

SUPREME COURT OF QUEENSLAND

CITATION: *National Security Training Academy (GC) Pty Ltd v National Security Training Academy Pty Ltd (No 2)* [2014] QSC 279

PARTIES: **NATIONAL SECURITY TRAINING ACADEMY (GC) PTY LTD**
ACN 135 916 031
(plaintiff)

v

NATIONAL SECURITY TRAINING ACADEMY PTY LTD
ACN 101 333 680
(defendant)

FILE NO/S: BS 4630 of 2013

DIVISION: Trial Division

PROCEEDING: Written submissions

ORIGINATING COURT: Supreme Court of Queensland

DELIVERED ON: 18 November 2014

DELIVERED AT: Brisbane

HEARING DATE: Written submissions received 30 July 2014

JUDGE: Philip McMurdo J

ORDER: **Proceeding be transferred to the District Court of Queensland.**

CATCHWORDS: PROCEDURE – INFERIOR COURTS – QUEENSLAND - DISTRICT COURTS – CIVIL JURISDICTION – AMOUNT – where the defendant wished to have the case transferred from the Supreme Court to the District Court – where the claim is partially unquantified – whether the claim would exceed the jurisdictional limit of the District Court – whether the claim should be transferred to the District Court.

Civil Proceedings Act 2011 (Qld), s 25(2)

Uniform Civil Procedure Rules 1999 (Qld), rule 155(1)

National Security Training Academy (GC) Pty Ltd v National Security Training Academy Pty Ltd [2013] QSC 245

COUNSEL: The defendant's submissions were heard on the papers
No submissions on behalf of the plaintiff

SOLICITORS: Jason Nott Solicitors for the plaintiff
Nicholsons Solicitors for the defendant

- [1] On 26 June 2014, I directed the parties to make submissions as to whether the proceedings should be transferred to the District Court. I have received a written submission on behalf of the defendant but, despite many inquiries by my Associate, no submission on behalf of the plaintiff or the defendant by counterclaim.
- [2] The power to transfer a proceeding to the District Court is conferred by s 25(2) of the *Civil Proceedings Act* 2011 (Qld) where that court has jurisdiction for the proceeding. What remains of the plaintiff's claim, following my earlier judgment,¹ are monetary claims which were only partly particularised. There is a claim for damages for breach of contract quantified (in total) at \$169,963. There is an apparently distinct claim for what is described as "reputational damage" for which no quantification is offered. This is in breach of r 155(1) of the *Uniform Civil Procedure Rules* 1999 (Qld) which requires a pleading to state both the nature and amount of any damages which are claimed. There is nothing to suggest that if and when that claim is quantified, it could be in an amount which, taken together with the claim for damages for breach of contract, would exceed the jurisdictional limit of the District Court. Most probably the claim could not be put at that level and therefore the District Court would have jurisdiction for this proceeding even allowing for this unquantified claim.
- [3] The defendant wishes to have the case transferred to the District Court. It has a counterclaim which it cannot precisely quantify at present but which it puts at about \$120,000.
- [4] There is no feature about this case which makes it necessary or appropriate for it to be determined by this court. It ought to be transferred to the District Court.

¹ *National Security Training Academy (GC) Pty Ltd v National Security Training Academy Pty Ltd* [2013] QSC 245.