

# SUPREME COURT OF QUEENSLAND

CITATION: *Stokes v House With No Steps (No 2)* [2016] QSC 124

PARTIES: **KELLY MAI STOKES**  
(plaintiff)

v

**HOUSE WITH NO STEPS**  
(defendant)

FILE NO: BS3037/16

DIVISION: Trial Division

PROCEEDING: Application for costs on written submissions

DELIVERED ON: 10 June 2016

DELIVERED AT: Brisbane

HEARING DATE: Written submissions as to costs received 18-19 May 2016

JUDGE: Jackson J

ORDER: **The order of the court is that:**

**1. the plaintiff pay WorkCover Qld's costs of the proceeding from 25 February 2013 to be assessed on the standard basis.**

CATCHWORDS: WORKERS' COMPENSATION – PROCEEDINGS TO OBTAIN COMPENSATION – DETERMINATION OF CLAIMS – COSTS – GENERALLY – where the insurer made a written final offer and the court later dismissed the plaintiff's claim – whether to award costs on the standard basis

*Workers' Compensation and Rehabilitation Act 2003 (Qld), s 316*

COUNSEL: R C Morton for the defendant

SOLICITORS: Hall Payne Lawyers for the plaintiff  
Hopgood Ganim for the defendant

[1] **Jackson J:** Judgment was given on 11 April 2016 dismissing the plaintiff's claim<sup>1</sup> and it was directed that the parties may make submissions as to costs in writing.

[2] It is common ground s 316 of the *Workers' Compensation and Rehabilitation Act 2003 (Qld)* as it stood at the date of injury (15 August 2010) applies to the determination of costs.

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<sup>1</sup> *Stokes v House With No Steps* [2016] QSC 79.

- [3] By s 316(2)(b), if a claimant or insurer makes a written final offer of settlement that is refused the court must, if the court later dismisses the worker's claim, make an order that the worker pay the insurer's costs on the standard basis from the day of the final offer.
- [4] In the present case, the parties exchanged written final offers on 25 February 2013. WorkCover Qld is the insurer.
- [5] Accordingly, the order should be that the plaintiff pay WorkCover Qld's costs of the proceeding from 25 February 2013 to be assessed on the standard basis.