

Hollis v Atherton Shire Council [2003] QSC 147 (18 March 2003)

In *Hollis v Atherton Shire Council* [2003] QSC 147 (18 March 2003), Jones J in the Supreme Court of Queensland held that \$216,793 of overpayments made in 1994 were recoverable in an action for restitution based upon the "unjust factor" of mistake (para [10]). At [5.8] we explain that in actions in unjust enrichment, interest should run from the date of receipt of the money (the enrichment) and (at [5.6]) that, in principle, the rate should be the market rate (ie compound interest at market rates). In this case, however, the court avoided this difficult exercise because the parties appear to have agreed a compromise solution: a higher rate of 10% from the date of payments but simple interest and not compound.