



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S173/2023
File Title: BQ v. The King
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 01 Feb 2024

Important Information

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**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

BETWEEN:

BQ

Appellant

and

THE KING

Respondent

10

APPELLANT'S CHRONOLOGY

PART I CERTIFICATION

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

PART II CHRONOLOGY

DATE	EVENT	REFERENCE
5 February 1996	BB born	Exhibit N (ABFM 37); CCA [17] (CAB 128)
27 April 2003	AA born	Exhibit N (ABFM 37) CCA [17] (CAB 128)
24 June 2004	AA and BB's mother and father separated. Immediately after this, the father moved into their grandparents' house and had access to AA and BB and their brother, who he saw either every weekend or every second weekend.	CCA [26] (CAB 129); T592-3 (ABFM 32-33)

DATE	EVENT	REFERENCE
After 2004, by March 2006	The father moved into a new property with his new partner. He was living there when AA (aged 3 at the time) complained of a sore vagina and that BB had put diamonds “in her”.	T593-594 (ABFM 33-34); Exhibit N (ABFM 37)
2007	The appellant and his family lived in a unit in a different suburb. The evidence relied on in proof of count 1 was an allegation that the conduct occurred in that unit in 2007. The evidence relied on in proof of count 2 was an allegation that the conduct occurred at the grandparents’ home before it was renovated.	CCA [28] (CAB 130); T821-822 (ABFM 39-40); T824 (ABFM 42)
End of 2007-September 2012	The appellant and his family lived in the “back bedroom” of the grandparents’ home following completion of renovations.	CCA [28] (CAB 130)
Sometime after the end of 2007	The father of AA and BB moved back into the grandparents’ home.	T593 (ABFM 33)
1 January 2007-28 January 2010	The alleged offences against BB as charged on the indictment (counts 1-7)	CCA [22] (CAB 129)
February-March 2009	The alleged offence against AA (count 8) occurred.	CCA [22] (CAB 129)
Around 2010-2013	The father lived at the grandparents’ farm.	T595 (ABFM 35)
August-September 2011	The alleged offence against AA (count 9) occurred.	CCA [22] (CAB 129)
January 2012	The alleged offence against AA (count 10) occurred.	CCA [22] (CAB 129)

DATE	EVENT	REFERENCE
Mid-2012	The mother obtained full custody of AA and BB and stopped all contact with the father's family.	T474 (ABFM 31) <i>cf</i> CCA [27] (CAB 130)
1-25 December 2012	The alleged offence against AA (count 11) occurred.	CCA [22] (CAB 129)
Mid 2012- mid February 2014	Applications were made in the Family Court of Australia by the grandparents for contact with AA and BB, which were resisted by the mother. Prior to mid-February 2014 there were directions made for mediation and discussions.	T473-474 (ABFM 30-31)
14 February 2014	AA made her first complaint that she had been touched, to her mother.	CCA [88] (CAB 146)
16 February 2014	AA made a complaint to BB.	T127 (ABFM 11)
27 February 2014	AA told her mother further allegations (counts 9, 11).	T452-453 (ABFM 28-29)
9 April 2014	AA was interviewed by Child Abuse Squad officers.	CCA [18] (CAB 129)
17 September 2014	BB made her first statement to police stating the appellant had never touched her.	CCA [87] (CAB 145); T253 (CAB 13)
10 October 2014	The appellant was interviewed by police.	CCA [32] (CAB 131)
March 2015	BB made her first complaint of offences committed against her by the appellant to a cousin.	CCA [83] (CAB 145)
August 2016	BB made a complaint about offences committed against her by the appellant to her husband.	CCA [84] (CAB 145)

DATE	EVENT	REFERENCE
12 September 2016	The first trial concerning AA's allegations commenced.	CCA [18] (CAB 128)
14 September 2016	BB made a statement to police, during AA's cross-examination, that the appellant touched her like he touched AA and told her mother, resulting in the first trial being aborted.	CCA [19]-[20] (CAB 128)
13 August 2018	The second trial of the appellant, now concerning allegations of AA and BB, commenced with pre-trial argument, including as to expert evidence.	CCA [21] (CAB 129)
15 August 2018	Judgment by trial judge as to admissibility of evidence of A/Prof Shackel.	ABFM 4-7
21 August 2018	Evidence of A/Prof Shackel.	T407-417 (ABFM 17-27)
28-29 August 2018	Closing addresses in the trial.	T820-880 (ABFM 38-91)
29 August 2018	Summing up by trial judge. Jury ask for the transcript of the trial and at 1.55pm the jury are provided with the trial transcript with further directions. Further directions given at 3.22pm and 4.10-4.11pm. Trial adjourned to 1.30pm on 30 August 2018.	CAB 9-54, 56, 70-71, 78-80
30 August 2018	Trial resumed at 1.30pm. At 3.01pm the appellant was found guilty of counts 1-4 and 7-11, acquitted of counts 5-6, and taken into custody.	CAB 81

DATE	EVENT	REFERENCE
30 November 2018	The appellant was sentenced to an aggregate sentence of 12 years' imprisonment with a non-parole period of 8 years commencing on 30 August 2018 and expiring on 29 August 2030 (the non-parole period expiring on 29 August 2026).	CAB 106
25 November 2022	The appellant's appeal against conviction heard by the Court of Criminal Appeal of New South Wales.	CAB 115
3 March 2023	<p>The Court of Criminal Appeal of New South Wales delivered judgment. The appellant's conviction on count 8 was quashed and the Court substituted a verdict of indecent assault contrary to s 61M(2) of the <i>Crimes Act 1900</i> (NSW).</p> <p>The appellant's conviction on count 11 was quashed and the Court entered an acquittal.</p> <p>The appeal was otherwise dismissed.</p> <p>The appellant's sentence was quashed and the matter was remitted to the District Court for the appellant to be re-sentenced. The appellant did not apply for bail pending re-sentence and remains bail refused.</p>	CAB 115, 196
7 December 2023	Special leave to appeal from the decision of the Court of Criminal Appeal of New South Wales was granted.	CAB 204

Dated: 1 February 2024

A handwritten signature in black ink, appearing to read 'GB', is written over a horizontal line.

Gabrielle Bashir SC

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