

BETWEEN:

HSIAO



Appellant

and

FAZARRI

Respondent

APPELLANT'S AMENDED CHRONOLOGY

10 Part I: CERTIFICATION

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

Part II: LIST OF PRINCIPAL EVENTS

'CAB'= core appeal book.

'AIBFM'= appellant's indexed book of further material.

'FCAFC'= Reasons for Judgment of the Full Court of the Family Court of Australia reported as *Hsiao & Fazarri* [2019] FamCAFC 37. See CAB 61.

'FCA'= Reasons for Judgment of the Family Court of Australia at trial reported as *Fazzari & Hsaio (No. 2)* [2018] FamCA 447. See CAB 4.

20 'Unadmitted evidence'= evidence not admitted in the trial or the appeal below, but the subject of the unsuccessful application to the Court below that it receive further evidence.

'Exhibit'= a document identified by the initials of the appellant and a number in the affidavit referred to. The number is given herein after 'Exhibit' followed by a hyphen.

Date	Event	Reference
August 2012	An intimate relationship began between the appellant and the respondent.	FCAFC [7], CAB 64.
April 2014	The respondent purchased G Street, Suburb H ('the property') and transferred to the appellant 1/10 th of his interest therein by gift.	FCAFC [11], CAB 65.
9 December 2014	The respondent's conveyancing solicitor wrote him a letter enclosing an instrument of transfer providing for the transfer of the property to the appellant as joint owner and a Form 9A.	See the unadmitted evidence at paras 7 to 10 of the appellant's affidavit filed 20 November 2018, AIBFM 63 and ' <u>Exhibit-2</u> ' referred to therein, AIBFM 75. See also FCAFC [24], CAB 69 and FCAFC [32], CAB 72. ' <u>Exhibit-13</u> ' referred to in the appellant's said affidavit (AIBFM 112 to 115) contains the completed Form 9A.
10 to 15 December 2014	There were various communications to which the respondent was party which indicate either that he intended proceeding (or at least was giving the	See FCAFC [24], CAB 69 to 70 and the unadmitted evidence at ' <u>Exhibit-3</u> ', ' <u>Exhibit-4</u> ', ' <u>Exhibit-5</u> ', ' <u>Exhibit-6</u> ' referred to in appellant's

	appearance of intending to proceed) with the transfer or was able to conduct business.	affidavit filed 20 November 2018, AIBFM 76 to 87 and [11] to [16], [21] and [22] of the said affidavit, AIBFM 64 and 65.
15 December 2014	Whilst in hospital with a suspected heart attack, the respondent signed the transfer. Later that day he made enquiries with the ANZ about credit cards.	As to the relevant statement contained in the transfer, and its signing, see FCAFC [12], CAB 65 to 66 and FAFc [32], CAB 72. As to the enquiries, see the unadmitted evidence at 'Exhibit-8' referred to in appellant's affidavit filed 20 November 2018, AIBFM 90ff and [18] of the said affidavit, AIBFM 65; FCAFC [24], CAB 70.
16 December 2014 and 23 December 2014	The respondent left hospital. There were further communications to which the respondent was party which indicate either that he intended proceeding with the transfer or was able to conduct business or	As to his leaving, see the unadmitted evidence at [26] of the appellant's affidavit filed 20 November 2018, AIBFM 66. As to the communications, see FCAFC [24], CAB 70 and the unadmitted evidence at 'Exhibit-10'

	otherwise attend to his affairs.	referred to in the appellant's said affidavit AIBFM 97ff and ' <u>Exhibit-14</u> ' referred to therein, AIBFM 118ff and [20] of the said affidavit, AIBFM 65 and [36] of the said affidavit, AIBFM 67 and the appellant's affidavit filed 27 November 2018 and the annexure ' <u>Exhibit-1</u> ' thereto, AIBFM 152ff, referred to in FCAFC [24], CAB 70.
13 February 2015	The transfer was stamped exempt by the State Revenue Office (Victoria)	Unadmitted evidence at ' <u>Exhibit-11</u> ' referred to in the appellant's affidavit filed 20 November 2018, AIBFM 100ff; FCAFC [32], CAB 72.
27 March 2015	The transfer was registered and the respondent emailed the message to the appellant, 'We are now joined at the hips'.	FCAFC [12], CAB 66 and [24], CAB 70.
March 2015	The parties signed a Deed of Gift.	FCAFC [13], CAB 66, AIBFM 5ff.
22 August 2016	The parties married.	FCAFC [14], CAB 66.
12 September 2016	The parties separated.	FCAFC [14], CAB 66.

November 2016	The property proceedings were begun by the respondent in the Federal Circuit Court.	FCA [2], CAB 8.
19 September 2017	The proceedings were transferred to the Family Court of Australia.	FCA [2], CAB 8.
15 June 2018	The trial commenced in the absence of the appellant.	FCA [9], CAB 9.
19 June 2018	The Family Court of Australia (constituted by the Hon. Justice Cronin) delivered judgment.	CAB 5.
11 December 2018	The appellant filed a Further Amended Notice of Appeal in the Court below.	CAB 43.
20 November 2019	The appellant filed an Application in an appeal seeking to adduce further evidence.	FCAFC [6], CAB 64, AIBFM 56ff.
5 March 2019	The Court below dismissed the appeal and the application to adduce further evidence (per Strickland, Kent and Watts JJ).	CAB 62 and 63.
10 October 2019	This Court granted special leave to appeal from the whole of the judgment and order of the Court below.	CAB 89.

23 October 2019	The appellant filed a Notice of Appeal in this Court.	CAB 91.
-----------------	---	---------

Dated: 4 December 2019



A J MYERS QC

Telephone: 9653 3777

Email: ajmyers@dunkeldpastoral.com.au

10



MC HINES

Telephone: 0392257854

Email: mhines@vicbar.com.au



SJ MOLONEY

Telephone: 0392258642

Email: sjmoloney@vicbar.com.au

Counsel for the appellant

20

