

**QUEENSLAND COURT OF APPEAL**

**CHIEF JUSTICE  
GOTTERSON JA  
MULLINS J**

**Appeal No 299 of 2013  
Appeal No 301 of 2013  
SC No 7874 of 2013**

**CRIME AND MISCONDUCT COMMISSION**

**Applicant**

**v**

**WSX & EDC**

**Respondents**

**BRISBANE**

**DATE 16/07/2013**

**FURTHER RULING AS TO COSTS**

- [1] **CHIEF JUSTICE:** As to costs, at first instance they followed the event. Yet Counsel for the respondents submits that the respondents should not be ordered to pay the successful appellant's costs because of "the public interest involved in resolving this question of law".
- [2] The essence of the judgment on appeal was the conclusion that there was no evidence justifying the primary Judge's conclusion that there was reasonable excuse to refuse to answer the question asked. Contrary to Counsel's contention, the judgment does not amount to an "authority governing the manner in which (a) discretion should be exercised". While it is true that the respondents were "compelled to be where they were...because they were victims", their being parties to the appeal arose from their refusal to answer questions without establishing reasonable excuse.
- [3] While the appellant is engaged in a process intended to serve the public interest, that does not necessarily entail public underwriting of the cost of every step in that process. The broad consideration of the public interest was not peculiarly served by the instant judgment, which addressed the particular factual situation which arose when the

respondents declined to answer the questions asked. Did they establish reasonable excuse? This court ruled simply that they did not. It is difficult to identify a broader public ramification attending the judgment.

- [4] I am accordingly not satisfied that the costs of the appeal should not follow the event in the ordinary way. I would therefore not disturb the costs order made on 18 June 2013.
- [5] **GOTTERSON JA:** I agree with the further ruling proposed by the Chief Justice and with the reasons given by his Honour.
- [6] **MULLINS J:** I agree with the further ruling of the Chief Justice.