

IN THE HIGH COURT OF AUSTRALIA
ADELAIDE REGISTRY

No. A37 of 2017

ON APPEAL FROM THE FULL COURT OF THE FEDERAL COURT OF
AUSTRALIA

B E T W E E N:

Ancient Order of Foresters in Victoria Friendly Society Limited
(ACN 087 648 842)
Appellant

-and-

Lifepan Australia Friendly Society Limited
ACN 087 649 492
First Respondent

Funeral Plan Management Pty Ltd
ACN 003 769 640
Second Respondent



APPELLANT'S CHRONOLOGY

Part I: - Publication

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

Part II: - Issues

Date	Event	Reference
3 December 1990	Foresters Funeral Fund established.	J89
February 2010	Hughes and Woff speak and Woff indicates that he was interested in leaving Lifeplan if the offer was right.	J144
14 July 2010	Hughes meets with Woff and asks him to: <ul style="list-style-type: none">• put together a proposed business model for Foresters to consider; and• make inquiries of Corby as to his interest in joining Foresters.	J145; FC16

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Date	Event	Reference
23 July 2010	Woff and Corby send a letter to Hughes presenting an initial business proposal.	J147; FC17; FC23
5 August 2010	Woff sends an email to Hughes containing a basic profit model.	J149; FC19; FC23
24 August 2010	Hughes emails the Foresters' Board advising he has requested Woff to put together a formal submission regarding a funeral bond business plan to be presented to the Board.	J151-152; FC21
25 August 2010	Corby meets with Hughes and gives him the Business Concept Paper.	J153; FC25
30 August 2010	Hughes, having sent the BCP to the Foresters' Board, meets with the Board regarding his discussions with Woff and Corby and the Board decides to invite Woff and Corby to present their proposal.	J168; FC25; FC34
13 September 2010	Woff and Corby present to the Foresters' Board and speak to the BCP.	J173-175; FC9; FC35
20 September 2010	Hughes writes to Woff and Corby expressing Foresters' interest in advancing the proposal outlined in the BCP.	J176-177; FC37
27 September 2010	Woff and Corby write to Hughes indicating that they were ready to proceed subject to the resolution of the matters they identified.	J178; FC40
29 September 2010	Hughes sends Corby the benefit fund rules for the Foresters Funeral Fund and STL Funeral Fund for review.	J252; J402; FC42
12 October 2010	Woff sends an email to Hughes with his comments on the Foresters Funeral Fund rules.	J252; J402; FC42
16-17 October 2010	Woff and Corby attend the Funeral Directors Association of NSW 2010 Conference in the Hunter Valley and approach funeral directors.	J215; J222; FC48

Date	Event	Reference
20 October 2010	Woff emails Hughes to inform him that "we now have verbal commitment from 90% of those approached to swing over immediately to FPA" and that "[f]rom this relatively small audience we already have in excess of \$15M in annual funds ready to roll in".	J216; J223; FC48
20 October 2010	Corby attends Australian Funeral Directors Association Conference in Benalla and approaches funeral directors.	J217; J224; FC49
28 October 2010	Corby gives notice of resignation to Lifeplan.	J103
28 October 2010	Woff writes to Hughes saying they will be creating two disclosure documents.	J232; J402
8 November 2010	Woff writes to Hughes referring to the disclosure documents.	J232
10 November 2010	Woff sends Hughes the initial draft of the two disclosure documents for the funeral bond and pre-paid funeral plan.	J232
12 November 2010	Woff sends Hughes an email with a revised draft of the disclosure documents for the funeral bond and pre-paid funeral plan.	J234
17 November 2010	Corby attends Australian Funeral Directors Association Conference in Warragul and approaches funeral directors.	J218; J224; FC49
24 November 2010	Woff sends Hughes an email setting out further amendments to the disclosure documents.	
25 November 2010	Corby's last day of employment with Lifeplan.	J109; FC7
26 November 2010	Woff and Corby attend the Australian Funeral Directors Association Christmas function and approach funeral directors.	J219; J224
29 November 2010	Woff emails Hughes referring to "Disclosure Documents – Version 3" advising that the terms and conditions have been approved by Minter Ellison.	
1 December 2010	Woff gives notice of resignation to Lifeplan.	J100

Date	Event	Reference
3 December 2010	Woff writes to various funeral directors advising he would like to meet with them. It is inferred that he did so.	J226
6 December 2010	Corby commences employment with Foresters.	J111
29 December 2010	Woff's last day of employment with Lifeplan.	J100; FC7
31 December 2010	Funeral Planning Australia Pty Ltd (FPA) and Foresters enter into a Marketing & Service Agreement and Foresters enters into contracts of employment with Woff and Corby.	J259; FC45
4 January 2011	Woff commences employment with Foresters.	J111
1 February 2011	Foresters issues new Pre-paid Funeral Plan Disclosure Document and Funeral Bond Disclosure Document.	J240, J241
January and March 2011	Only subsequent use of information in the BCP in FPA board reports.	J192
5 September 2011	David Bryant of Australian Unity Investments (Lifeplan's parent company) writes to Theo Fleming, the chairman of Foresters, complaining of, among other things, infringement of copyright in Lifeplan's documents.	J285
1 October 2011	Foresters issues replacement documents.	J286
8 March 2013	Marketing & Service Agreement terminated.	J287
12 June 2013	FPA placed in liquidation.	J287
15 March 2016	Besanko J delivers Judgment [SAD99 of 2012]	
14 April 2016	Besanko J deliver Judgment [SAD99 of 2012]	
4 May 2016	Notice of Appeal in the Full Court [SAD118 of 2016]	
12 May 2017	Judgment of Allsop CJ, Middleton J and Davies J	

Date	Event	Reference
16 June 2017	Judgment of Allsop CJ, Middleton J and Davies J	
14 July 2017	Application for Special Leave to Appeal to the High Court	
20 October 2017	The High Court (Bell J, Nettle J and Edelman J) grant special leave to appeal from the Judgment of the Full Court of the Federal Court of Australia	
10 November 2017	Notice of Cross-Appeal to the High Court	

Dated: 24 November 2017



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