

State Reporting Bureau



Queensland Government
Department of Justice and Attorney-General

Transcript of Proceedings

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Date 6/3/08

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

WHITE J

No 2569 of 2000

SHARON LYNETTE MURCHIE

Plaintiff

and

THE BIG KART TRACK PTY LTD

First Defendant

and

GREGORY NEALE RYAN

Second Defendant

BRISBANE

..DATE 18/02/2002

JUDGMENT

HER HONOUR: The order for judgment is that the plaintiff's action against the first and second defendants stands dismissed.

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HER HONOUR: I think there is ample authority which suggests that where there is in fact a process for making offers, the situation envisaged by the case of Calderbank v.

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Calderbank really does not apply. There is no reason why this being between plaintiffs and defendants - it does not involve third parties which - well, between defendants which sometimes give rise to some problems, there is no reason why the provisions of the Rules could not be followed.

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Further, if the Rules are to be taken as a guide, as I understand the authorities lay down where they are perhaps silent about a relationship between the parties they should be followed as closely as possible. And if that is the case then, as Mr Grant-Taylor has submitted, it does seem to be the case that defendants get their costs on the standard basis and not on an indemnity basis.

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In all the circumstances, if an application is made for costs, as I take it is in any event - is that the case, Mr North?

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MR NORTH: Yes, your Honour.

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HER HONOUR: Is that opposed Mr Grant-Taylor?

MR GRANT-TAYLOR: No, there's nothing to say about that,
your Honour.

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HER HONOUR: No. Then the order simply is that the
plaintiff pay the defendant's costs of and incidental to the
action to be assessed on the standard basis.

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