

# ROBERT A. QUIRK

Year of call - 1998

## DIRECT CONTACT DETAILS:

Phone: 07 3221 2182  
Mobile: 0414 938 841  
Email: raquirk@qiuris.com

## PERSONAL ASSISTANT DETAILS:

Kristen Edwards  
Phone: 07 3221 2182  
Email: k.edwards@higginschambers.com.au

---

## AREAS OF PRACTICE

Appellate  
Commercial Law & Body Corporate  
Common Law  
Environment & Planning  
Equity  
Family Law  
Public/ Administrative

## EDUCATION

Bachelor of Commerce/ Bachelor of Laws (Hons), Bond University  
Graduate Diploma (Legal Practice)  
Graduate Diploma (Military Law)

## CAREER HISTORY

Robert has been fortunate to have had the opportunity to gain wide experience acting for clients of all types and sizes over more than 25 years. A significant proportion of his work has some element of property, contract or administrative law in it even in matters as diverse as family law and enforcement. For example, Robert was recently involved in two proceedings, one opposing the appointment of administrators arising out a

## HIGGINSCHAMBERS

Level 29, 239 George Street  
(corner George and Adelaide Streets)  
Brisbane, QLD, 4000  
P: + 61 7 3221 2182  
[higginschambers.com.au](http://higginschambers.com.au)

development contract dispute, and another seeking to set aside a binding financial agreement on contractual type issues.

Robert's experience spans environmental, commercial and contract, administrative, appellate, planning, building and construction, body corporate and family, including criminal/ enforcement matters in these areas. He worked for a number of years as a solicitor so he has a good appreciation of what is required from an instructing solicitor's point of view. Robert has also acted *pro bono* in environmental and planning, family and migration matters.

## SIGNIFICANT CASES

### BETTSOON PROPERTIES PTY LTD V TYLER

#### Description

Tyler was a case involving restrictive covenants from a land contract intersecting with environmental legislation restricting the effect of those types of covenants. The contract restricted the use of photovoltaics and required authorisation from the original owner before installation. Tyler did not comply with the covenants. Central to the matters before the court was first the statutory construction of the legislation, and second, whether it relieved Tyler from her breach of the restrictive covenants. The answer was no. The Court of Appeal rejected Tyler's submission that a new argument had been made on appeal, said that the Appellants had been consistent, and awarded costs. Tyler sought special leave from the High Court. This was refused.

Link to case: [Bettson Properties Pty Ltd v Tyler \[2019\] QCA 176](#) (substantive); [\[2019\] QCA 230](#) (costs).

### BGM PROJECTS PTY LTD V DURMAZ

#### Description

This decision strike out Durmaz's appeal was the culmination of a series of cases that required every tool in the tool bag. At its simplest it could be described as the enforcement of a covenant in a development. However, that would not do it justice. It started off as an injunction to stop construction (construction injunction), followed by an injunction to stop a transfer from being registered without obtaining a deed of covenant continuing the obligation, followed by a permanent injunction enforcing the covenant and requiring the removal of the offending building. The BGM Projects brought an application to strike out the notice of appeal in the Court of Appeal that was granted with costs.

Link to case: [BGM Projects Pty Ltd v Durmaz \[2020\] QCA 146](#) (appeal); [\[2020\] QSC 87](#) (trial division); [\[2020\] QSC 88](#) (trial division reserved costs)

## PRO BONO CASES

#### Description

# HIGGINSCHAMBERS

Level 29, 239 George Street  
(corner George and Adelaide Streets)  
Brisbane, QLD, 4000  
P: + 61 7 3221 2182  
[higginschambers.com.au](http://higginschambers.com.au)

New Acland Coal Pty Ltd v Ashman [2017] QLC 25 (Environmental - QLC re coal mine) (conditions imposed)

Rusken & Jenner [2017] FamCAFC 187 (Family Law - application for leave and appeal – appeal allowed)

Mount Coot-tha Protection Alliance Inc v Brisbane City Council (Mount Coot-tha Zipline)(886/2019) (appeal allowed by consent).

BPW16 v Minister for Immigration & Anor [2017] FCCA 1395 - re jurisdictional error.

Alliance to Save Hinchinbrook Inc v Minister for Environment (QUD 8 of 2015) (Caley Valley Wetlands – Abbot Point Case) (application granted by consent)

## HIGGINSCHAMBERS

Level 29, 239 George Street  
(corner George and Adelaide Streets)  
Brisbane, QLD, 4000  
P: + 61 7 3221 2182  
[higginschambers.com.au](http://higginschambers.com.au)