

RICHARD DOUGLAS QC

A selection of decided cases undertaken, and articles and papers published or given, in the above practice areas:

◆ **Administrative and government law:**

- ◆ *Kozik & Ors v Redland Shire City Council* [2021] QSC 233.
- ◆ *Western Downs Regional Council v Geldard* [2020] QLAC 1.
- ◆ *Mylne v The Returned & Services League of Australia (Qld Branch) Maroochydore Sub Branch Inc & Ors* [2013] 2 QdR 127; [2013] QSC 179.
- ◆ *Waratah Coal Pty Ltd v Mitchell* [2013] 1 QdR 90; [2010] QCA 264.
- ◆ *Bauer Foundations Australia Pty Ltd v President of the Industrial Court of Queensland* [2011] QSC 103.
- ◆ *Unimin Australia Ltd v State of Queensland* [2010] QCA 169.
- ◆ *Ergon Energy Ergon Energy Corporation Limited v Rice-McDonald* [2010] 1 QdR 516; [2009] QSC 213.
- ◆ *Papillon Mining & Exploration Pty Ltd (In Liquidation) v Wilson* [2010] 1 QdR 452; [2009] QSC 97.
- ◆ *State of Queensland v Mowburn Nominees Pty Ltd (No 2)* [2006] 1 QdR 53; [2005] QCA 220.

◆ **Common law (including personal injuries):**

- ◆ *Van der Berg v Key Solutions Group* [2021] QCA 157.
- ◆ *Van der Berg v Key Solutions Group* [2020] QSC 262.
- ◆ *Lee v Lee* (2019) 266 CLR 129; [2019] HCA 28.
- ◆ *RSL Care Ltd v Wallace* [2019] QCA 23.

- ◆ *Clark v Ernest Henry Mining Pty Ltd* (2019) 3 Qd R 136; [2018] QSC 253.
- ◆ *The Thistle Company of Australia Pty Ltd v Bretz & Anor* [2018] QCA 6.
- ◆ *Carswell v KBRV Resort Operations Pty Ltd (No 2)* [2018] QSC 110.
- ◆ *Carswell v KBRV Resort Operations Pty Ltd* [2017] QSC 239.
- ◆ *Beaven v Wagner Industrial Services Pty Ltd* (2018) 2 Qd R 542; [2017] QCA 246.
- ◆ *State of Queensland v Roane-Spray* [2018] 2 QdR 511; [2017] QCA 245.
- ◆ *Brisbane Youth Services Inc v Beven* [2018] 2 Qd R 291; [2017] QCA 211.
- ◆ *The Corporation of the Synod of the Diocese of Brisbane v Greenway* [2018] 1 QdR 344; [2017] QCA 103.
- ◆ *Innes v AAL Aviation Limited* (2017) 259 FCR 246; [2017] FCAFC 202.
- ◆ *Kerle v BM Alliance Coal Operations Pty Limited (No 2)* [2017] QSC 7.
- ◆ *Kerle v BM Alliance Coal Operations Pty Limited* (2016) 262 IR 381; [2016] QSC 304.
- ◆ *AAI Limited v McQuitty* (2016) 79 MVR 1; [2016] QCA 326.
- ◆ *State of Queensland v Kelly* [2015] 1 QdR 577; [2014] QCA 27.
- ◆ *Howl at the Moon Broadbeach Pty Ltd v Lambie* [2015] 2 QdR 11; [2014] QCA 74.
- ◆ *Oram v BHP Mitsui Coal Pty Ltd* (2015) 2 Qd R 357; [2014] QSC 230.
- ◆ *Morris v BHP Coal Pty Ltd* [2014] QSC 96.
- ◆ *Suncorp Staff Pty Ltd v Larkin* [2013] QCA 281.
- ◆ *Wolters v The University of the Sunshine Coast* [2013] 1 QdR 571; [2013] QCA 228.

- ◆ *Miles v Williams & Anor* [2013] QSC 162.
- ◆ *Wright v KB Nut Pty Ltd* [2013] QCA 153.
- ◆ *Suncorp Metway Insurance Ltd v Kilner* [2013] QCA 42.
- ◆ *Geary v REJV Services & Ors* [2012] QCA 238.
- ◆ *Hargans v Kemenes* [2011] QCA 251.
- ◆ *French v QBE Insurance (Aust) Ltd & Ors* (2011) 58 MVR 214; [2011] QSC 105.
- ◆ *Balnaves v Smith* [2011] 2 QdR 17; [2010] QSC 39.
- ◆ *HWC v Corporation of the Synod of the Diocese of Brisbane* [2009] QCA 168.
- ◆ *Pollard v Trude* [2009] 2 QdR 248; [2008] QCA 421.
- ◆ *Williamson v Suncorp Metway Insurance Ltd* [2008] QSC 244.
- ◆ *Bourk v Power Serve Pty Ltd* (2008) 175 IR 310; [2008] QCA 225.
- ◆ *Lawes v Nominal Defendant* [2008] 1 QdR 369; [2007] QCA 367.
- ◆ *Clement v Backo* [2007] 2 QdR 99; [2007] QCA 81.
- ◆ *Glanos v Minister for Education Queensland* [2006] QSC 197.
- ◆ *Brown v Stewart* [2007] 1 QdR 205.
- ◆ *Cousins v Mount Isa Mines Limited* [2006] 2 QdR 343; [2006] QCA 261.
- ◆ *Davison v State of Queensland* (2006) 226 CLR 243; [2006] HCA 21.
- ◆ *Grice v State of Queensland* [2006] 1 QdR 222; [2005] QCA 272.
- ◆ *Robinson v Fig Tree Pocket Equestrian Club Inc* [2005] QCA 271.
- ◆ *Theden v Nominal Defendant* [2005] QCA 236.

- ◆ *Gration v Gillan Investments Pty Ltd* [2005] 2 QdR 267; [2005] QCA 184.
- ◆ *Suncorp Metway Insurance Limited v Grant* [2005] QSC 320.
- ◆ *Glenco Manufacturing Pty Ltd v Ferrari* [2005] 2 QdR 129; [2005] QSC 5.
- ◆ *Peat v Lin* [2005] 1 QdR 40; [2004] QSC 219.
- ◆ *Reeman v State of Queensland* [2004] QCA 484.
- ◆ *Limpus v State of Queensland* [2004] 2 QdR 161; [2003] QCA 563.
- ◆ *Hancock v Wallace* [2002] 1 QdR 578; [2001] QCA 227.
- ◆ *Parr v Bavarian Steakhouse Pty Ltd* [2001] 2 QdR 196; [2000] QCA 429.
- ◆ *Lisle v Brice* [2002] 2 QdR 168; [2001] QCA 271.
- ◆ *Watters v Queensland Rail* [2001] 1 QdR 448; [2000] QCA 51.
- ◆ *Workers' Compensation Board of Queensland v Seltsam Pty Ltd* [1999] 2 QdR 679.

- ◆ **Equity and trusts:**
 - ◆ *Australia Yinmore Holding Pty Ltd v Liu* [2018] QSC 76; [2018] QSC 136.
 - ◆ *Aimtek Pty Ltd v Flightship Ground Effect Pte Ltd* [2014] QCA 294.
 - ◆ *Robson v Robson* [2012] QCA 119.
 - ◆ *Todrell Pty Ltd v Finch (No 1)* [2008] 1 QdR 540; [2007] QSC 363.
 - ◆ *Robson v Robson* [2008] QCA 36.

- ◆ **General commercial:**
 - ◆ *Artesian Hospitality Pty Ltd v Tsuen Fung Holdings Pty Ltd* [2021] QSC 288.
 - ◆ *Mackellar Mining Equipment v Thornton & Ors* (2019) 367 ALR 171; [2019] QCA 77.

- ◆ *Hadgelias Holdings Pty Ltd v Seirlis* [2015] 1 QdR 337; [2014] QCA 177.
- ◆ *Smart Stay Villages Pty Ltd v Village National Smart Stay Properties Pty Ltd* [2013] QCA 230.
- ◆ *Consolo Ltd v Bennett* (2012) 207 FCR 127; [2012] FCAFC 120.
- ◆ *Dunworth v Mirvac Pty Ltd* [2010] QSC 472.
- ◆ *Acacia Ridge Hotel Holdings Pty Ltd v Stratis* [2009] 2 QdR 100; [2009] QSC 21.
- ◆ *Dovaenda Pty Ltd v Pagliari* [2007] QSC 216.
- ◆ *Frikton v Jelekainen* [2007] QCA 451.
- ◆ *Interline Hydrocarbon Inc v Brenzil Pty Ltd* [2006] 2 QdR 454; [2006] QSC 184.
- ◆ *Fanigun Pty Ltd v Woolworths Limited* [2006] 2 QdR 366; [2006] QSC 28.
- ◆ *State of Queensland v Beames* [2004] 2 QdR 99; [2003] QSC 399.
- ◆ *Quality Corp (Aust) v Millford Builders (Vic) Pty Ltd* [2003] QCA 502.
- ◆ *Queensland University of Technology v Project Constructions (Aust) Pty Ltd* [2003] 1 QdR 259; [2002] QCA 224.

◆ **Insurance:**

- ◆ *Cassa Pty Ltd v Insurance Australia Ltd* [2022] QSC 1.
- ◆ *Corestaff NT Pty Ltd v Insurance Australia Ltd* [2021] QSC 195; [2021] QSC 226.
- ◆ *Van der Berg v Key Solutions Group* [2021] QCA 157.
- ◆ *Royal and Sun Alliance Insurance Plc v DMS Maritime Pty Ltd* [2019] QCA 264.
- ◆ *State of Queensland v Seltsam Ltd* (2019) 2 QR 495; [2019] QCA 248.
- ◆ *SS Family Pty Ltd v WorkCover Queensland* (2019) 3 QdR 81; [2018] QCA 296.
- ◆ *Electro Industry Group Queensland Ltd v O'Donnell Griffin Pty Ltd* [2017] QCA 24.
- ◆ *DMS Maritime Pty Ltd v Royal and Sun Alliance Insurance Pty Ltd* [2018] QSC 303.
- ◆ *Owen v Finden & Anor; Owen v Metro South Hospital and Health Service & Ors* [2017] QSC 248.
- ◆ *Brittain v Hentys (a firm) & Ors* [2017] 2 Qd R 612; [2017] QSC 40.
- ◆ *Connor v Queensland Rail* [2016] QSC 270.
- ◆ *Ballandis v Swebbs* [2015] QCA 76.
- ◆ *Byrne v People Resourcing (Qld) Pty Ltd* [2015] 2 QdR 397; [2014] QSC 269.
- ◆ *Plumley v Moroney & Ors* [2014] QSC 3.
- ◆ *Ruckman v Suncorp Metway Insurance Ltd* (2013) 63 MVR 266; [2013] QCA 56.

- ◆ *WorkCover Queensland v Amaca Pty Ltd* [2013] 2 QdR 276; [2012] QCA 240.
- ◆ *State of Queensland v Heraud* [2012] 2 QdR 598; [2011] QCA 297.
- ◆ *Jacobs v Woolworths Limited* [2010] 2 QdR 400; [2010] QSC 24.
- ◆ *Handover v Consolidated Meat Group Pty Ltd* [2009] 2 QdR 133; [2009] QSC 41.
- ◆ *Pertzel v Qld Paulownia Forests Ltd* [2008] 2 QdR 526; [2008] QCA 287.
- ◆ *Angus v Cornelius* [2008] 1 QdR 101; [2007] QCA 190.
- ◆ *Haug v Jupiters Ltd* [2008] 1 QdR 276; [2007] QCA 199.
- ◆ *Phipps v Australian Leisure & Hospitality Group Ltd* [2007] 2 QdR 555; [2007] QCA 130.
- ◆ *Charlton v WorkCover Queensland* [2007] 2 QdR 421; [2006] QCA 498.
- ◆ *Edmunds v D Dunn Industries Pty Ltd (No 1)* [2007] 1 QdR 418; [2006] QSC 238.
- ◆ *Winters v Doyle* [2006] 2 QdR 285; [2006] QCA 110.
- ◆ *Francis v Emijay Pty Ltd* [2006] 2 QdR 5; [2006] QCA 62.
- ◆ *Watson v WorkCover Queensland* [2006] 1 QdR 587; [2005] QSC 225.
- ◆ *Taylor v. Henry Walker Eltin Contracting Pty Ltd* [2005] QSC 157.
- ◆ *Brew v Followmont Transport Pty Ltd* [2005] 2 QdR 482; [2005] QCA 245.
- ◆ *WorkCover Queensland v Suncorp Metway Insurance Limited* [2005] 2 QdR 210; [2005] QCA 155.
- ◆ *Suncorp Metway Insurance Limited v Brown* [2005] 1 QdR 204; [2004] QCA 325.
- ◆ *Miller v Nominal Defendant* [2005] 1 QdR 135; [2003] QCA 558.

- ◆ *Ocean Harvester Holdings Pty Ltd v MMI General Insurance Ltd* (2004) 13 ANZ Ins Cas 61-592; [2004] QCA 41.
- ◆ *Brew v WorkCover Queensland* [2004] 1 QdR 621; [2003] QCA 504.
- ◆ *Purt v State of Queensland* [2004] 1 QdR 663; [2003] QCA 503.
- ◆ *Bermingham v Priest* [2003] 1 QdR 623; [2002] QCA 327.
- ◆ *Aydar v Pashen* [2003] 1 QdR 601; [2002] QCA 326.
- ◆ *Lau v WorkCover Queensland* [2003] 2 QdR 53; [2002] QCA 244.
- ◆ *Narayan v S-Pak Pty Ltd* [2003] 2 QdR 387; [2002] QSC 373.
- ◆ *Bonser v Melnaxis* [2002] 1 QdR 1; [2000] QCA 013.
- ◆ *Kingsley v Williams* [2002] 1 QdR 179; [2000] QCA 014.
- ◆ *McCullough v WorkCover Queensland* [2002] 1 QdR 191; [2001] QSC 29.
- ◆ *Evans v Transit Australia Pty Ltd* [2002] 2 QdR 30; [2000] QCA 512.
- ◆ *Hawthorne v Thiess Contractors Pty Ltd* [2002] 2 QdR 157; [2001] QCA 223.
- ◆ *Mears v Coles Myer Ltd* [2002] 2 QdR 601; [2000] QCA 342.
- ◆ *Kazmaier v Spannagle* [2001] 2 QdR 292; [2000] QCA 457.
- ◆ *Meredith v Palmcam Pty Ltd* [2001] 1 QdR 645; [2000] QCA 113.
- ◆ *Karanfilov v Inghams Enterprises Pty Ltd* [2001] 2 QdR 273; [2000] QCA 348.
- ◆ *Neuss v Roche Bros Pty Ltd* [2001] 2 QdR 487; [2000] QCA 130.
- ◆ *Till v Nominal Defendant* [2000] 2 QdR 676; [1999] QCA 490.
- ◆ *Harvey Bay City Council v Workers' Compensation Board of Queensland* [1999] 1 QdR 274.

◆ **Regulatory disputes:**

- ◆ *Van der Berg v Key Solutions Group* [2021] QCA 157.
- ◆ *Campbell v Australian Leisure & Hospitality Group Pty Ltd* [2015] ICQ 16.
- ◆ *Armstrong v Local Government WorkCare* [2014] ICQ 007.
- ◆ *NK Collins Industries Pty Ltd v The President of the Industrial Court of Qld* [2013] QCA 179.
- ◆ *Townsville City Council v McIntyre* [2013] QCA 173.
- ◆ *Steiner v Seri* [2012] QCA 226.
- ◆ *Q-Comp v QR Limited* [2011] QIC – 1 December 2011.
- ◆ *Townsville Gymnastics Association Inc v Coggins* [2011] QIC – 22 March 2011.
- ◆ *Chief Kitchenware Pty Ltd v Electrical Safety Board* [2008] QIC 85; 189 QGIG 819.
- ◆ *State of Queensland v Mowburn Nominees Pty Ltd* [2005] 1 QdR 195; [2004] QCA 212.
- ◆ *Marfleet v Brisbane City Council* [2000] QIC 30; 164 QGIG 234.

◆ **Real property:**

- ◆ *Smart Stay Villages Pty Ltd v Village National Smart Stay Properties Pty Ltd* [2013] QCA 230.
- ◆ *Todrell Pty Ltd v Finch (No 1)* [2008] 1 QdR 540; [2007] QSC 363.
- ◆ *Lee v Surfers Paradise Beach Resort Pty Ltd* [2008] 2 Qd R 249; [2008] QCA 29.
- ◆ *No Worries Management Pty Ltd v Dolman* [2004] ATC 4628; [2004] QSC 153.

- ◆ *Elora Nominees Pty Ltd v Registrar of Titles* [2003] QCA 165.
- ◆ *Hynes Holdings Pty Ltd v Noomar Investments Pty Ltd* [2003] QSC 31.
- ◆ *State of Queensland v Beames* [2002] 120 LGERA 309; [2002] QCA 209.
- ◆ **Civil confiscation of criminal profits:**
 - ◆ *State of Queensland v Falzon* [2016] QCA 118.
 - ◆ *State of Queensland v O'Brien & Falzon* [2015] QSC 136.
 - ◆ *State of Queensland v Bank of Queensland* [2013] QCA 225.
 - ◆ *State of Queensland v Brooks* [2008] 1 QdR 484; [2006] QCA 431.
 - ◆ *Meredith v State of Queensland* [2007] 1 QdR 334; [2006] QCA 465.
 - ◆ *State of Queensland v Brooks* [2005] QSC 390.
 - ◆ *Queensland v Rodd* [2004] QSC 312.
- ◆ **Professional negligence:**
 - ◆ *Green v Berry* [2001] 1 QdR 605; [2000] QCA 133.

- ◆ **Recent articles and papers:**
 - ◆ “Brisbane River flood class action flows through the NSWCA and on to the HCA” (2021) 16 Civil Liability 155.
 - ◆ with G Mullins, “Historical sexual abuse: righting the wrongs of the past while balancing rights in the present” – AILA presentation, November 2021.
 - ◆ “Please apportion me! – The VSCA clarifies candidature for an apportionable claim” (2021) 16 Civil Liability 114.
 - ◆ “Surely you knew that! – proof of foreseeable risk in a case of action for breach of duty” (2021) 16 Civil Liability 107.

- ◆ “Horses and hindsight! – a case note of *Tapp v The Australian Bushmen’s Campdraft & Rodeo Association Ltd*” (2020) 16 Civil Liability 85.
- ◆ “‘Alright what’s all this then?!’ – the latest on negligence claims against police” (2019) 16 Civil Liability 44.
- ◆ “Interaction of the CLA and the ACL: some clarity forthcoming” (2019) 16 Civil Liability 2.
- ◆ “Legal Redress for Vocational – including Professional – fatigue” - Medico-Legal Society of Qld Conference August 2019.
- ◆ “Damages and Funds Management Masterclass – Parts 1 and 2” – ALA Presentation, August 2019.
- ◆ “Claims for Pure Psychiatric Injury” – AILA Presentation, April 2019.
- ◆ “Peer Professional Defence” – ALA State Conference February 2019.
- ◆ “An apportionable claim ‘arising from a failure to take reasonable care’ – time for the legislature to cure the ambiguity!” (2018) 15 Civil Liability 109.
- ◆ “Recreational Risk Defences – am I involved in recreational activity?” (2018) 15 Civil Liability 40.
- ◆ “Duty and Breach Masterclass – Parts 1 and 2” – ALA Presentation, November 2018.
- ◆ “The Ipp Legislation – has the game been worth the candle?” – AILA 2018 Geoff Masel Lecture.
- ◆ “Establishing Causation: Psychiatric Injury Case Review” – ALA State Conference, February 2018.
- ◆ “Delegation in discharge of tortious obligation – limitations aplenty!” (2018) 15 Civil Liability 1.
- ◆ “The Top Five: Case Law Update!” Qld Law Society Personal Injuries Conference, October 2017.

- ◆ “Proportionate Liability: A Leaking Ship?” – Australian Centre for Private Law Symposium IV, September 2017.
- ◆ “Causation Masterclass – Parts 1 and 2” – ALA Presentation, September 2017.
- ◆ “Counsel and Costs” – Bar Association of Qld (BAQ) CPD lecture, 20 July 2017.
- ◆ “Duty content under the CLA” (2017) Precedent (ALA) – Issue 140 – Page 4.
- ◆ “I would have done things differently. Truly I would!” - Ipp legislative treatment of hindsight bias” (2017) 14 Civil Liability 45.
- ◆ “Who is a ‘professional’?” – Hearsay (BAQ), Issue 78, April 2017.
- ◆ “Effective pleading of causation” (2017) 14 Civil Liability 1.
- ◆ “Contemporary notions of the duty of care” – ALA State Conference, February 2017.
- ◆ “Proportionate liability – how, what, when, who” – Queensland Law Society Symposium, March 2017.
- ◆ with Stephen Hoey, “He would have been there in 7 years anyway’ – a legal and medical discourse of spinal degeneration” – ALA State Conference, February 2016.
- ◆ “Liability of road authorities – Ipp legislation strikes again!” (2016) 13 Civil Liability 113.
- ◆ “Eliciting consent to a medical procedure from a non-English speaking patient” (2016) 13 Civil Liability 56.
- ◆ “Practical aspects of legal decision making” – Royal Australasian College of Surgeons Annual Scientific Conference, May 2016.

- ◆ “Roads authority immunity ‘actual knowledge’ proviso: *Nightingale v Blacktown City Council*” (2016) 13 Civil Liability 1.
- ◆ “Delegation of a duty of care: when and how” – Queensland Law Society Symposium, March 2016.
- ◆ “Social media: opportunities and dangers for self-insurers” – ASIEQ Injury Management Conference, March 2015.
- ◆ “Breach of duty and causation of damage” – Hearsay (BAQ), Issue 72, March 2015.
- ◆ “Breach of duty and causation of damage – has the onus of proof been discharged?” (2015) 12 Civil Liability 8.
- ◆ “CLA professional liability exemption” – Hearsay (BAQ), Issue 71, December 2014.
- ◆ “CLA professional liability exemption – beware the calculus?” (2014) 11 Civil Liability 114.
- ◆ “Interaction of the CLA and the TPA/ACC: The Battle Continues” (2014) 11 Civil Liability 2.
- ◆ “Disclosure Requirements – PIPA, MAIA, WCRA and UCPR” – Queensland Law Society Symposium, March 2014.
- ◆ with G Gibson QC, “Professional standards obligations – capped liability” – Bar Association of Qld (BAQ) CPD lecture, 13 June 2013.
- ◆ with S Cleary, “Has advocates’ immunity from suit survived the Australian Consumer Law?” (2013) 87 Australian Law Journal 172.
- ◆ “Effective pleading – avoid the pig” – Hearsay (BAQ), Issue 61, April 2013.
- ◆ “10 years of the Civil Liability Act 2003 (Qld)” – Hearsay (BAQ), Issue 59, February 2013.

- ◆ “UCPR 667 and 668 – Re-adjudication short of appeal – scope and reform” – Hearsay (BAQ), Issue 58, December 2012.
- ◆ with K McMillan QC, “Ethical issues for counsel appearing in mediation” – Hearsay, Issue 54, March 2012.
- ◆ “Liability for dangerous recreational activity” – Hearsay (BAQ), Issue 52, October 2011.