



## Transcript of Proceedings

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State Reporting Bureau  
Date: 13 September, 2004

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

No 74 of 2000

BRUCE DAVIS PTY LTD (ACN 009 993 220) Plaintiff (Respondent)  
AS TRUSTEE FOR THE "CENTENARY STAR  
TRUST"

and

THE OWNER OF THE SHIP "KESTRAL BAY" Defendant (Applicant)

CAIRNS

..DATE 07/09/2004

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: This is an application on the part of the defendant to join a third party out of time. As a consequence the defendant requires leave pursuant to rule 194 of the Uniform Civil Procedure Rules.

The plaintiff's claim arises out of a collision between ships on the 20th of July 1998. The plaintiff claims damages in respect of loss of income and alleges negligence against those persons having the navigational management of the vessel named as the defendant. As the material before me indicates the navigational management of the vessel was the subject of a written contract which has been exhibited. The evidence also discloses that the person who was in actual control of the management was the proposed third party, Christopher Edwards. The allegation of negligence sought to be raised by the defendant in the third party proceedings is thus directly made against Mr Edwards in respect of his own personal conduct.

The application made at this time does not add to the complexity of the issues, nor does it bring about any lengthening or delay in the progress of the action which on its face seems to have been somewhat delayed already.

In all the circumstances it seems appropriate to grant leave for the adding of the third party proceedings.

I make orders in terms of the draft initialled by me and placed with the papers.

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