

# SUPREME COURT OF QUEENSLAND

CITATION: *Chavez v Moreton Bay Regional Council* [2009] QCA 372

PARTIES: **CHESTER GORDON CHAVEZ**  
(plaintiff/appellant)  
v  
**MORETON BAY REGIONAL COUNCIL**  
(defendant/respondent)

FILE NO/S: Appeal No 7753 of 2009  
SC No 10727 of 2003

DIVISION: Court of Appeal

PROCEEDING: Miscellaneous Application – Further Order

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: 4 December 2009

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGES: Keane and Holmes JJA and McMeekin J  
Judgment of the Court

FURTHER ORDER: **Appellant to pay the respondent's costs of the appeal to be assessed on the standard basis**

CATCHWORDS: PROCEDURE – COSTS – GENERAL RULE - COSTS FOLLOW THE EVENT – COSTS OF WHOLE ACTION – GENERALLY – where appellant unsuccessful on appeal – where respondent argued costs should follow the event – where appellant did not submit to the contrary – whether costs should be awarded

*Chavez v Moreton Bay Regional Council* [\[2009\] QCA 348](#), cited

COUNSEL: P J Dunning SC, with T F Pincus, for the appellant  
T S Sullivan SC, with R G Fryberg, for the respondent

SOLICITORS: Everingham Lawyers for the appellant  
McInnes Wilson Lawyers for the respondent

- [1] **THE COURT:** On 6 November 2009 this Court delivered its judgment dismissing Mr Chavez' appeal.<sup>1</sup> The Council now seeks an order that Mr Chavez pay the Council's costs of the appeal to be assessed on the standard basis.

---

<sup>1</sup> *Chavez v Moreton Bay Regional Council* [2009] QCA 348.

- [2] The Council argues that costs should follow the event. No submission to the contrary is made on Mr Chavez' behalf.
- [3] Accordingly, it is ordered that the appellant pay the respondent's costs of the appeal to be assessed on the standard basis.