

SUPREME COURT OF QUEENSLAND

CITATION: *Bond v Chief Executive, Department of Environment and Science* [2019] QCA 153

PARTIES: **PETER BOND**
(applicant)
v
CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND SCIENCE
(respondent)

FILE NO/S: Appeal No 7811 of 2018
P & E Appeal No 3070 of 2016

DIVISION: Court of Appeal

PROCEEDING: Planning and Environment Appeal – Further Order

ORIGINATING COURT: District Court at Brisbane – [2018] QPEC 15 (Jones DCJ)

DELIVERED ON: Judgment delivered 16 July 2019
Further Order delivered 2 August 2019

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGES: Fraser and Philippides JJA and Crow J

ORDER: **The respondent pay 50 per cent of the applicant’s costs of the application for leave to appeal and of the appeal.**

CATCHWORDS: PROCEDURE – CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS – COSTS – GENERALLY – where the applicant applied for leave to appeal against a decision of the Planning and Environment Court *inter alia* refusing to stay an appeal in that Court pending the final resolution of a criminal prosecution against the him – where the Court of Appeal granted leave to appeal, and the appeal was allowed in part with leave to make submissions on costs – where the parties agreed as to the appropriate costs order – whether the respondent ought to pay 50 per cent of the applicant’s costs of the application for leave to appeal and of the appeal

Bond v Chief Executive, Department of Environment and Science [\[2019\] QCA 137](#), cited

COUNSEL: D R Gore QC, with B Rix, for the applicant
J Horton QC, with E Hoiberg, for the respondent

SOLICITORS: Thomson Geer for the applicant
Herbert Smith Freehills for the respondent

- [1] **THE COURT:** The parties have filed submissions about the costs of the application for leave to appeal and the appeal in *Bond v Chief Executive, Department of Environment and Science* [2019] QCA 137. Both parties' submissions contend that the appropriate order is that the respondent pay 50 per cent of the applicant's costs of the application for leave to appeal and the appeal. Neither party submits that any order should be made in relation to the costs of the proceedings in the Planning and Environment Court.
- [2] The appropriate order is that the respondent pay 50 per cent of the applicant's costs of the application for leave to appeal and of the appeal.