

SUPREME COURT OF QUEENSLAND

CITATION: *Hansen & Anor v Patrick & Ors* [2018] QCA 357

PARTIES: **ALLAN JOHN HANSEN**
(**first appellant/first cross-respondent**)
BANCHICK PTY LIMITED
ACN 011 006 018
(**second appellant/second cross-respondent**)
v
ROBERT WILLIAM PATRICK
(**first respondent/first cross-appellant**)
KATHRYN LOUISE PATRICK
(**second respondent/second cross-appellant**)
FIREHOSE PTY LIMITED
ACN 054 417 757
(**third respondent/third cross-appellant**)
PATRICK & HANSEN PTY LTD
ACN 010 883 708
(**fourth respondent/fourth cross-appellant**)

FILE NO/S: Appeal No 1877 of 2018
SC No 800 of 2006

DIVISION: Court of Appeal

PROCEEDING: General Civil Appeal – Further Orders

ORIGINATING COURT: Supreme Court at Townsville – [2018] QSC 7 (North J)

DELIVERED ON: 21 December 2018

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGES: Sofronoff P and Fraser and Morrison JJA

ORDERS:

- 1. The Respondents shall pay the Appellants' costs of the Appeal.**
- 2. The requirements of s 15 of the *Appeal Costs Fund Act 1973 (Qld)* having been satisfied, the application of the Respondents for an indemnity certificate under s 15 of the *Appeal Costs Fund Act 1973 (Qld)* is granted.**
- 3. The costs of and incidental to the trial which commenced on 9 September 2015 are reserved to the trial judge who conducts the re-trial.**
- 4. The Respondents shall pay the Appellants' costs of the Cross-Appeal.**
- 5. The Respondents shall pay the Appellants' costs of and incidental to the claim made at trial by paragraph 31 of the Statement of Claim save for the costs of and incidental to the re-opening of the trial in relation to**

that claim.

- 6. The issue of the costs of and incidental to the re-opening of the claim made by paragraph 31 of the Statement of Claim shall be determined by the trial judge who conducted the trial which commenced on 9 September 2015.**

CATCHWORDS: PROCEDURE – CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS – COSTS – OTHER MATTERS – where the parties agreed to the form of order as to costs

COUNSEL: D A Savage QC, with A L Raeburn, for the appellants/cross-respondents
J A Griffin QC, with A J Moon, for the respondents/cross-appellants

SOLICITORS: Connolly Suthers Lawyers for the appellants/cross-respondents
Roberts Nehmer McKee Lawyers for the respondents/cross-appellants

[1] **THE COURT:** The order of the Court is that:

1. The Respondents shall pay the Appellants' costs of the Appeal.
2. The requirements of s 15 of the *Appeal Costs Fund Act 1973* (Qld) having been satisfied, the application of the Respondents for an indemnity certificate under s 15 of the *Appeal Costs Fund Act 1973* (Qld) is granted.
3. The costs of and incidental to the trial which commenced on 9 September 2015 are reserved to the trial judge who conducts the re-trial.
4. The Respondents shall pay the Appellants' costs of the Cross-Appeal.
5. The Respondents shall pay the Appellants' costs of and incidental to the claim made at trial by paragraph 31 of the Statement of Claim save for the costs of and incidental to the re-opening of the trial in relation to that claim.
6. The issue of the costs of and incidental to the re-opening of the claim made by paragraph 31 of the Statement of Claim shall be determined by the trial judge who conducted the trial which commenced on 9 September 2015.