

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

No. B51 of 2017

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

BETWEEN:



TONI MAREE GOVIER
(Appellant)

and

THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (Q)
(ABN 25 548 385 225)
(Respondent)

APPELLANT'S CHRONOLOGY

Part I:

I certify that this chronology is in a form suitable for publication on the internet.

Part II:

15.03.60 DOB appellant - 49 when injured - 57 now

17.02.09 Appellant commenced employment with respondent at Ipswich

03.12.09 Appellant assaulted by MD at about 7.00am Thursday

Appellant then drove herself and client Tara to Ipswich Hospital ("IGH")

Appellant phoned Blackett on her mobile at about 7.30am (exhibit 18) and told him she had been attacked by MD, she had called the police, and she was going to the IGH (CA Reasons [6])

Appellant arrived IGH Emergency Dept underwent triage at 8.54am then admitted to ward at 12.20pm where remained overnight and the next day until discharged at 4.00pm (exhibit 42)

Blackett went to IGH and stayed with the appellant until she was seen by IGH

APPELLANT'S CHRONOLOGY
Filed on behalf of the appellant

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staff. Blackett heard the appellant explain to IGH staff that after MD had wrongfully accused the appellant of having stolen MD's bag, MD sat in the appellant's car (with Tara in the car) and subsequently attacked the appellant (CA Reasons [6])

Blackett returned Tara to her home and Tara told Blackett during the journey that MD had hit the appellant (CA Reasons [6])

Incident Report prepared by Blackett at 12.27pm (exhibit 18)

Blackett discussed the incident with respondent's regional manager Evans in person and on phone (CA Record 508/45; 579/5)

Letter dated 03.12.09 (exhibit 6) from respondent (Evans) to appellant hand delivered to appellant's letterbox then brought to IGH at about 4.30 pm by appellant's flatmate (exhibit 21)

Letter (exhibit 6) and later letter (exhibit 7) were drafted by respondent's HR section based on information provided by Evans (CA Record 550/5)

04.12.09 Appellant did not attend the scheduled 11am Friday meeting because she was too ill (CA Reasons [7])

Appellant discharged from IGH at 4.00pm Friday (exhibit 42)

Medical certificate IGH - appellant totally incapacitated from 03 to 07.12.09 (exhibit 10)

Workers' compensation payts commenced to appellant to 11.05.12 (exhibit 15)

06.12.09 Blackett sent appellant a text message on Sunday afternoon urging her to attend a rescheduled meeting on Monday 07.12.09. Evans telephoned appellant on same day strongly advising her to attend the Monday meeting. The appellant said that she was too ill. Evans did not inquire into her condition until prompted to do so.

Later the appellant rang Evans and said she would attend to get it over with (TJ Reasons [110])

07.12.09 Appellant did not attend the scheduled Monday meeting but rang to say she was still too ill. Appellant was asked when she thought she would be well enough to be interviewed and was required to furnish a medical certificate to prove she was ill (TJ Reasons [111], [117]; CA Reasons [7])

Appellant attended GP given workers' compensation medical certificate certifying her as totally incapacitated for work to 21.12.09 (exhibit 10; CA Record 98/12)

09.12.09 Appellant made an application for workers' compensation to WCQ by telephone (TJ Reasons [113])

Meeting 11.00am Wednesday the respondent with MD attended by Evans and Negrello (Blackett's supervisor) from the respondent. MD falsely stated the appellant had in fact attacked her (exhibit 52; TJ Reasons [112]; CA Reasons [7])

11.12.09 Appellant made an application for workers' compensation to WCQ in writing (TJ Reasons [114])

18.12.09 Letter dated 11.12.09 (exhibit 7) from respondent (Evans) to appellant received by appellant by registered mail (CA Record 104/38 to 105/25; 203/30)

Respondent knew or ought to have known that the appellant had asserted that she was too ill to attend the two meetings she had failed to attend (TJ Reasons [118])

The "timing, manner and content" of the two letters caused an aggravation of the appellant's psychiatric injuries (TJ Reasons [132] and [143])

28.03.12 Appellant's employment terminated by respondent (exhibit 53, para 8)

11.05.12 Workers' compensation payments ceased (exhibit 15)

17.08.15 District Court trial commenced

20.11.15 District Court trial completed after 7 hearing days

18.03.16 District Court judgment

10.02.17 Court of Appeal judgment

Dated: 23 October 2017

A handwritten signature in black ink, appearing to read 'K C Fleming' followed by a stylized flourish.

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