

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

No. S352 of 2012

BETWEEN:



STATE OF NSW  
Appellant

and

GREGORY WAYNE KABLE  
Respondent

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### APPELLANT'S CHRONOLOGY

#### Part I

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

#### Part II

Date	Event	Appeal Book page
5 September 1989	Respondent arrested following death by stabbing of his wife.	
1 August 1990	Respondent sentenced by Hunt J in the Supreme Court of NSW to imprisonment for total terms of five years and four months, to expire on 4 January 1995.	
27 October 1994	Community Protection Bill 1994 (NSW) introduced to the NSW Legislative Council.	
23 November 1994	Community Protection Bill 1994 (NSW) introduced to the NSW Legislative Assembly.	
2 December 1994	Community Protection Act 1994 (NSW) ("CP Act") passes the Parliament.	
9 December 1994	CP Act is proclaimed.	
13 December 1994	Director of Public Prosecutions (NSW) ("DPP") commences proceedings in the Supreme Court of NSW, seeking orders that the Respondent be detained and that he be medically examined pursuant to the CP Act.	

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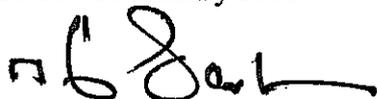
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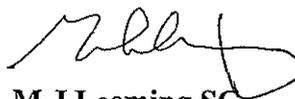
Date	Event	Appeal Book page
19 December 1994	Spender AJ in the Supreme Court of NSW rejects constitutional challenge to CP Act, declines to stay proceedings and makes order requiring the Respondent to be psychiatrically examined pursuant to the CP Act: <u>Director of Public Prosecutions v Kable</u> (1995) 75 A Crim R 428.	
22, 23 December 1994	Hunter J hears DPP's application in the Supreme Court of NSW for interim detention order pursuant to s 7 of the CP Act. Further constitutional challenges raised.	
29 December 1994	Respondent charged before Magistrate Kok at Waverley Local Court with 14 contraventions of s 85S of the Crimes Act 1914 (Cth). Bail refused, warrant issued remanding the Respondent in custody until 5 January 1995.	
30 December 1994	Hunter J in the Supreme Court of NSW rejects constitutional challenges to CP Act, makes interim order detaining the Respondent pursuant to the CP Act.	
5 January 1995	Warrant issued at Waverley Local Court remanding the Respondent in custody until 16 February 1995 in relation to pending charges under s 85S of Crimes Act 1914 (Cth).	
9 January 1995 – 7 February 1995	Levine J in the Supreme Court of NSW hears DPP's application for an order pursuant to s 5 of the CP Act over 13 days. Constitutional challenges to CP Act renewed during hearing.	
13 February 1995	Warrant issued at Parramatta Local Court remanding the Respondent in custody until 7 March 1995 in relation to pending charges under s 85S of Crimes Act 1914 (Cth), annotated "This warrant is to take precedence over warrant issued for 16/02/95".	
23 February 1995	Levine J rejects constitutional challenges, orders that the Respondent be detained in custody for six months commencing 23 February 1995 and expiring 22 August 1995 pursuant to the CP Act.	
12 April 1995	Magistrate Heagney permanently stays the Respondent's prosecution for 15 alleged contraventions of s 85S of the Crimes Act 1914 (Cth).	
9 May 1995	Judgment of the NSW Court of Appeal, dismissing appeal against Levine J's order: <u>Kable v Director of Public Prosecutions (NSW)</u> (1995) 36 NSWLR 374.	
18 August 1995	Respondent (then applicant) granted special leave to appeal the decision of the NSW Court of Appeal to the High Court of Australia.	

Date	Event	Appeal Book page
21 August 1995	Grove J in the Supreme Court of NSW dismisses the Respondent's application to revoke Levine J's order, dismisses DPP's application for a further order for detention under the CP Act.	
22 August 1995	Respondent released from detention.	
12 September 1996	Judgment of the High Court of Australia allowing appeal: <u>Kable v Director of Public Prosecutions (NSW)</u> (1996) 189 CLR 51	
20 November 1996	Respondent commences proceedings in the Supreme Court of NSW against the Appellant, seeking damages for false imprisonment.	
8 December 1997	Respondent files Amended Statement of Claim, adding claims against the DPP.	
16 September 2005	Proceedings against the DPP dismissed by consent.	
14 November 2008	Respondent files Further Amended Statement of Claim.	
9 November 2009	Respondent files Second Further Amended Statement of Claim.	
30 July 2010	Judgment of Hoeben J in the Supreme Court of NSW: [2010] NSWSC 811; (2010) A Crim R 66.	
8 August 2012	Judgment of NSW Court of Appeal: [2012] NSWCA 243.	
14 December 2012	High Court of Australia orders that special leave to appeal be granted.	

Dated: 25 January 2013



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