



## HIGH COURT OF AUSTRALIA

### NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 08 Jul 2021 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

#### Details of Filing

File Number: M34/2021  
File Title: Australian Building and Construction Commissioner v. Pattinson  
Registry: Melbourne  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
Date filed: 08 Jul 2021

#### Important Information

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IN THE HIGH COURT OF AUSTRALIA  
MELBOURNE REGISTRY

BETWEEN: Australian Building and Construction Commissioner  
Appellant

and

Kevin Pattinson  
First Respondent

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Construction, Forestry, Maritime, Mining and Energy Union  
Second Respondent

**APPELLANT'S CHRONOLOGY**

**Part I: Certification:**

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

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**Part II: Chronology**

DATE	EVENT	CAB REF
13 September 2018	Two employees of Sustainable Electrical and Automation Pty Ltd ( <b>SEA</b> ) attend a building construction site in McMahons Road, Frankston, Victoria (the <b>Site</b> ). During the course of an induction session he was overseeing in his capacity as a delegate of the Construction, Forestry, Maritime, Mining and Energy Union (the <b>Union</b> ) Mr Pattinson enquires of one of the SEA employees, "Are you union? Do you have a ticket for your fees? Have you paid your fees?" or words to that effect.	14 [11], 15 [15]-[16]; see also Appellant's BFM at 8 and 9.

DATE	EVENT	CAB REF
	<p>The SEA employee replies, “No, we’re not a union-based company so we don’t have our ticket,” or words to that effect.</p> <p>Mr Pattinson said words to the effect: “If you don't have your card you are not working on the site. Everyone's sort of fair around here. If you guys aren't paying your fees and everyone else on the site is unionised and has paid fees, it's not fair for you guys to work on the site. So, I am going to ask you guys to leave. You guys have to get off site. Here's a hot tip. If you want to work on a big site like this, say like Lend Lease or Multiplex, you're going to need to have your union ticket.”</p>	
12 March 2019	Australian Building and Construction Commissioner ( <b>ABCC</b> ) commences proceedings against Mr Pattinson and the Union in the Federal Court of Australia seeking relief in the nature of declarations and penalties.	16 [20]
16 July 2019	Hearing before Snaden J.	10
14 October 2019	Snaden J delivers judgment on penalties and makes orders.	51-52
12 November 2019	The Union and Mr Pattinson file notice of appeal in the Full Court of the Federal Court of Australia.	55-58
29 November 2019	ABCC files notice of contention.	61-62
30 July 2020	Hearing before the Full Court of the Federal Court (Allsop CJ, Besanko, White, Wigney and Bromwich JJ).	64, 69
16 October 2020	The Full Court of the Federal Court delivers judgment allowing the appeal and makes new orders.	158
13 November 2020	ABCC files application for special leave to appeal from the whole of the judgment of the Full Court of the Federal Court in the High Court of Australia.	
20 May 2021	The High Court (Gageler, Edelman and Steward JJ) grants special leave to appeal.	167-168

<b>DATE</b>	<b>EVENT</b>	<b>CAB REF</b>
3 June 2021	ABCC files notice of appeal in the High Court.	170-172

Dated 8 July 2021



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