

# SUPREME COURT OF QUEENSLAND

CITATION: *DBH v Australian Crime Commission & Ors* [2014] QCA 359

PARTIES: **DBH**  
(appellant)  
**v**  
**AUSTRALIAN CRIME COMMISSION**  
(first respondent)  
**WILLIAM MACLEAN BOULTON**  
(second respondent)  
**JOHN PLANTA HANNAFORD**  
(third respondent)  
**BROWN**  
(fourth respondent)  
**SMITH**  
(fifth respondent)  
**JONES**  
(sixth respondent)  
**GREEN**  
(not a party to the appeal)

FILE NOS: Appeal No 2889 of 2014  
SC No 8528 of 2013

DIVISION: Court of Appeal

PROCEEDING: General Civil Appeal – Further Order

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: 19 December 2014

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGE: Holmes, Fraser and Gotterson JJA  
Judgment of the Court

ORDER: **The appellant pay the first respondent’s costs of and incidental to the appeal to be assessed on the standard basis.**

CATCHWORDS: APPEAL AND NEW TRIAL – PROCEDURE – QUEENSLAND – POWERS OF THE COURT – COSTS – where the appellant appealed unsuccessfully against the decision of a trial division judge to refuse his application for the transcripts of his co-accused’s evidence in the Australian Crime Commission – whether costs should follow the event

COUNSEL: No appearance for the appellant  
No appearance for the first respondent, the first respondent’s submissions were heard on the papers

No appearance for the second and third respondents  
No appearance for the fourth respondent  
No appearance for the fifth respondent  
No appearance for the sixth respondent

SOLICITORS: No appearance for the appellant  
Australian Government Solicitor for the first respondent  
No appearance for the second and third respondents  
No appearance for the fourth respondent  
No appearance for the fifth respondent  
No appearance for the sixth respondent

- [1] **THE COURT:** The appellant appealed unsuccessfully against the decision of a trial division judge to refuse his application for the transcripts of his co-accused's evidence in the Australian Crime Commission. The Australian Crime Commission seeks the costs of the appeal. The appellant, having been given the opportunity to make submissions, has not done so; unsurprisingly because there is no obvious reason that the costs should not follow the event.
- [2] The appellant should pay the first respondent's costs of and incidental to the appeal to be assessed on the standard basis.