



Transcript of Proceedings

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Date: 15 October, 2003

SUPREME COURT

CIVIL JURISDICTION

WILSON J

Application No 448 of 2003

DOUGLAS SHIRE COUNCIL

Applicant

and

PHILLIP MELVILLE WALKER

Respondent

CAIRNS

..DATE 03/10/2003

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: The orders will be these:

- (1) The respondent, whether by himself or his agents or servants or any of them, or otherwise, be restrained by injunction, from trespassing on the applicant's property by erecting a fence or other temporary structures, and movement of motor vehicles and equipment on the applicant's property after 4 p.m. on 24 October 2003;
- (2) The respondent restore the property by removing the fence and other temporary structures and make good any damage to the property by 4 p.m. on 24 October 2003;
- (3) The respondent pay the applicant's cost of the application.

RESPONDENT: Excuse me, your Honour, the - the amount that they've said costs, that to me seems very high anyway, and I - do I-----

HER HONOUR: Well, I can't-----

RESPONDENT: How do I-----

HER HONOUR: I can't determine the amount of the costs, but there is a procedure known as assessing costs which, if there's a dispute, is done by the taxing officer or a deputy Registrar of the Court. Now, that's something you'll have to follow through if you can't reach agreement on the amount of the costs.

RESPONDENT: Right.

HER HONOUR: All right.

MR MORZONE: Your Honour's order, of course, for clarification, is to - for the assessment on the standard basis.

HER HONOUR: Yes.

MR MORZONE: I think other discussions may have been on a different basis.

HER HONOUR: Well, this only says costs of the application.

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MR MORZONE: Quite.

HER HONOUR: And that is all that I would be prepared to order.

MR MORZONE: And that's all we'll seek. Thank you, your Honour.

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HER HONOUR: I will add that, actually, to be assessed on the standard basis. So the third order is the respondent to pay the applicant's costs of the application, to be assessed on the standard basis.

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