

## CURRICULUM VITAE

### DONALD BARRON FRASER Q.C.

Date of Birth: 11 June 1955

Level 7, Inns of Court, 107 North Quay, Brisbane Qld 4001

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| February 1973 – November 1976 | LL.B University of Queensland   |
| January 1978 – December 1978  | Associate to Right Honourable Sir Harry Gibbs,<br>(as Justice and later Acting Chief Justice of the<br>High Court of Australia) – Sydney  |
| April 1979                    | Commenced practice at Queensland Bar  |
| 1988                          | Examiner in Insurance Law - Queensland<br>Barristers Board  |
| 1992 – 1996                   | Member – Finance and Securities Law<br>Committee of Queensland Law Society Inc<br>(Queensland Bar Association representative)   |
| 3 December 1992               | Appointed Queen’s Counsel   |
| 1 September 1999              | Mediator of Supreme Court of Queensland   |
| 18 January 2000 (continuing)  | Presenter - Bar Practice Course – Court<br>Procedure and Etiquette  |
| 2011 (continuing)             | Ethics Counsellor for the Queensland Bar  |
| 2013                          | STEP Full Member  |
| 2015 (continuing)             | STEP Committee Queensland Member  |
| Presently                     | Practicing as Queen’s Counsel at Queensland Bar<br><br>Nationally Accredited Mediator by the Bar<br>Association of Queensland pursuant to the<br>National Mediator Accreditation System |

#### Areas of Practice

Mr Fraser commenced practice as junior counsel in Brisbane in April 1979 engaging generally in civil litigation.

After 13 years practice as junior counsel Mr Fraser took silk in 1992.

He developed a general practice as a silk and has appeared in a number of leading High Court cases including *Gallagher v Rainbow* (1994) 179 CLR 624; *Bridgewater v Leahy*

(1998) 194 CLR 457, *Husher v Husher* (1999) 197 CLR 138, *Willett v Fitcher* (2005) 221 CLR 627, and *State of Queensland v Stephenson* (2006) 226 CLR 197.

Mr Fraser QC is currently retained as leading counsel for the State of Queensland in litigation in the Land Court involving the first test of the new approach to statutory valuation of land requiring “site value” to be determined as opposed to “unimproved value” under the previous regime.

Mr Fraser QC has been leading counsel for the State in prosecutions under the *Coal Mining Health and Safety Act 1999* (Qld) and the *Mining and Quarrying Safety and Health Act 1999* (Qld) involving mining and quarrying companies, transport operations and individuals.

He is extensively briefed by the Public Trustee of Queensland as leading counsel and is a member of the Queensland branch committee of STEP.

His work has involved conducting trials and hearings of considerable complexity and length including *Robt Jones (363 Adelaide Street) P/L & Anor v. First Abbott Corporation P/L* (appeal reference [1999] QCA 49), *Interchase Corporation Pty Ltd v ACN 010 087 573 Pty Ltd (formerly known as Colliers Jardine (QLD) Pty Ltd)* (appeal reference [2003] 1 Qd R 26, *PT Limited v Chief Executive, Department of Natural Resources* [2006] QLC 68 (hearing occupied 55 days).

He has served as the delegate of the Public Trustee in a disciplinary matter under the *Public Service Act 2008*.

The general nature of his practice is reflected by recent cases he has appeared in which have included *Abrahams (by his litigation guardian Public Trustee of Queensland) v Abrahams* [2015] QCA 286 (compromise of family provision claim), *Spencer v Burton* [2015] QCA 104 (letters of administration, de facto spouse), *Donald v Guillester* [2015] QCA 92 (statutory construction), *McIntosh v McIntosh* [2014] QSC 99 (conflict of duty), *Johnston & Anor v Herrod & Ors* [2012] QCA 361 (breach of trust), *Chapman v Wilson & Ors* [2013] QCA 235 (construction of wills), *Re: Cube Footwear Pty Ltd* [2012] QSC 398 (test for corporate insolvency), *LMT Surgical P/L v Allianz Australia Insurance Ltd* [2013] QSC 181 (flood exclusion in insurance policy) and *Karanfilov v MSS Security Pty Ltd & Ors* [2013] QSC 304 (employer/employee liability and quantum).

Mr Fraser QC has appeared in a number of cases involving insurance law including *Re Mining Technologies Australia* [1999] 1 Qd R 60, *McNeill & Ors t/a The Front Row v O’Kane* [2002] QSC 144, *Prime Infrastructure (DBCT) Management Pty Ltd v Vero Insurance Ltd* (2005) 13 ANZ Ins Cas 61, and *Power v Ace Insurance* [2005] QSC 327.

He has been leading counsel in many cases involving extension of limitation periods including *Pikrt v Hagemeyer Brands Australia Pty Ltd* [2006] QCA 112; *Greenhalgh v Bacas Training Limited & Ors* [2007] QCA 327, and *Leigh v State of Queensland* [2010] QSC 227.

In the course of his general practice Mr Fraser QC has been regularly retained in dispute resolution including catastrophic personal injury litigation, professional negligence claims and property valuation disputes.

Mr Fraser QC has extensive experience in probate and succession matters, appearing in that jurisdiction frequently. Recent cases include *Szanto v Aston* [2011] 2 Qd R 494, *Chapman v Wilson* [2014] 2 Qd R 213, *Abrahams (by his litigation guardian Public Trustee of Queensland) v Abrahams* [2015] QCA 286, *Donald v Guillester* [2016] 1 Qd R 583; and *Mortimer v Lusink* [2017] QCA 1. Other cases include *Re the Will of Macaudo* [1993] 2 Qd R 269, *Public Trustee of Queensland v Jacob* [2006] QSC 372, *Stott v Lyons* [2006] QSC 135, and *Underwood v Underwood* [2007] QSC 256. He is regularly retained by the Public Trustee as leading counsel.

#### Selected Publications:

“*Estoppel, Election and Waiver – Court Forms Precedents and Pleadings Queensland*” (Butterworths) 1997 – (continuing)

“*Sale of Goods – Court Forms Precedents and Pleadings Queensland*” (Butterworths) 1998 – (continuing)

#### Selected Papers:

“*Particulars*” - Queensland Law Society Inc – Continuing Legal Education, Supreme Court Practice Series 11 July 1984

“*Insurance Contracts – A Review*” - Queensland Law Society Inc – Continuing Legal Education 12 February 1991

“*The Valuation of Land Act 1944 (QLD), Valuation Issues and Improvements*” – Queensland Environmental Law Association Inc – Continuing Legal Education 2 July 2007

“*Cross Examining and Re-Examining a Witness*” – 13 February 2009 Queensland 4th Annual Cutting Edge Advocacy Skills Lexis Nexis

“*Large Estates and Disappointed Children*” – July 2010 Continuing Professional Education

“*Plain English Drafting*” – 2013 North Queensland Law Association

“*Charity begins at Home*” – September 2016 Continuing Professional Education

#### Other Positions Held:

The Sporting Wheelies & Disabled Sport and Recreation Association of Queensland Inc

- Committee Member 1999 – 2001
- Vice President 2001 – 2004
- President 2004 – 2008
- Advisory Council Member 2008 – (continuing)
- Honorary Life Member – 2009

- Samford Farmers Hall - Chairman of Trustees
  - 1999 – 2007
- Samford Farmers Hall Association Inc President
  - 2007 – 2012
- Samford Tennis Club Inc
  - Committee Member 1994 – 1996
  - President 1996 – 1999
- Queensland Show Choir Inc
  - Vice President 2015-2016

Personal Details:

Married, with two sons (twins)

Recreations – tennis, golf, surfing, skiing, choral singing.

11 May 2017