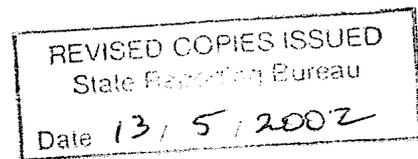




[2002] QSC 159

Transcript of Proceedings

Copyright in this transcript is vested in the Crown. Copies thereof must not be made or sold without the written authority of the Director, State Reporting Bureau.



SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 128 of 2001

RAYMOND FAZLDEEN and
RICHENDA FAZLDEEN

Applicants

and

ANDREAS HIENZ NIEDOBA

Respondent

CAIRNS

..DATE 03/05/2002

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This matter comes before me to determine the question of costs which I did not adjudicate upon when delivering my reasons for judgment and my orders on the substantive issues.

Between my so doing and today's date an appeal has been lodged against my decision but the parties have asked that I formalise the question of costs notwithstanding that fact.

10

I am advised by counsel for both parties that prior to the delivering of my reasons the parties, between themselves, have agreed that costs in any event should follow the event. That being a matter of consent I feel it appropriate that I should abide by the parties' wishes and say that had I known that fact at the time my reasons were handed down I would certainly have made the order. At the time of handing down my reasons I think counsel were not available and as a consequence that matter of the agreement was not drawn to my attention.

20

In all the circumstances the order of this Court should be finalised by adding to the orders already pronounced the further order that the respondent shall pay the applicant's costs of and incidental to the application on the standard basis.
