

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

S142  
NO ~~S~~4 OF 2016

On appeal from  
the Full Court of the Federal Court of Australia

**BETWEEN:**

**COMCARE**  
Appellant

**AND:**

**PETA MARTIN**  
Respondent



**CHRONOLOGY OF THE APPELLANT**

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Date	Event
January 2010	Ms Martin commenced employment with the Australian Broadcasting Corporation in Renmark, South Australia.
10 January 2010 - August 2011	Ms Martin worked as a producer under the supervision of Mr Bruce Mellett who, among other things, was the presenter of the local ABC breakfast program broadcast.
August 2011	Ms Martin was appointed to act, on a temporary basis, in the role of cross media reporter, continuing to work out of the Renmark studio but under the supervision of Hobart based Ms Raabus.
20 February 2012	The permanent position of cross media reporter was advertised by the ABC and 20 people applied for the position.
March 2012	A selection panel (chaired by Ms Raabus and also comprising Mr Mellett and regional content director, Mr Johnathon Wright) was convened to make a recommendation to the relevant ABC delegate
30 March 2012	The selection panel shortlisted four people, including Ms Martin, and interviewed them.
16 March 2012	Ms Martin was informed that she was unsuccessful in her application for the permanent position of cross media reporter. She broke down, packed up and drove to be with her family in Adelaide.
40 17 March 2012	Ms Martin consulted a GP, Dr Bennett, who diagnosed her as suffering from a psychiatric illness, referred her to a psychologist and certified her unfit for work.
50 24 January 2013	Ms Martin sought review of Comcare's reviewable decision to reject liability in respect of her claimed injury "anxiety depression" under s 14 of the <i>Safety, Rehabilitation and Compensation Act 1988</i> to pay compensation to Ms Martin in the Administrative Appeals Tribunal, pursuant to s 64 of the <i>Safety, Rehabilitation and Compensation Act 1988</i> .

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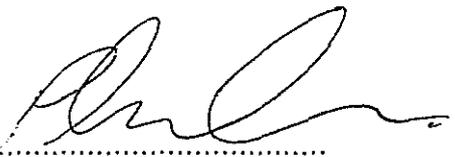
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10-13 June 2014	The matter was heard in the Administrative Appeals Tribunal (AAT) before Senior Member Britton.
11 August 2014	Senior Member Britton handed down her decision and reasons for decision, setting aside Comcare's decision of 6 December 2012 and deciding that Comcare is liable to pay compensation to Ms Martin pursuant to s 14 of the <i>Safety, Rehabilitation and Compensation Act 1988</i> for an 'adjustment disorder'.
8 January 2015	The Federal Court, constituted by Griffiths J, upheld Comcare's appeal from the AAT's decision of 11 August 2014 and dismissed Ms Martin's Notice of Contention
30 November 2015	The Full Federal Federal Court, constituted by Siopis and Murphy JJ and Flick J (in dissent), upheld Ms Martin's appeal from the judgment of Griffiths J.
16 May 2016	The High Court constituted by Kiefel and Bell JJ granted special leave to appeal to the High Court from the whole of the judgment and order of the Full Court of the Federal Court.

Dated: 20 June 2016



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Peter Lehmann  
Solicitor for the Appellant