

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Dixon v Queensland Racing Integrity Commission (No 2)*
[2018] QCAT 374

PARTIES: **GRANT WILLIAM DIXON**
(applicant)
v
**QUEENSLAND RACING INTEGRITY
COMMISSION**
(respondent)

APPLICATION NO/S: OCR299-17; OCR036-18

MATTER TYPE: Occupational regulation matters

DELIVERED ON: 8 November 2018

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Hanger AM QC

ORDERS: **IN OCR299-17:**
1. The application for costs is refused.
IN OCR036-18
1. The application for costs is refused.

CATCHWORDS: PROCEDURE – CIVIL PROCEEDINGS IN STATE
AND TERRITORY COURTS – COSTS – whether to
award costs under the *Queensland Civil and
Administrative Tribunal Act 2009* (Qld)

Queensland Civil and Administrative Tribunal Act 2009
(Qld), s 100, s 102, s 106
Racing Integrity Act 2016 (Qld)

REPRESENTATION:

Applicant: Self-represented

Respondent: Self-represented

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the
Queensland Civil and Administrative Tribunal Act 2009 (Qld).

REASONS FOR DECISION

- [1] Mr Dixon was successful in the hearings in these matters and now seeks an order for his costs pursuant to s 102 and s 106 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (QCAT Act).
- [2] Section 100 of the QCAT Act provides that other than as provided by the Act, each party must bear their own costs. The *Racing Integrity Act 2016* (Qld) makes no provision in respect of the costs of an external review to this tribunal and hence, as the applicant correctly submits, the application must be determined by reference to the provisions of the QCAT Act.
- [3] Section 102(3) of the QCAT Act provides guidance as to factors which may be considered by me.
- [4] These proceedings were not complex and the penalty that was involved could not be considered extremely onerous or harsh. Each party had a reasonable case. The case turned on a matter of impression and could have been decided either way. Each party conducted itself diligently and properly in legitimately pursuing its own ends. The respondent is charged with a difficult task and must defend the integrity of the industry and should not be penalised with an order for costs unless it can be said that it clearly acted in breach of its charter, or in some way dishonestly.
- [5] While the respondent was unsuccessful in each matter, it should not be discouraged from properly pursuing matters within its remit, because it fails to establish its case. I would not award costs in cases such as these unless it could be said that the prosecution was totally unjustified. That was not the case.
- [6] I refuse the application.