



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 02 Feb 2023 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: B66/2022
File Title: Crime and Corruption Commission v. Carne
Registry: Brisbane
Document filed: Appellant's chronology
Filing party: Appellant
Date filed: 02 Feb 2023

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
BRISBANE REGISTRY

NO B66 OF 2022

ON APPEAL FROM THE COURT OF APPEAL OF THE SUPREME COURT OF
QUEENSLAND

BETWEEN: **CRIME AND CORRUPTION COMMISSION**
Appellant
and
PETER DAMIEN CARNE
Respondent

10

APPELLANT'S CHRONOLOGY

Part I: Certification

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

20 Part II: List of principal events leading to the litigation

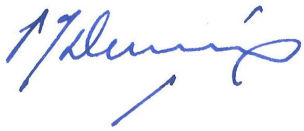
Date	Event	Reference
25 June 2018	The appellant (“ the Commission ”) received an anonymous complaint against the respondent. The complaint was assessed by the Commission to involve multiple allegations of “corrupt conduct” under section 15 of the <i>Crime and Corruption Act 2001</i> (Qld) (“ the Act ”).	Core Appeal Book (“ CAB ”) at 87; QCA [89(a)], [89b].
September 2018	The Commission commenced an investigation of the allegations against the respondent.	CAB at 87, [89(e)].
13 June 2019	The respondent is advised by the Attorney-General (Qld) of the allegations against him, and he was immediately suspended from office.	CAB at 87, [89(f)].
17 June 2019	The Commission notified the respondent of the investigation and requested an opportunity to conduct interviews.	CAB at 87, [89(g)].

Date	Event	Reference
June 2019 – January 2020	The Commission and the respondent’s solicitors exchanged correspondence about the investigation, and the process for proposed interviews. The respondent did not participate in any interviews.	CAB at 87 and 88, [89(h)], [89(i)], and [89(m)].
27 November 2019	Attorney-General (Qld) served the respondent with a “show cause” notice.	CAB at 87 – 88, [89(j)].
13 February 2020	The respondent’s solicitors advised the Commission that the respondent was unable to participate in any interview at that time because of the state of his mental health.	CAB at 88, [89(l)].
3 April 2020	The Commission completed its investigation	CAB at 88, [89(n)].
30 April 2020	The Commission advised the respondent’s solicitors that it had concluded its investigation and that at the current time it was not proposing any criminal proceedings against the respondent.	CAB at 88, [89(o)].
19 June 2020	A private meeting was held between the chairpersons of the PCCC and the Commission where the preparation of a report about the investigation was discussed.	CAB at 88, [89(q)]. Also: CAB at 11, TJ [19].
31 July 2020	The respondent resigned as Public Trustee prior to the “show cause” matter being finalized; the resignation brought the “show cause” process to an end.	CAB at 88, [89(r)].
4 September 2020	The Commission advised the respondent that it “intends to publish a report on this investigation in accordance with section 69 of the [Act] providing an overview of the investigation and outcomes” and enclosed a copy of the draft report for comment.	CAB at 88, [89(s)].

Date	Event	Reference
11 September 2020	A private meeting was held between the PCCC and the Commission during which the Commission advised the PCCC that it would be seeking a direction under section 69 of the Act.	CAB at 89, [89(q)]. Also CAB at 12 – 13, TJ [23].
16 September 2020	The respondent's solicitors delivered confidential submissions in response to draft report	CAB at 89, [89(v)]. Also CAB at 14, TJ [25].
30 September 2020	In a letter to the Commission, the respondent's solicitors challenged the Commission's power to proceed under s 69 of the Act. The respondent's solicitors provided a copy of the letter to the PCCC.	CAB at 89, [89(y)]. Also CAB at 15, TJ [27].
6 October 2020	The Commission advised the respondent's solicitors that the respondent's submissions had been considered, provided a copy of the report and advised that the Commission had approved the seeking of a direction from the PCCC pursuant to section 69(1)(b) of the Act.	CAB at 89, [89(z)]. Also CAB at 15, TJ [28].
6 October 2020	The Commission sent the report to the PCCC and requested that it direct that the report be given to the Speaker of the Legislative Assembly pursuant to section 69(1)(b) of the Act.	CAB at [89(aa)]. Also CAB at 15, TJ [28].
8 October 2020	The respondent commenced proceedings in the Supreme Court of Queensland seeking declarations and an injunction.	CAB at [89(bb)]. Also CAB at 16, TJ [31].
8 October 2020	By letter dated 8 October 2020, the Commission advised the PCCC of the proceeding and requested that it refrain from further considering a direction under s 69(1)(b) of the Act until the proceeding was finalised.	CAB at 89, [89(cc)] Also CAB at 16, TJ [31].

Date	Event	Reference
13 October 2020	The PCCC advised the Commission that it had resolved, per the Commission’s request, to defer consideration of the Commission’s request for a direction until the respondent’s application had been decided by the court.	CAB at 89, [89(ee)].
20 November 2020	The chairperson of the PCCC issued a certificate under s 55 of the Parliament Act which certified that the report was a document prepared for the purposes of, or incidental to, transacting business of the PCCC under s 9(2)(c) of the Parliament Act; and was a document presented or submitted to the PCCC.	CAB at 107, [174]. Also CAB at 46, TJ [123].
1 April 2021	The respondent’s originating application was heard by the Supreme Court of Queensland (Davis J).	CAB at 5.
10 September 2021	The respondent’s originating application was dismissed by the Supreme Court of Queensland (Davis J).	CAB at 59.
8 October 2021	The respondent filed a Notice of Appeal in Court of Appeal of the Supreme Court of Queensland.	CAB at 60 – 63.
5 August 2022	The Court of Appeal of the Supreme Court of Queensland (McMurdo and Mullins JJA; Freeburn J dissenting) allowed the appeal and set aside Davis J’s orders of 10 September 2021. A declaration was made that the document made by the Commission “is not a report for the purposes of” s 69(1) of the Act.	CAB at 122.

Dated 2 February 2023



.....
Peter Dunning KC

Telephone: 07 3218 0630

Email:

dunning@callinanchambers.com.au

Counsel for the Appellant

.....
Matthew Wilkinson

Telephone: 07 3008 3926

Email:

mwilkinson@level27chambers.com.au

.....
Sarah Spottiswood

Telephone: 07 3008 3929

Email:

sspottiswood@level27chambers.com.au