

# SUPREME COURT OF QUEENSLAND

CITATION: *Richards v The Sandy Cape Deep Sea Fishing Club Inc*  
[2003] QCA 72

PARTIES: **FRANCIS WHITFORD RICHARDS**  
(plaintiff/respondent)  
v  
**THE SANDY CAPE DEEP SEA FISHING CLUB INC**  
(defendant/appellant)

FILE NO/S: Appeal No 2756 of 2002  
DC No 41 of 2001

DIVISION: Court of Appeal

PROCEEDING: Personal Injury - Liability & Quantum – Further Orders

ORIGINATING COURT: District Court at Maryborough

DELIVERED ON: Judgment delivered 14 February 2003  
Further Orders delivered 28 February 2003

DELIVERED AT: Brisbane

HEARING DATE: 15 November 2002

JUDGES: McMurdo P, Williams JA and Dutney J  
Judgment of the Court

FURTHER ORDERS: **1. The appellant pay the respondent's costs of the trial to be assessed on the standard basis.**  
**2. No order as to the costs of the appeal.**

CATCHWORDS: JUDGMENT AND ORDERS – COSTS – APPEALS AS TO COSTS – where respondent's damages reduced on appeal – where appellant unsuccessful on appeal on the issue of liability – where parties have the right to make submissions as to costs of the trial and the appeal – where each party partially successful on appeal there should be no order as to costs of the appeal  
*Uniform Civil Procedure Rules 1999 (Qld)*

COUNSEL: S C Williams QC, with M J Burns, for the appellant  
R C Morton for the respondent

SOLICITORS: McCullough Robertson for the appellant  
Morton & Morton for the respondent

[1] **THE COURT:** The respondent's damages were reduced on appeal so that there is now no relevant offer by either party pursuant to Ch 5 Pt 9 of the *Uniform Civil*

*Procedure Rules 1999*. The appellant should pay the respondent's costs of the trial to be assessed on the standard basis.

- [2] The appellant was unsuccessful on appeal on the issue of liability but was successful in reducing the quantum of damages although not on all of its contentions on quantum. Questions of liability occupied a substantial portion of time at the hearing of the appeal. As each party was partially successful on the appeal, there should be no order as to the costs of the appeal.

Orders:

1. The appellant pay the respondent's costs of the trial to be assessed on the standard basis.
2. No order as to the costs of the appeal.