

# DISTRICT COURT OF QUEENSLAND

CITATION: *Russell v Queensland Television Pty Ltd & Ors (No 2)* [2019] QDC 217

PARTIES: **MICHELLE RUSSELL**  
(Plaintiff)

v

**QUEENSLAND TELEVISION PTY LTD (ACN 009 674 373)**  
(First defendant)

and

**PIPPA BRADSHAW**  
(Second defendant)

and

**NINE DIGITAL PTY LTD (ACN 077 753 461)**  
(Third defendant)

FILE NO/S: D28/17

DIVISION: Civil

PROCEEDING: Application

ORIGINATING COURT: District Court at Ipswich

DELIVERED ON: 8 November 2019

DELIVERED AT: Brisbane

HEARING DATE: On the papers

JUDGE: Horneman-Wren SC DCJ

ORDER: **The plaintiff is to pay the first and third defendants' costs of the proceeding on the standard basis.**

CATCHWORDS: APPLICATION FOR COSTS; UNIFORM CIVIL PROCEDURE RULES 1991 r681; whether costs should be awarded to the first and third defendants; where the first and third defendants were wholly successful in the substantive proceedings;

COUNSEL: Ms Russell self-represented  
Mr P McCafferty QC for the first and third defendants

SOLICITORS: M & K Lawyers Group for the first and third defendants

[1] On 24 April 2019 the court ordered judgment for the first and third defendants against the plaintiff in respect of the plaintiff's claims against them. The parties

were provided the opportunity to file written submissions on the issue of costs. Each has done so.

- [2] The plaintiff's written submissions, in large part, express disappointment in the primary judgment. She considers that it is very unfair considering that the first and third defendants who "were the start of this and they are to get off scot free" and that she, as the person who they have hurt, has to pay court costs for something that they did. She also raises that she is a single mother of two young children in receipt of a single parent pension.
- [3] The first and third defendants raise that they have been wholly successful in the proceeding and that there is no principled reason why the general rule set out in r 681 of the *Uniform Civil Procedure Rules 1991* that costs will follow the event unless the court otherwise orders should be departed from in this case. They note that the rule is one of general principle which reflects the primary purpose for an award of costs which is to indemnify the successful party, not to punish the unsuccessful party.
- [4] The event, they submit is the entering of judgement. Accordingly, the appropriate order should be for costs of the proceeding, not, just of the application.
- [5] In my view, the submission of the first and third defendants ought to be accepted. The general rule should be applied in this case. The event is the entering of judgement concluding the entire proceeding, and it is the costs of the proceeding that should be ordered. The first and third defendants have been completely successful.<sup>1</sup>
- [6] The order shall be that the plaintiff is to pay the costs of the first and third defendants of the proceeding on the standard basis.

---

<sup>1</sup> *Interchase Corporation Limited (in Liq.) v Grasvenor Hill (Queensland) Pty Ltd (No. 3)* [2003] 1 Qd. R 26 at [84] – [85].