

SUPREME COURT OF QUEENSLAND

CITATION: *Wassmuth v Commissioner of Police* [2018] QCA 320

PARTIES: **WASSMUTH, Candice Louise**
(applicant)
v
COMMISSIONER OF POLICE
(respondent)

FILE NO/S: CA No 247 of 2017
DC No 337 of 2016

DIVISION: Court of Appeal

PROCEEDING: Application for Leave s 118 DCA (Criminal) – Further Orders
Appeal against Conviction – Further Orders

ORIGINATING COURT: District Court at Townsville – Date of Conviction:
22 September 2017 (Durward SC DCJ)

DELIVERED ON: 16 November 2018

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGES: Philippides JA and North and Henry JJ

ORDERS: **1. The respondent pay the applicant’s costs of the appeal in this Court to be assessed on the standard basis if not otherwise agreed.**
2. There be no further order as to costs.

CATCHWORDS: CRIMINAL LAW – APPEAL AND NEW TRIAL – COSTS
District Court of Queensland Act 1967 (Qld), s 118, s 119
Wassmuth v Commissioner of Police [\[2018\] QCA 290](#), referred to

COUNSEL: J A Greggery QC for the applicant
M L Franklin for the respondent

SOLICITORS: Purcell Taylor Lawyers for the applicant
Director of Public Prosecutions (Queensland) for the respondent

[1] **THE COURT:** On 26 October 2018 the parties were directed to lodge and serve written submissions with respect to the costs of the proceedings in this Court. For the reasons published that day the applicant was successful in obtaining a grant of leave to appeal and in the appeal under s 118(3) of the *District Court of Queensland Act 1967* (“the Act”).¹

¹ See *Wassmuth v Commissioner of Police* [2018] QCA 290.

- [2] In those premises the applicant sought an order for the costs of the appeal under s 119(2)(c) of the Act. But it is not necessary to consider this further as the parties have agreed on the orders. Accordingly it is ordered that:
- (a) The respondent pay the applicant's costs of the appeal in this Court to be assessed on the standard basis if not otherwise agreed.
 - (b) There be no further order as to costs.