



## Transcript of Proceedings

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Date 8/11/02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

AMBROSE J

No 10243 of 2002

MARCIA NOLA MILLNER

Applicant

and

ANDREW FRANCIS MILLNER, SUZANNE HELEN  
MILLNER and JAMES CRAIG MILLNER Respondents

BRISBANE

..DATE 25/10/2002

JUDGMENT

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: I will make an order in terms of this draft which is more or less by consent except that I will alter the three days limitation on giving all documents to 14 days. All the documents that have so far been filed, I assume, and that is a couple from the applicant's children of the first marriage have already been filed so they can be given.

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HIS HONOUR: I will make an order in terms of the draft which I will sign and place with the papers. With respect to the costs, it seems to me on the material that the applicant has been unnecessarily dilatory in complying with the directions order which was really made as a consequence of the agreement to its terms by the solicitors for the parties.

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In my view the costs incurred by the respondents in bringing this application have been incurred solely by the recalcitrance and dilitariness of the applicant and those costs should not come out of the estate and they should be borne by her.

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I take into account the explanation that is given and the affidavit read today of Mr Read. That is upon instructions that he has obviously received from the applicant. She has not deposed to that effect. In my view this is a case in which the respondents should get the costs of the application which essentially they had to make, assessed on an indemnity basis, and I make that order and I give the parties liberty to

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ORDER

25102002 T06/SB29 M/T 1/2002 (Ambrose J)

apply to me because I have spent more time than I expected I  
would on this matter should any problem arise that has not  
been foreseen with respect to the draft referring order which  
I have made by consent today.

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ORDER