

BETWEEN

**MATTHEW MAXWELL (the authorised, nominated
representative on behalf of various Lloyds underwriters)**

Appellant

and

HIGHWAY HAULIERS PTY LTD (ACN 008 863 214)

Respondent

APPELLANT'S CHRONOLOGY

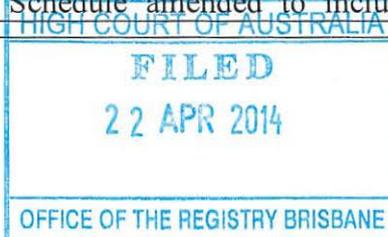
PART I: Internet publication

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

PART II: Chronology

Date	Event	AB
7 February 2004	SRS Underwriting Agency ("SRS"), the agent of the insurers, received a completed proposal from the Insured's broker, Phoenix Insurance Brokers Pty Ltd (" the Broker ") requesting insurance coverage of the Insured's heavy motor vehicle fleet.	
29 April 2004	SRS sends a one page facsimile to the Broker which indicates that the endorsements on any insurance policy would include a requirement that all drivers undertaking the east-west run would have PAQS testing.	
5 May 2004	Closings and various documents provided by the Broker to SRS. On the covering page of the facsimile, the Broker represented to SRS that "PAQS testing for all drivers will be carried out on 28 May 2004...with the minimum score set at 36" and additionally represented that "[o]ne staff member is being trained ... for ongoing PAQS testing of other staff at regular intervals"	
27 May 2004	Occurrence based insurance contract (" the Policy ") was issued to the Broker for a period of cover of 29 April 2004 to 30 April 2005	
16 June 2004	First accident occurs in Ceduna, South Australia involving a prime mover on a Sydney to Perth run	
28 June 2004	The Broker notifies SRS of the first accident	
July 2004	The Policy Schedule amended to include another	

Filed on behalf of the appellant
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22 April 2014
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	endorsement, materially equivalent to ANZ 3 in respect of the PAQS score, but (immaterially for the purposes of this case) different in respect of the other criteria	
2 April 2005	Second accident occurs on Great Eastern Highway between Merredin and Southern Cross involving a prime mover doing a Sydney to Perth run	
4 April 2005	The Broker notifies SRS of the second accident	
21 February 2012	Judgment of Corboy J delivered on liability and damages in favour of the plaintiff: [2012] WASC 53 – Quantum is not disputed on this appeal, only liability	
17 April 2012	Supplementary judgment delivered by Corboy J on question of costs: [2012] WASC 53 (S). That judgment is irrelevant to the orders sought in this appeal as the appellant gave an undertaking for the grant of special leave that the costs orders below would not be disturbed.	
6 May 2013	Court of Appeal of Western Australia (McLure P and Pullin and Murphy JJA) dismisses the appeal from the decision of Corboy J: (2013) 45 WAR 297.	
14 March 2014	Special leave to appeal granted in this Court (Hayne and Gageler JJ)	

Dated 22 April 2014

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