020, Planning & Environment

***The Trust Company Limited v Valuer-General; El Camino Priority I Pty Ltd v Valuer-General; Body Corporate for "Admiralty Quays" CTS 24592 v Valuer-General*** [2020] QLC 38

November 2020, Land Law & Property

***Bowyer Group Pty Ltd v Cook Shire Council & Ors*** [2022] QPEC 33

September 2022, Planning & Environment

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

April 2020, Planning & Environment

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

February 2020, Planning & Environment

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

May 2018, Planning & Environment

***Cox v Brisbane City Council*** [2013] QPEC 44

December 2013, Planning & Environment

***Maller & Anor v Australia Pacific LNG CSG Transmissions Pty Ltd & Ors*** [2022] QLC 12

September 2022, Land Law & Property, Resources & Energy

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

March 2020, Judicial Review & Administrative

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

November 2019, 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

***McDonalds Australia Ltd v Logan City Council*** (BC20125011)

December 2012, Planning & Environment, Appellate

***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

## EXPERIENCE

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Over a career spanning nearly 30 years, Roger has provided astute advisory and advocacy services to major corporations, government entities and individual clients across the full spectrum of commercial law. As such, he brings a comprehensive understanding of the nuances within the commercial sector, delivered with precision and efficiency, as well as tailored with the aim of achieving the optimal solution for his client.

The below cases are indicative of the breadth and calibre of Roger's expertise.

## APPELLATE

A distinguished appellate barrister, Roger has repeatedly demonstrated keen legal acumen and persuasive advocacy in Commonwealth and Queensland's appeal courts. Examples include:

***Harvey & Ors v Minister for Primary Industries and Resources, Northern Territory of Australia, Mount Isa Mines Limited***, High Court Appeal, appeal heard Canberra, 5 September 2023, decision reserved.

***Harvey v Minister for Primary Industries and Resources***[2022] FCAFC 66. Statutory interpretation. Energy and Resources. Native Title. The Northern Territory intends to grant a mineral lease to MIM, for the purposes of dredge spoil area for a loading facility in the Gulf of Carpentaria, servicing MIM's MacArthur River Mine. The issue of statutory interpretation was whether the proposed grant, a "future act", was within s 24MD(6B)(b) of the *Native Title Act* 1993 (Cth), being the "creation of a right to mine for the sole purpose of the construction of an infrastructure facility associated with mining".

***Queensland v Masson*** [2020] HCA 28. Appellate. Appealing findings of fact. Whether there were proper grounds for intermediate appeal Court to overturn decision of trial judge. Negligence. Standard of care. Breach. Whether treatment by ambulance officer in emergency fell below standard expected of ordinary skilled intensive care paramedic.

***BWP Management Ltd v Ipswich City Council***[2020] QCA 104. Statutes. Subordinate legislation. Construction generally. Real property. Rates and charges. Rating of land. Dispute concerning the proper rating category for Bunnings stores in Ipswich City Council area.

***Queensland Nickel Sales Pty Ltd & Ors v Mount Isa Mines Limited***[2019] QCA 32. MIM was the lessee of the "No 2 Wharf" in the Port of Townsville. QNPL, the manager of the Queensland Nickel Joint Venture, entered a

Licence with MIM over the lease area, in order to service the operation of the nickel refinery at Yabulu near Townsville. The dispute concerned the parties' rights over significant port infrastructure which remained on the leased area after the closure of the nickel refinery by QNI.

***Traspunt No 4 Pty Ltd v Moreton Bay Regional Council***[2019] QCA 51. Environment and planning. Planning schemes and instruments. Vegetation clearing.

***China First Pty Ltd & Anor v Mount Isa Mines Limited & Ors***[2018] QCA 350. Declarations. Securities. Fixed and floating charges. Whether charges should have been joined as parties. What constitutes a sufficient interest and relevant circumstances to require joinder.

***Geoscience Resource Recovery LLC v Central Petroleum Ltd***[2018] QCA 216. Private international law. Energy and Resources. Contract Law. Service out of jurisdiction. Contract made within jurisdiction. Proceedings by Central Petroleum Limited in the Supreme Court of Queensland against Geoscience Resource Recovery LLC, a Nevada corporation. Declarations were sought concerning the existence or otherwise of an agreement titled "Success Fee and Retainer Fee Agreement" and liability to pay a fee or other sum under an agreement titled "Farmout Agreement Total Central Petroleum Joint Operations".

***Matton Developments Pty Ltd v CGU Insurance Ltd***[2016] QCA 208. Insurance Law. The Policy. Principles of Construction. Collapse of crane on construction site. Crane damaged beyond repair. Respondent refused indemnity. Whether the primary judge erred in characterising the facts as a deliberate courting of the risk. Whether the overloading was "accidental", whether the damage to the crane was "accidental, sudden and foreseen". This is a leading insurance case, reported in the Lloyd's Reports, on the proper construction of the policy and the meaning of "accident" in insurance.

***Lee v Crime and Corruption Commission***[2016] QCA 145. Statutory interpretation. *Crime and Corruption Act* 2001 (Qld). Police. External oversight. A case involving the CCC, and a complaint of misconduct against a police officer.

***Yolla Holdings Pty Ltd v Aion Co Pty Ltd***[2014] QCA 137. Statutory interpretation. Environment and Planning. Integrated Resort Development Act 1987 (Qld). Where land, owned by the appellant, was approved under the *Integrated Resort Development Act* 1987. Whether s 33 of the *Integrated Resort Development Act* imposed an obligation to transfer land to the body corporate.

***Wright and Anor v Minister for Employment, Skills and Mining for the State of Queensland and Ors***[2013] QCA 141. Energy and Resources. Statutory Interpretation. Administrative Law. Judicial Review. Renewal of mining lease. Whether the holder of a mining lease had complied with the terms of the lease, such as to permit renewal under the *Mineral Resources Act* 1989 (Qld). Whether a mine in "care and maintenance" meant the miner was using the land "comprised in the mining lease bona fide and for the purpose for which the mining lease was granted" under s 276(1)(a) of the *Mineral Resources Act*.

Roger has lent his knowledge of appellate law to presentations such as 'Appeals: When is a Trial Judge Wrong?', co-presented with Lord Justice McCombe of the Court of Appeal of England & Wales and Muhammad Jaamae Hafeez-Baig.

## COMMERCIAL AND EQUITY

With a deep understanding of complex business transactions and equitable remedies, Roger provides strategic counsel and advocacy services in all types of trusts disputes, disputes arising from fiduciary obligations in the traditional equitable context, and the related sphere of statutory obligations in the corporate context. Indicative examples of his experience are:

***Queensland Nickel Sales Pty Ltd & Ors v Mount Isa Mines Limited***[2019] QCA 32. MIM was the lessee of the “No 2 Wharf” in the Port of Townsville. QNPL, the manager of the Queensland Nickel Joint Venture, entered a Licence with MIM over the lease area, in order to service the operation of the nickel refinery at Yabulu near Townsville. The dispute concerned the parties’ rights over significant port infrastructure which remained on the leased area after the closure of the nickel refinery by QNI.

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

***China First Pty Ltd & Anor v Mount Isa Mines Limited & Ors***[2018] QCA 350. Declarations. Securities. Fixed and floating charges. Whether charges should have been joined as parties. What constitutes a sufficient interest and relevant circumstances to require joinder.

***Geoscience Resource Recovery LLC v Central Petroleum Ltd***[2018] QCA 216. Private international law. Energy and Resources. Contract Law. Service out of jurisdiction. Contract made within jurisdiction. Proceedings by Central Petroleum Limited in the Supreme Court of Queensland against Geoscience Resource Recovery LLC, a Nevada corporation. Declarations were sought concerning the existence or otherwise of an agreement titled “Success Fee and Retainer Fee Agreement” and liability to pay a fee or other sum under an agreement titled “Farmout Agreement Total Central Petroleum Joint Operations”.

***Agripower Australia Ltd v J & D Rigging Pty Ltd***[2013] QSC 164. Contracts. Building, engineering and related contracts. Adjudication of payment claims.

***Hyatt of Australia Ltd v Coolum Resort Pty Ltd***[2012] QSC 49. Equity. Equitable remedies. Injunctions. Proceedings commenced to restrain the purported termination of a management contract over the Hyatt of Australia Coolum Hotel.

***Hansen Yuncken Pty Ltd v Ericson***[2012] QSC 51. Statutory charges. Nature of interest of charge. Taxes and Duties. Administration of Federal Tax legislation.

***Hack v Kettering Pty Ltd*** [2009] QSC 27. Equity. Trusts and Trustees. Powers, duties, rights and liability of trustees.

## REGULATORY

Roger advises and represents clients in high-stakes consumer and regulatory cases, such as:



***Australian Competition and Consumer Commission v Lorna Jane Pty Ltd***[2021] FCA 852. Acting for the ACCC. ACCC alleged Lorna Jane Pty Ltd, an active wear retailer, breached ss 18, 29(l)(g) and 33 of the Australian Consumer Law by promoting activewear treated with a spray described by Lorna Jane as “LJ Shield” and falsely representing LJ Shield would protect wearers against, stop the spread of, or otherwise eliminate viruses including COVID-19. Lorna Jane Pty Ltd ultimately admitted a several contraventions. Significant regulatory penalties were imposed by the Federal Court.

***Lee v Crime and Corruption Commission***[2016] QCA 145. Statutory interpretation. *Crime and Corruption Act* 2001 (Qld). Police. External oversight. A case involving the CCC, and a complaint of misconduct against a police officer.

## **CORPORATE INSOLVENCY & BANKRUPTCY**

Advising and appearing for companies across many sectors, Roger assists with navigating the intricate landscape of financial distress. A high-profile example includes:

***Queensland Nickel Sales Pty Ltd & Ors v Mount Isa Mines Limited***[2019] QCA 32. MIM was the lessee of the “No 2 Wharf” in the Port of Townsville. QNPL, the manager of the Queensland Nickel Joint Venture, entered a Licence with MIM over the lease area, in order to service the operation of the nickel refinery at Yabulu near Townsville. The dispute concerned the parties’ rights over significant port infrastructure which remained on the leased area after the closure of the nickel refinery by QNI.

***Hansen Yuncken Pty Ltd v Ericson***[2012] QSC 51. Statutory charges. Nature of interest of charge. Taxes and Duties. Administration of Federal Tax legislation.

## **ENERGY & RESOURCES**

Roger’s extensive experience in disputes concerning energy and resources projects is bolstered by his expertise in related fields such as contract, environment & planning, and native title & cultural heritage law. Examples of significant matters include:

***Harvey & Ors v Minister for Primary Industries and Resources, Northern Territory of Australia, Mount Isa Mines Limited***, *High Court Appeal, appeal heard Canberra, 5 September 2023, decision reserved.*

***Harvey v Minister for Primary Industries and Resources***[2022] FCAFC 66. Statutory interpretation. Energy and Resources. Native Title. The Northern Territory intends to grant a mineral lease to MIM, for the purposes of dredge spoil area for a loading facility in the Gulf of Carpentaria, servicing MIM’s MacArthur River Mine. The issue of statutory interpretation was whether the proposed grant, a “future act”, was within s 24MD(6B)(b) of the *Native Title Act* 1993 (Cth), being the “creation of a right to mine for the sole purpose of the construction of an infrastructure facility associated with mining”.

***MRV Metals Pty Ltd v Chief Executive, Department of Environment and Science***[2020] QLC 9. Statutes. Interpretation. Energy and resources. Required scope of financial assurance under the *Environmental Protection Act* 1994 (Qld).

***Geoscience Resource Recovery LLC v Central Petroleum Ltd***[2018] QCA 216. Private international law. Energy and Resources. Contract Law. Service out of jurisdiction. Contract made within jurisdiction. Proceedings

by Central Petroleum Limited in the Supreme Court of Queensland against Geoscience Resource Recovery LLC, a Nevada corporation. Declarations were sought concerning the existence or otherwise of an agreement titled “Success Fee and Retainer Fee Agreement” and liability to pay a fee or other sum under an agreement titled “Farmout Agreement Total Central Petroleum Joint Operations”.

***Wright and Anor v Minister for Employment, Skills and Mining for the State of Queensland and Ors***[2013] QCA 141. Energy and Resources. Statutory Interpretation. Administrative Law. Judicial Review. Renewal of mining lease. Whether the holder of a mining lease had complied with the terms of the lease, such as to permit renewal under the *Mineral Resources Act* 1989 (Qld). Whether a mine in “care and maintenance” meant the miner was using the land “comprised in the mining lease bona fide and for the purpose for which the mining lease was granted” under s 276(1)(a) of the *Mineral Resources Act*.

***AGL Wholesale Gas Ltd v Origin Energy Ltd***[2008] QCA 366. Arbitration. Conduct of arbitration proceedings. Proper approach of arbitrators to consideration of market price for gas.

## INSURANCE

Roger is briefed to assist on large-scale insurance and reinsurance claims. His strategic counsel has been sort on the likes of:

***IG Power (Callide) Ltd (Intergen) v Alltrust Insurance Co (AIC)*** Insurance. Insurance Contracts Act 1984 (Cth) .– Retained for the owners of the Callide B power station in a significant claim against insurers as a result of the explosion of a power generating turbine at the power station.

***Matton Developments Pty Ltd v CGU Insurance Ltd***[2016] QCA 208. Insurance Law. The Policy. Principles of Construction. Collapse of crane on construction site. Crane damaged beyond repair. Respondent refused indemnity. Whether the primary judge erred in characterising the facts as a deliberate courting of the risk. Whether the overloading was “accidental”, whether the damage to the crane was “accidental, sudden and foreseen”. This is a leading insurance case, reported in the Lloyd’s Reports, on the proper construction of the policy and the meaning of “accident” in insurance.

## JUDICIAL REVIEW AND ADMINISTRATIVE LAW

Having appeared on behalf of and against Commonwealth and State Agencies, Roger provides in-depth knowledge and experience in challenges to and in defence of the decisions of governmental bodies and agencies across the breadth of his practice. His experience includes:

***Austin BMI Pty Ltd v Deputy Premier***[2023] QSC 95. Administrative law. Judicial review. Procedural fairness. Human rights. The applicants sought orders that a decision to issue a Ministerial call-in notice in respect of a waste and recycling facility near Ipswich was invalid by reason of apprehended bias.

***Inkerman Station Pty Ltd as trustee for the Inkerman Trust v Allen***[2017] QSC 147. Administrative Law Statutory interpretation. Judicial review. Jurisdictional facts. A matter concerning s 154 of the *Land Act* 1994 (Qld) and whether a requirement that an application for approval by a Minister that a pastoral lease be used for an additional purpose requires, as a fact necessary for the exercise of the power, that “the additional purpose is complementary to and does not interfere with the purpose for which the lease was originally issued”.

***University of Queensland v Brisbane City Council & CBUS Property Brisbane Pty Ltd***[2016] QPEC 35. Jurisdiction. Jurisdictional error concerning planning assessment level applied to construction of large high-rise residential development adjacent to Customs House.

***Wright and Anor v Minister for Employment, Skills and Mining for the State of Queensland and Ors***[2013] QCA 141. Energy and Resources. Statutory Interpretation. Administrative Law. Judicial Review. Renewal of mining lease. Whether the holder of a mining lease had complied with the terms of the lease, such as to permit renewal under the *Mineral Resources Act* 1989 (Qld). Whether a mine in “care and maintenance” meant the miner was using the land “comprised in the mining lease bona fide and for the purpose for which the mining lease was granted” under s 276(1)(a) of the *Mineral Resources Act*.

## LAND LAW & PROPERTY AND NATIVE TITLE & HERITAGE

A renowned land and property law barrister, with a track record of optimising client outcomes in all dispute resolution forums, Roger has demonstrated his expertise in disputes regarding *inter alia* property, land registration, easements and leases. He has a strong advice practice in areas relating to land use, including infrastructure, urban utilities, vegetation management, environmental law and rehabilitation after mining. His recent appearances include:

***Harvey & Ors v Minister for Primary Industries and Resources, Northern Territory of Australia, Mount Isa Mines Limited***, High Court Appeal, appeal heard Canberra, 5 September 2023, decision reserved.

***Harvey v Minister for Primary Industries and Resources***[2022] FCAFC 66. Statutory interpretation. Energy and Resources. Native Title. The Northern Territory intends to grant a mineral lease to MIM, for the purposes of dredge spoil area for a loading facility in the Gulf of Carpentaria, servicing MIM’s MacArthur River Mine. The issue of statutory interpretation was whether the proposed grant, a “future act”, was within s 24MD(6B)(b) of the *Native Title Act* 1993 (Cth), being the “creation of a right to mine for the sole purpose of the construction of an infrastructure facility associated with mining”.

***MRV Metals Pty Ltd v Chief Executive, Department of Environment and Science***[2020] QLC 9. Statutes. Interpretation. Financial assurance required under the *Environmental Protection Act* 1994 (Qld).

***BWP Management Ltd v Ipswich City Council***[2020] QCA 104. Statutes. Subordinate legislation. Construction generally. Real property. Rates and charges. Rating of land. Dispute concerning the proper rating category for Bunnings stores in Ipswich City Council area.

***Inkerman Station Pty Ltd as trustee for the Inkerman Trust v Allen***[2017] QSC 147. Administrative Law. Statutory interpretation. Judicial review. Jurisdictional facts. A matter concerning s 154 of the *Land Act* 1994 (Qld) and whether a requirement that an application for approval by a Minister that a pastoral lease be used for an additional purpose requires, as a fact necessary for the exercise of the power, that “the additional purpose is complementary to and does not interfere with the purpose for which the lease was originally issued”.

## RATINGS AND TAXATION, VALUATION OF LAND, COMPULSORY ACQUISITION

Roger has extensive experience and renowned expertise in the areas of valuation of land for rating and tax purposes and the compulsory acquisition of land. Compulsory acquisition instructions include those relating to the compulsory acquisition of subterranean land relating to the Cross-River Rail, acquisitions for the construction of

the Mackay Ring Road (Bruce Highway), for the use of land for koala habitat in the Redland Shire and for construction of the Legacy Way. Valuation cases for the purposes of ratings and tax include:

***Eumundi Group Hotels Pty Ltd v Valuer General***[2021] QLAC 2.

***The Trust Company Ltd v Valuer General***[2020] QLC 38

***Ipswich City Council v BWP Management Ltd***[2019] QLAC 1

***BWP Management Ltd v Valuer General***[2019] QLAC 4

***Valuer General v Eastcote Pty Ltd*** [2019] QLAC 3

***Drivas Lakes Pty Ltd as trustee v Valuer General***[2019] QLC 42

***FA Pidgeon & Son Pty Ltd v Valuer General***[2019] QLC 26

***Brisbane Square Pty Ltd v Valuer General***[2016] QLC 69

***GPT Re Ltd v Valuer General***[2015] QLC 14

***APT Petroleum Pty Ltd v Western Downs Regional Council***[2014] QLC 17

***Chief Executive, Department of Natural Resources and Mines v Kent Street Pty Ltd***[2009] QCA 399.

## **PLANNING & ENVIRONMENT**

Roger is recognised in Lloyd's Lawyers and the AFR Best Lawyers for his work in Planning and Environment law. His brings to the area his broader expertise in public and administrative law. He is adept at conducting lengthy trials. Recent appeals include:

***Bowyer Group Pty Ltd v Cook Shire Council***[2022] QPEC 33

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

***Shun Pty LKtd v Logan City Council***[2020] QPEC 31

***Gillion Pty Ltd v Scenic Rim Regional Council***[2018] QPEC 47

## **ENVIRONMENTAL LAW**

Roger's advice practice and court practice includes considerable experience in environmental and vegetation management legislation. His advice practice includes rehabilitation obligations for mining companies and the assessment of legislative risks for greenfield site developments. He appeared for the Department in Queensland's most significant vegetation management case and again in an appeal concerning the environmental authority for a major North Queensland sustainable fishery development. Recent matters which have gone to hearing include:

***Mainstream Aquaculture Queensland Pty Ltd v Chief Executive, Department of Environment and Science*** BD800 of 2022, Environment Authority approved by Kent DCJ sitting in the Planning and Environment Court on 30 November 2023.

***Knuth v Department of Natural Resources, Mines and Energy***[2022] QCATA 26. Vegetation management. Vegetation Management Act 1999 (Qld). Statutory interpretation. PMAV.

## RECOMMENDATIONS

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### Australian Financial Review's Best Lawyers

- 2025 – 'Lawyer of the Year' in Planning and Environmental Law
- 2021-25 – Recognised in Commercial Law
- 2021-25 – Recognised in Insurance Law
- 2021-25 – Recognised in Alternative Dispute Resolution
- 2021-25 – Recognised in Planning and Environmental Law
- 2023 – Brisbane Alternative Dispute Resolution 'Lawyer of the Year'
- 2019 – Recognised in Commercial Law, Insurance, Planning & Environment
- 2018 – Recognised in for Planning & Environment

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

- 2024 – Recommended for Planning & Environment Law
- 2016 & 19 – Recommended Leading Counsel for Insurance (Queensland)
- 2018 – Recommended Leading Counsel for Commercial Litigation & Dispute Resolution (Queensland)
- 2018 – Recommended Leading Counsel for Wills & Estates (Queensland)
- 2018 – Recommended as a Leading Mediator (Queensland)
- 2020 – Recommended Leading Counsel for Wills & Estates (Queensland)
- 2017-20 & 2022-23 – Recommended Leading Counsel for Planning & Environment (Queensland)

## 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

### **MEMBER**

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Chartered Institute of Arbitrators (CI Arb) - member

### **CAREER**

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**2003** Appointed 'Silk'

**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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### **What's my loss? "True value" under the Australian Consumer Law**

February 2024, Competition & Consumer

### **"One Day This Will Be Yours": Estoppel By Encouragement And Acquiescence**

January 2024, Contract, Succession

### **The Use and Limits of Statutory Purpose in the Interpretation of Legislation**

November 2023, Appellate, 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

### **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**

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**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*