

David Bain case timeline

David Bain was convicted in 1995 of murdering five members of his family in Dunedin. In 2007, the Privy Council quashed his convictions on the grounds a substantial miscarriage of justice had occurred and ordered a retrial.

Mr Bain was subsequently acquitted at a retrial in June 2009. Mr Bain's representatives formally lodged a claim for compensation with the former Minister of Justice Simon Power in March 2010.

Date	Event
20 June 1994	Five members of Bain family found shot dead at 65 Every Street, Dunedin.
24 June 1994	David Bain charged with murdering five members of his family.
29 May 1995	David Bain convicted on five counts of murder following an 18 day trial at Dunedin High Court.
21 June 1995	David Bain sentenced on each charge to life imprisonment with a minimum period of 16 years.
19 December 1995	Appeal against conviction, based on exclusion of Dean Cottle's evidence, dismissed by Court of Appeal.
29 April 1996	Petition for leave to appeal to the Privy Council dismissed.
April 1997	Mr Joe Karam publishes David and Goliath, criticising aspects of the investigation and prosecution of David Bain.
May 1997	Joint investigation by Police Complaints Authority and the Police into allegations put forward in David and Goliath commences.
November 1997	Release of Joint Review by the Police and Police Complaints Authority. Report concludes that the wide ranging attack on the integrity and competence of the investigation by Mr Karam was unjustified.
15 June 1998	David Bain applies for the exercise of the Royal prerogative of mercy.
June 2000	Mr Karam successfully defends a defamation claim filed by Detectives Weir and Anderson.
18 December 2000	The Governor-General, acting on the advice of Minister of Justice, refers certain questions arising from Mr Bain's application for the Royal prerogative of mercy to the Court of Appeal.
17 December 2002	Court of Appeal delivers its opinion, concluding that the fresh evidence when viewed collectively gave rise to a sufficient possibility of a miscarriage of justice to warrant a full reconsideration of the case by the Court of Appeal.

24 February 2003	Governor-General refers Mr Bain's case for full reconsideration by the Court of Appeal.
15 December 2003	Court of Appeal dismisses appeal, concluding that three key points of evidence, taken together, would have led any reasonable jury to have found the case against Mr Bain proven beyond reasonable doubt.
10 May 2007	Privy Council concludes that a substantial miscarriage of justice had occurred, finding that nine points put forward by Mr Bain, taken together, led to the conclusion that a substantial miscarriage of justice had occurred. The Privy Council quashed Mr Bain's convictions and ordered a retrial.
15 May 2007	David Bain released on bail by the Christchurch High Court pending retrial.
21 June 2007	Solicitor General announces that David Bain will be retried.
5 June 2009	David Bain acquitted on all five counts of murder following a trial lasting three months.
25 March 2010	Hon Simon Power, former Minister of Justice, notified of a claim by David Bain for compensation for wrongful conviction and imprisonment.
10 November 2011	Hon Mr Ian Binnie QC, retired Judge of the Supreme Court of Canada, instructed by Hon Simon Power, former Minister of Justice, to provide advice on whether Mr Bain was innocent on the balance of probabilities. Mr Binnie was also asked for advice on any factors particular to Mr Bain's case that he considered relevant to an assessment of extraordinary circumstances.
31 August 2012	Mr Binnie provides his report in which he concludes Mr Bain is innocent on the balance of probabilities, and that numerous errors in the Police investigation constitute extraordinary circumstances.
26 September 2012	Hon Dr Robert Fisher QC, a retired Judge of the New Zealand High Court is instructed by Hon Judith Collins to provide a peer review of Mr Binnie's report.
12 December 2012	Dr Fisher tenders advice to Hon Judith Collins. Dr Fisher advises errors in Mr Binnie's report mean it would be unsafe to rely on it as a basis for making a recommendation on Mr Bain's claim to Cabinet. The reports of both Mr Binnie and Dr Fisher are publically released and given to Mr Bain.
30 January 2013	Mr Bain files judicial review proceedings alleging breaches of natural justice following receipt of Mr Binnie's report.
3 February 2013	At the request of Mr Bain, Cabinet agrees to put further consideration of his compensation claim on hold pending determination of the judicial review proceedings.

22 January 2015	Proceedings are discontinued by agreement of the parties.
19 February 2015	Cabinet announces fresh inquiry on compensation claim.
19 March 2015	Hon Ian Callinan AC QC, retired Justice of the High Court of Australia, is appointed by Hon Amy Adams, Minister of Justice to provide advice on Mr Bain's claim.
26 September 2015	Mr Callinan provides draft advice to the Minister of Justice and the parties are offered the opportunity to provide comment.
27 January 2016	Minister of Justice receives Mr Callinan's final report together with a supplementary report addressing certain matters raised by Mr Karam.
28 January 2016	Minister of Justice provides copies of Mr Callinan's final report and supplementary report to Mr Karam and the Solicitor-General and invites them to advise her of any matters they believe she should take into account before determining her advice to Cabinet
2 August 2016	Mr Callinan's report is released. Mr Callinan's final advice concluded that Mr Bain had not proved his innocence on the balance of probabilities. Ex gratia payment made in full and final settlement on an agreed basis.