SUPREME COURT OF QUEENSLAND

CITATION:	*Hydrofibre Pty Ltd v Australian Prime Fibre Pty Ltd and Anor (No 4)* [2013] QSC 247
PARTIES:	**HYDROFIBRE PTY LTD** ACN 120 252 628 (plaintiff) **v** **AUSTRALIAN PRIME FIBRE PTY LTD** ACN 092 742 991 (first defendant) and **PAUL DOUGLAS WOOSLEY** (second defendant)
FILE NO/S:	BS 5498 of 2009
DIVISION:	Trial Division
PROCEEDING:	Application
ORIGINATING COURT:	Supreme Court of Queensland
DELIVERED ON:	16 September 2013
DELIVERED AT:	Brisbane
HEARING DATE:	Written submissions
JUDGE:	Philip McMurdo J
ORDER:	**The defendants pay to Dowd & Company their costs of the application against them, which was refused on 15 August 2013.**
CATCHWORDS:	PROCEDURE – COSTS – where defendants made application to join the plaintiff's former solicitors to an application – where defendant's application refused – where plaintiff's former solicitors represented themselves for the application – whether the plaintiff's former solicitors are entitled to their costs of the application *Adamson v Williams* [2001] QCA 38, applied *Guss v Veenhuizen [No 2]* (1976) 136 CLR 47; [1976] HCA 57, applied *Worchild v Petersen* [2008] QCA 26, applied
COUNSEL:	No appearance for the plaintiff No appearance for the defendants, the defendants submissions were heard on the papers

No appearance for Dowd & Company, Dowd & Company's submissions were heard on the papers

SOLICITORS: No appearance for the plaintiff
Griffiths Parry for the defendants
Dowd & Company appeared on its own behalf

[1] On 15 August 2013, I refused an application by the defendants to join the directors of the plaintiff company and its former solicitors, Dowd and Company. The defendants had sought to join them and the directors of the plaintiff to an application which was directed to protecting the property out of which the defendants might seek to recover their costs of the proceedings. I refused the joinder of each of these parties, holding that there was no demonstrated basis for any of the orders which were to be sought against them.

[2] I made an order for costs in favour of the directors. I indicated that I proposed to order the defendants to pay the costs of Dowd and Company. But it was submitted for the defendants that they should not recover costs, being effectively a self-represented litigant. No relevant authority was cited by either side of the argument. I adjourned the matter so that the parties could provide me with the relevant authorities.

[3] Ordinarily, a litigant without legal representation is entitled only to his out of pocket expenses and is not entitled to be compensated for the time which he has spent in the litigation. But where that litigant is a legal practitioner, the value of that lost time is able to be quantified by the court or the costs assessor. For that reason, the position of a self-represented litigant who is a legal practitioner is different from the ordinary case.[1]

[4] The defendants submit that Dowd and Company should not be compensated by an order for costs of this kind, because they were the authors of the letter of 20 August 2012, which it is said, incorrectly stated that Mr Joshua Magnus was the owner of the house in which he lives. But it is far from demonstrated that if that was a false statement, in that Mr Magnus was not even the beneficial owner of the house, Mr Dowd and his firm knew the true facts and were parties to a misrepresentation by the letter.

[5] There is nothing in the further written submissions for the defendants which warrants a departure from the ordinary rule that costs should follow the event. It will be ordered that the defendants pay to Dowd & Company their costs of the application against them, which was refused on 15 August 2013.

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1 *Guss v Veenhuizen [No 2]* (1976) 136 CLR 47 at 51; *Adamson v Williams* [2001] QCA 38 at [26]; *Worchild v Petersen* [2008] QCA 26 at [4].