

BETWEEN:

COMMONWEALTH OF AUSTRALIA

Appellant

and

HELICOPTER RESOURCES PTY LTD ACN 006 485 105

First Respondent



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MARY MACDONALD

Second Respondent

CORONER'S COURT OF THE AUSTRALIAN CAPITAL TERRITORY

Third Respondent

APPELLANT'S CHRONOLOGY

Part I:

I certify that this chronology is in a form suitable for publication on the internet.

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Part II:

| No | Date | Event | Reference |
|----|-------------|---|----------------------------|
| 1. | 12 Jan 2016 | Captain Wood died as a result of a fatal accident in the Australian Antarctic Territory. | CAB 89 [2] |
| 2. | 27 Jul 2016 | Captain Lomas gave a detailed record of conversation to the Australian Federal Police. | CAB 99 [46], 163 [11.2] |
| 3. | 7 Jul 2017 | Commonwealth advised counsel assisting the inquest that it had been informed that Comcare was considering filing a complaint or summons against the Commonwealth in relation to possible contraventions of the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act). | CAB 99 [47] |

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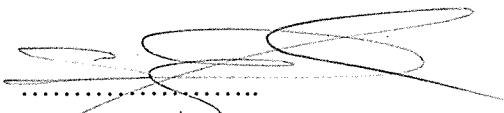
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| No | Date | Event | Reference |
|-----|----------------------------|---|----------------------------------|
| 4. | 19 Sep 2017 | Hearing of inquest commenced into the death of Captain Wood. | CAB 89 [3] |
| 5. | 19 Sep 2017 to 11 Oct 2017 | The bulk of the evidence was taken by the inquest. | CAB 22 [8] |
| 6. | 9 Oct 2017 | Captain Lomas prepared a detailed witness statement for the purpose of the inquest. | CAB 101 [52], 172 [16.1] |
| 7. | 11 Dec 2017 | Comcare wrote to Helicopter Resources Pty Ltd (Helicopter) advising that there were reasonable grounds for believing the Helicopter may have committed a criminal offence. | CAB 99 [49] |
| 8. | 20 Dec 2017 | Helicopter and Commonwealth were each charged as co-accused with three summary criminal offences against s 32 of the WHS Act. | CAB 89-91 [4]-[10] |
| 9. | 21 Dec 2017 | Hearing inquest adjourned to 1 May 2018 in light of the charges being laid. Chief Coroner ordered that any application in relation to the progress of the hearing was to be made in writing supported by affidavit and required the parties to identify witnesses for cross-examination. | CAB 100 [51] CAB 102 [54] |
| 10. | 31 Jan 2018 | Commonwealth sent a letter to the Chief Coroner requesting Captain Lomas to be available for cross-examination at the inquest. | CAB 92 [13] |
| 11. | 23 Mar 2018 | Helicopter sought an adjournment of the inquest, including, in the alternative, an adjournment until the criminal proceedings had been concluded. | CAB 100 [52] |
| 12. | 4 Apr 2018 | Commonwealth filed submissions in response to the Helicopter's application for an adjournment. | CAB 102 [54] |
| 13. | 11 Apr 2018 | Helicopter filed submissions in reply rejecting the Commonwealth's contentions. | CAB 105 [56] |

| No | Date | Event | Reference |
|-----|-------------|--|------------------------|
| 14. | 12 Apr 2018 | <p>Chief Coroner refused Helicopter's application to adjourn the inquest and decided the inquest would proceed.</p> <p>Chief Coroner issued a subpoena for Captain Lomas to give evidence at the inquest.</p> | CAB 105 [57], 106 [59] |
| 15. | 16 Apr 2018 | Chief Coroner provided reasons for the decision made on 12 April 2018. | CAB 105 [57] |
| 16. | 20 Apr 2018 | <p>Helicopter sought a direction from the Chief Coroner to the effect that the examination of Captain Lomas would not extend to the matters outlined in the information and summons and the statement of facts of the Commonwealth and Comcare.</p> <p>The Chief Coroner refused to make the order sought by Helicopter.</p> | CAB 106 [60]-[61] |
| 17. | 24 Apr 2018 | Helicopter commenced proceedings in the Federal Court of Australia seeking judicial review of the Chief Coroner's decision to subpoena Captain Lomas. | CAB 8 |
| 18. | 30 Apr 2018 | Griffiths J made interim orders restraining the Coroner from requiring Captain Lomas (among others) to answer questions in the inquest. | CAB 106 [63] |
| 19. | 1 May 2018 | Inquest was due to resume, but did not resume due to the Federal Court's 30 April 2018 orders. | CAB 107 [68] |
| 20. | 29 May 2018 | Hearing before Federal Court of Australia (Bromwich J). | CAB 18 |
| 21. | 29 Jun 2018 | Delivery of judgment of the Federal Court of Australia (Bromwich J). | CAB 17 |
| 22. | 9 Jul 2018 | Helicopter appealed to the Full Court of the Federal Court of Australia. | CAB 83 |
| 23. | 22 Nov 2018 | Hearing before Full Court of the Federal Court of Australia (Rares, McKerracher and Robertson JJ). | CAB 86 |

| No | Date | Event | Reference |
|-----|-------------|---|-----------|
| 24. | 15 Feb 2019 | Delivery of judgment of the Full Court of the Federal Court of Australia (Rares, McKerracher and Robertson JJ). | CAB 85 |
| 25. | 21 Jun 2019 | Order granting the Commonwealth special leave to appeal (Nettle and Gordon JJ). | CAB 182 |
| 26. | 5 Jul 2019 | Notice of appeal filed in High Court of Australia. | CAB 184 |

Dated: 5 August 2019



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