

BETWEEN:

**VERA MOMCILOVIC**

**Appellant**

**and**

10

**THE QUEEN**

**First Respondent**

**and**

**ATTORNEY-GENERAL FOR THE STATE OF  
VICTORIA**

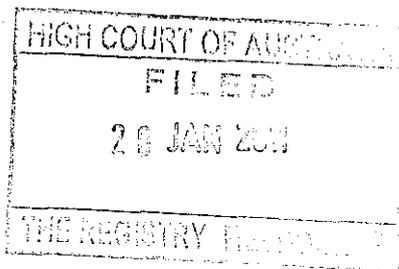
**Second Respondent**

20

**and**

**VICTORIAN EQUAL OPPORTUNITY AND  
HUMAN RIGHTS COMMISSION**

**Third Respondent**



**APPELLANT'S CHRONOLOGY**

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**PART I: CERTIFICATION**

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

**Part II: CHRONOLOGY OF PRINCIPAL EVENTS**

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2. The following table sets out a chronology of the principal events in the litigation:

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Date of document:	7 December 2010
Filed on behalf of:	The Appellant
Filed by:	Melasecca, Kelly & Zayler, Barristers & Solicitors Level 11, 488 Bourke Street, Melbourne, Vic., 3000 Tel: (03) 9670 5211 Fax: (03) 9642 4319 Contact: Mr Rob Melasecca

<b>Date</b>	<b>Event</b>	<b>AB reference</b>
18 December 1983	<i>Drugs, Poisons and Controlled Substances Act 1981</i> (Vic) ("the DPCS Act"), including s 5, commences.	N/A
1 January 2002	Section 71AC of the DPCS Act commences (replacing a similar provision in s 71).	N/A
6 December 2005	Section 302.4 and related provisions of the <i>Criminal Code</i> (Cth) ("the Code") commence.	N/A
14 January 2006	Methylamphetamine found at appellant's premises in Melbourne.	AB **
1 January 2007	<i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic) ("the Charter") (except ss 32-39) commences.	N/A
1 January 2008	Sections 32-39 of the Charter commence.	N/A
21 July 2008	Presentment alleging count of trafficking methylamphetamine contrary to s 71AC filed (over earlier presentment) in the County Court at Melbourne. Jury empanelled, appellant pleads not guilty and trial commences.	AB **
23 July 2008	Evidence concludes. Judge charges jury. Appellant found guilty. Appellant taken into custody.	AB **
20 August 2008	Appellant sentenced to 27 months' imprisonment with a non-parole period of 18 months.	AB **
12 September 2008	Appellant released on bail by Court of Appeal (Maxwell P and Weinberg JA) ( <i>Re Momcilovic</i> [2008] VSCA 183).	N/A
22-23 July 2009	Appellant's applications for leave to appeal against conviction and sentence heard by Court of Appeal (Maxwell P, Ashley and Neave JJA).	AB **
17 March 2010	Court of Appeal refuses appellant's application for leave to appeal against conviction but allows her appeal against sentence and re-sentences her to 18 months' imprisonment with all but the 52 days she had spent in custody suspended for 16 months.	AB **
25 March 2010	Court of Appeal makes declaration, pursuant to s 36(2) of the Charter, that s 5 of the DPCS Act cannot be interpreted consistently with the presumption of innocence under s 25(1) of the Charter	AB **
3 September 2010	High Court (French CJ, Crennan and Bell JJ) grant appellant's application for special leave to appeal ( <i>Momcilovic v The Queen &amp; Ors</i> [2010] HCATrans 227)	AB **
22 September 2010	High Court publishes reasons for judgment in <i>Dickson v The Queen</i> [2010] HCA 30	N/A
24 September 2010	Notice of Appeal filed by appellant	AB **
8 October 2010	Appeal taken out of list for hearing on 30 November 2010 because of potential difficulty in obtaining instructions from the second respondent during caretaker period ( <i>Momcilovic v The Queen</i> [2010] HCATrans 261)	N/A
16 November 2010	Appellant filed summons for order granting leave to amend Notice of Appeal to add a ground of appeal concerning alleged direct inconsistency between ss 5 and 71AC of the DPCS Act and s 302.4 of the Code and the operation of s 109 of the Constitution	AB **

Dated: 7 December 2010

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.....  
Kristen L. Walker

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**APPELLANT'S ANNEXURE OF CONSTITUTIONAL AND  
STATUTORY PROVISIONS**

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**Relevant provisions of the Constitution**

**Section 109**

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.