IN THE HIGH COURT OF AUSTRALIA

SYDNEY REGISTRY

BETWEEN:

JEMENA GAS NETWORKS
(NSW) LIMITED

Appellant

HIGH COURT OF AUSTRALIA
FILED
-1 FEB 2011
THE REGISTRY SYDNEY

AND:

MINE SUBSIDENCE BOARD

Respondent

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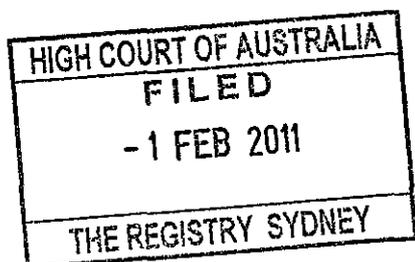
APPELLANT'S CHRONOLOGY

Part I: Internet publication certification

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

Part II: Chronology

4 July 1991	Coal mining lease in respect of the West Cliff Colliery granted to a subsidiary of BHP Billiton Limited (**Miner**).	SOAF [11] AB #
22 November 2002	Miner obtained approval under s 138 of the *Coal Mines Regulation Act* 1982 (NSW) for longwall mining of what subsequently became known as longwall panels 29-33.	SOAF [13], [15], [18] AB #
14 April 2003	Miner commences longwall mining, commencing with longwall 29.	SOAF [17], [26] AB #

17 and 29 December 2003	Expert consultants engaged by the Miner, Mine Subsidence Engineering Consultants (**MSEC**), predict subsidence levels from mining of, inter alia, longwall panels 29-33. MSEC predict subsidence of the ground where the pipeline crosses Mallaty Creek commencing with the mining of longwall 30.	SOAF [28] AB #
11 February 2004	Expert engineering consultants (Worley) engaged by the Miner to interpret and model the effects of the subsidence predicted by MSEC advise that the anticipated pipeline stress at Mallaty Creek resulting from the predicted cumulative subsidence from longwalls 30 and 31 was within acceptable levels but that the anticipated stress from predicted cumulative subsidence from longwalls 30-32 exceeded acceptable levels and mitigation works were required.	SOAF [30]-[31] AB #
24 December 2004	Initial approval under s 138 of the *Coal Mines Regulation Act* 1982 (NSW) revoked and new approval granted to the Miner to mine longwall panels 29-33.	SOAF [19]-[20] AB #
4 June 2005	Mining of Longwall 30 completed.	SOAF [26] AB #
26 July 2005	Miner commenced extraction of coal from longwall 31.	SOAF [26], [35] AB #
24 October 2005	Subsidence of 31.8 mm recorded at the intersection of pipeline and Mallaty Creek as a result of longwall mining to that date.	SOAF [36] AB #
December 2005	Appellant commenced engineering and design works to prevent damage to the pipeline.	SOAF [40] AB #

October 2006	Appellant commenced preventative and mitigatory works on both sides of Mallaty Creek, involving excavation of the pipeline, decoupling of the pipeline from the soil and associated filling (**Subject Works**).	SOAF [41] AB #
11 December 2006	Mining of longwall 31 completed.	SOAF [26] AB #
20 December 2006	Subsidence of 42.3 mm recorded at intersection of pipeline and Mallaty Creek as a result of longwall mining to that date.	SOAF [42] AB #
January 2007	Subject Works completed.	SOAF [41] AB #
12 February 2007	Miner commenced extraction of coal from longwall 32.	SOAF [26], [42] AB #
30 April 2007	Subsidence of 140.4 mm recorded at intersection of pipeline and Mallaty Creek as a result of longwall mining to that date.	SOAF [43] AB #
17 July 2007	Appellant made claim under s 12A(1)(b) of the MSC Act for the costs of preventative and mitigatory works performed on the pipeline on the northern side of Mallaty Creek.	SOAF [1] AB#
28 August 2007	Subsidence of 274.7 mm recorded at intersection of pipeline and Mallaty Creek as a result of longwall mining to that date.	SOAF [44] AB #
17 June 2008	Mining of longwall 32 completed.	SOAF [26] AB #

23 July 2008	Respondent refuses Appellant's claim on basis the works related to damage from anticipated subsidence and not subsidence that had taken place at the time the preventative expenses were incurred.	SOAF [1] AB#
28 July 2008	Respondent's decision communicated to the Appellant.	AB #

1 February 2011

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