



# HIGH COURT OF AUSTRALIA

## NOTICE OF FILING

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### Details of Filing

File Number: D2/2024  
File Title: KMD v. CEO (Department of Health NT) & Ors  
Registry: Darwin  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
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### Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

**IN THE HIGH COURT OF AUSTRALIA  
DARWIN REGISTRY**

BETWEEN:

**KMD**  
Appellant

and

**CEO (Department of Health NT)**  
First Respondent

and

**THE KING**  
Second Respondent

and

**CEO (Attorney-General for the NT)**  
Third Respondent

**APPELLANT'S CHRONOLOGY**

**Part I: Certification for publication**

This chronology is in a form suitable for publication on the internet.

**Part II: Chronology**

Date	Event	Reference
7 May 2013	The appellant ( <b>KMD</b> ) engages in a course of conduct for which she is charged with offences.	<i>KMD (No 1)</i> <sup>1</sup> [1]
7 May 2013	KMD is arrested and taken into custody where she remains remanded until the making of a Custodial Supervision Order ( <b>CSO</b> ).	<i>KMD (No. 1)</i> [5], [22], [31]
1 May 2014	Riley CJ declares KMD unfit to stand trial and not likely to become fit within a 12 month period pursuant to ss 43T and 43R of the <i>Criminal Code 1983</i> (NT) ( <b>Criminal Code</b> ).	<i>KMD (No 1)</i> [1]
4 July 2014	KMD is found not guilty by reason of mental impairment by a jury after a special hearing conducted under Part IIA, Div 4 of the Criminal Code.	<i>KMD (No 1)</i> [3]

<sup>1</sup> *R v KMD* [2015] NTSC 31 (Riley CJ).

4 July 2014	KMD is declared liable for supervision by Riley CJ pursuant to s 43X(2)(a) of the Code and placed on an interim CSO pursuant to s 43Y(1)(b).	<i>KMD (No 1)</i> [4], [5]
3 June 2015	Riley CJ makes a CSO pursuant to s 43ZA of the Code fixing a nominal term of 16 years pursuant to s 43ZG.	Core Appeal Book (CAB) 5
12 May 2016	First periodic review of CSO pursuant to s 43ZH commences before Hiley J.	<i>KMD (No 3)</i> <sup>2</sup> [1]
8 March 2017	Hiley J rules that there is no power under Part IIA of the Criminal Code to mandate pharmacological treatment of KMD.	<i>KMD (No 2)</i> <sup>3</sup>
26 July 2017	First periodic review concludes with Hiley J confirming the CSO pursuant to s 43ZH(2)(b)(i).	<i>KMD (No 3)</i> [131]
9 November 2020	Second periodic review of the CSO pursuant to s 43ZH commences before Hiley J.	<i>KMD (No 4)</i> <sup>4</sup> [1]
10 March 2021	Second periodic review by Hiley J concludes with Hiley J confirming the CSO pursuant to s 43ZH(2)(b)(i).	<i>KMD (No 4)</i> [68]
15 November 2021	Periodic review pursuant to s 43ZH by Brownhill J commences.	CAB 7, <i>KMD (No 5)</i> . <sup>5</sup>
2 September 2022	Brownhill J delivers a first judgment in respect of the periodic review: <i>KMD (No 5)</i> .	CAB 7
16 June 2023	Brownhill J delivers a second judgment in respect of the periodic review: <i>KMD (No 6)</i> . <sup>6</sup>	CAB 93
5 July 2023	Brownhill J makes orders varying the CSO to a Non-custodial Supervision Order (NCSO), with effect from 12 July 2023.	CAB 190
5 July 2023	Court of Criminal Appeal of the Northern Territory (NTCCA) (Blokland, Barr and Huntingford JJ) refuses First Respondent's application for a stay of the NCSO pending an appeal from the orders of the primary judge.	CAB 205, CA <sup>7</sup> [5]

<sup>2</sup> *R v KMD & Ors (No 3)* [2017] NTSC 95 (Hiley J).

<sup>3</sup> *R v KMD [No 2]* [2017] NTSC 18 (Hiley J).

<sup>4</sup> *R v KMD & Ors (No 4)* [2021] NTSC 27 (Hiley J).

<sup>5</sup> *R v KMD & Ors (No 5)* [2022] NTSC 69 (Brownhill J).

<sup>6</sup> *R v KMD & Ors (No 6)* [2023] NTSC 51 (Brownhill J).

<sup>7</sup> *The Chief Executive Officer Department of Health v KMD & Ors* [2024] NTCCA 8 (Blokland, Reeves and Burns JJ).

7 July 2023	First respondent applies to the NTCCA for leave to appeal against the decision of Brownhill J pursuant to ss 43ZB, 406(3) and 410(c) of the Criminal Code.	CAB, 305
12 July 2023	KMD is released from custody in accordance with NCSO.	CAB 190 [1]
27 October 2023	Periodic review of the NCSO pursuant to s 43ZH by Brownhill J resulting in variation of NCSO.	<b>HCASJ</b> <sup>8</sup> [13]
22 February 2024	The appeal is heard before the NTCCA (Blokland, Burns and Reeves JJ).	Appellant's Book of Further Materials [3]
6 March 2024	Periodic review of the NCSO pursuant to s 43ZH by Brownhill J resulting in variation of NCSO.	HCASJ [13].
17 June 2024	Periodic review of the NSCO is conducted by Brownhill J pursuant to s 43ZH. Decision reserved and orders made for the filing of submissions.	HCASJ [14]
23 July 2024	NTCCA allows the appeal by majority and orders that the NCSO of Brownhill J be set aside and the previous CSO confirmed.	CAB 200, 302
23 July 2024	NTCCA declines to hear urgent application by KMD for interim stay of the NTCCA's order pending the filing of an application for special leave to appeal to the High Court.	HCASJ [16]
23 July 2024	KMD returns to custody on CSO.	HCASJ [2]
2 August 2024	KMD files an application in the NTCCA for a stay of the orders of the NTCCA pending the determination of an application for special leave to the High Court.	HCASJ [16]
8 August 2024	NTCCA hears KMD's application for a stay and dismisses the application.	HCASJ [16]
12 August 2024	KMD applies for special leave to appeal against the decision of the NTCCA.	HCASJ [3]
9 September 2024	KMD applies to the High Court for a stay of the NTCCA's decision pending the determination of the application for special leave to appeal.	HCASJ [1]
10 October 2024	High Court (Full Court) orders that special leave to appeal be granted.	CAB 311

<sup>8</sup> *KMD v CEO (Department of Health NT) & Ors* [2024] HCASJ 40 (Gleeson J).

18 October 2024	High Court (Gleeson J) dismisses KMD's application for a stay.	HCASJ [27]
24 October 2024	Notice of appeal filed in the High Court.	CAB 313

Dated: 21 November 2024

*Emrys Nekvapil*

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