



Transcript of Proceedings

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Date 12/7/02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

WHITE J

No S1749 of 1993

GOLD COAST DISTRIBUTION SERVICES PTY LTD Plaintiff

and

VOX RETAIL GROUP LIMITED Defendant

BRISBANE

..DATE 01/07/2002

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 their 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.

HER HONOUR: This is an application that the requirements of Uniform Civil Procedure rule 244(1)(a) be dispensed with in so far as it relates to one Karen Jones. Rule 244(1)(a) requires that, within three months after the issue of a notice of nonparty disclosure, a copy of the notice must be served on a person other than a party about whom information is sought via the notice. A number of nonparty disclosure notices have issued. Karen Jones was a director of the plaintiff corporation. The counter-claiming defendant seeks information concerning, in effect, the running of the company in so far as it relates to a particular contract for cartage services. The then husband, Stephen Jones, was the other director and it would appear to be against him that the action is concerned in respect of conversations relating to the particular contract.

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The material reveals what might be described as an exhaustive search for Karen Jones. Her former husband is unable to be of any assistance. The possibility is that she has remarried in the interim. These events occurred in or about September 1993.

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Whilst it might be thought that an application for substituted service was the appropriate way to go, having perused the material in which the process server sets out the efforts made to locate Karen Jones, I am persuaded that it would be a waste of costs and time to make some order for substituted service, since that could only be publication in a nationally and locally circulating newspaper and there is

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absolutely no indication that, in that fashion, it might be drawn to her attention. Accordingly, I am persuaded that the appropriate order is as per the application and the jurisdiction to do so is to be found in rule 367(1) and (2) which allows the Court to make "any order or direction about the conduct of a proceeding it considers appropriate, even though the order or direction may be inconsistent with another provision of the rules", because the operating principle is the interests of justice.

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Since Karen Jones does not seem to have any personal interest so far as can be ascertained in these matters, it seems to me, for the reasons I have given, appropriate to make the order sought.

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HER HONOUR: I order as per paragraph 1 of the application.

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HER HONOUR: The costs order is costs in the cause.

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