

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

No. B57/2013

BETWEEN:

ALAN CHARLES THIESS
Applicant

and

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COLLECTOR OF CUSTOMS
First Respondent

COMMONWEALTH OF AUSTRALIA
Second Respondent

C-AIR LOGISTICS SERVICES PTY LTD ACN 102 936 694
Third Respondent

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GLOBAL LOGISTICS MANAGEMENT CORP PTY LTD ACN 111 486 732.
(IN LIQUIDATION)
Fourth Respondent

MATTHEW JONES
Fifth Respondent
(Not party to appeal)

PAUL STEVENSON
Sixth Respondent

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APPELLANT'S CHRONOLOGY

Part I:

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

Part II:

No.	Date	Event	Document	Appeal Book Ref
1.	31.03.04	Alan Thiess enters into Sales Contract with Sunseeker to purchase Sunseeker 108 Yacht.	Sunseeker Sales Contract to Alan Thiess	
2.	24.08.04	Alan Thiess applies to register the vessel with the Registrar of Ships Cayman Islands Shipping Registry, Grand Cayman adding the name of the Yacht as SoulSeeker. He lists it as having an approximate gross tonnage of 160 gross tones.	Application to register vessel	

Appellant's Chronology
Filed on behalf of the Appellant



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3.	29.10.04	Peters and May Shipping Agents for Sunseeker arrange for yacht to be placed on "BBC Russia"	Loading Survey Report	
4.	16.11.04	Alan Thiess engages Global Logistics Management Pty Ltd (an entity which had merged with the Third Defendant C-Air Logistics Pty Ltd) to be his Customs Broker for the purposes of the importation of the Yacht.	E-mail Fifth Defendant, Matthew Jones, to Nicholsons 12 Nov 04, acceptance by letter Nicholsons to Global Logistics	
5.	24.11.04	Nicholsons Solicitors send to Mr Thiess an invoice from Sunseeker International for delivery of the Yacht, being CIF Sydney for GBP 4,254,500.	Letter from Nicholsons enclosing letter from Sunseeker to Alan Thiess	
6.	06.12.04	Cayman Islands Shipping Registry issues Interim Certificate of Compliance for SoulSeeker Yacht	Cayman Islands Interim Certificate of Compliance for Yacht "SoulSeeker"	
7.	14.12.04	Paul Stevenson, the Sixth Defendant, advises Alan Thiess et al that vessel arriving on 19 December 2004	E-mail Stevenson to Thiess 14 Dec 04	
8.	15.12.04	C-Air Logistics Services Pty Ltd, part of Global Logistics Management Corporation Pty Ltd, fills in a computer Import Entry in respect of the proposed importation of the Yacht on the Customs COMPILE SYSTEM. It does so by entering the details of the Yacht, including the GRWT as being 108,000 kg and the applicable tariff classification as being 8903.99.10.	Further Amended Entry of Defence, paragraph 6(b)(ii) and (iii)	
9.		The COMPILE System calculates and displays the assessed Customs duty payable on the Yacht of that weight and classification as being \$494,471.74, together with GST \$1,094,027.85. The COMPILE System also gives the computer entry the number 1S.4350.1106A.	Further Amended Entry of Defence, paragraph 6(b)(ii) and (iii)	
10.		C-Air transmits the import entry to Customs using the COMPILE Computer System, together with the COMPILE User's PIN Number.	Further Amended Entry of Defence, paragraph 6(b)(ii) and (iii)	

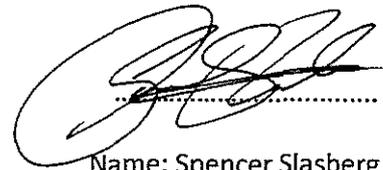
11.		<p>Customs transmits and Import entry Advice using the COMPILE Computer System to the Third Defendant.</p> <p>The Import Entry Advice given by Customs cleared the Yacht for home consumption subject to quarantine clearance.</p>	<p>Copy extract from COMPILE Manual re import entry advice.</p> <p>Entry Message Advice re Entry No. 1S.4350.1106A outlining clearance advice impediments</p>	
12.	15.12.04	<p>C-Air printed the Entry for Home Consumption as approved under the Import Entry Advice (as Print 2 of that Entry printed at 14.52 hrs). The Entry shows the total amount payable as \$1,589,302.49 including an amount of Customs duty of \$494,471.74, GST of \$1,094,778.85 and sundry entry charges.</p>	<p>Australian Customs – Entry for Home Consumption No. 1S.4350.1106A Print 2</p>	
13.	16.12.04	<p>C-Air writes to Alan Thiess enclosing a copy of Print 2 of the Entry for Home Consumption, together with an invoice for the sums payable in respect of the importation including duty and GST “as per Customs Entry”, the total being \$1,594,301.89.</p>	<p>Letter C-Air Logistics to Alan Thiess</p> <p>Enclosure Australian Customs – Entry for Home Consumption No. 1S. 4350.1106A Print 2</p>	
14.	16.12.04	<p>Alan Thiess requests the Bank of Queensland to transfer \$1,594,301.89 to C-Air.</p>	<p>Letter Alan Thiess to Bank of Queensland</p>	
15.	23.12.04	<p>C-Air pays the sum of \$1,589,302.49 to the Collector of Customs on 23 Dec 04 at 15.45 hours</p>	<p>Australian Customs – EFT Receipt re Entry No. 1S4350.1106A</p>	
16.	23.12.04	<p>Collector of Customs issues an Authority to Deal advice on 23 Dec 04 at 15.52 hours recording the “delivery conditions” as “Quarantine”.</p>	<p>Australian Customs – Authority to Deal Advice re Entry No. 1S4350.1106A</p>	

17.	27.05.05	Alan Thiess receives a Certificate of first entry of classification from the Lloyds Register for SoulSeeker Yacht. It lists the gross tonnage as 160 tonnes.	Lloyd's Register Certificate	
18.	10.10.06	Mr Thiess commences preparations to sell the Yacht	Thiess affidavit 10 Nov 11 paragraph 31	
19.	01.10.06	Dean Sharples of Peters & May Customs Brokers advises Mr Thiess that he should not have paid any Customs duty or related GST in relation to the importation of the Yacht because it was over 150 gross construction tonnes	Thiess affidavit 10 Nov 11, paragraph 33	
20.	09.11.06	On behalf of Mr Thiess, Mr Sharples writes to the Department of Finance and Administration seeking an act of grace payment for a refund of the monies overpaid.	Letter Mr Sharples, Peters & May to Department of Finance and Administration	
21.	31.05.07	Senator the Hon Richard Colbeck, Parliamentary Secretary to the then Minister for Finance and Administration replies to Mr Sharples rejecting the application for an act of grace payment.	Letter Senator the Hon Richard Colbeck to Mr Sharples Peters & May	
22.	21.06.07	Ian Marr of Nicholsons writes to Senator Colbeck requesting to speak to a senior representative	Letter Nicholsons to Senator Richard Colbeck	
23.	03.07.07	Ian Marr of Nicholsons Solicitors writes to Senator Colbeck requesting a statement of reasons for the decision refusing the act of grace payment.	Letter Nicholsons to Senator Richard Colbeck	
24.	24.07.07	Senator Colbeck writes to Ian Marr of Nicholsons enclosing a Statement of Reasons.	Letter Senator the Hon Richard Colbeck to Nicholsons	
25.	14.08.07	Ian Marr of Nicholsons write to the Honourable George Brandis in his capacity as Senator for Queensland regarding assistance in obtaining a refund of the relevant duty and GST	Letter Nicholsons to The Honourable George Brandis	
26.	14.07.08	Ian Marr of Nicholsons writes to Senator the Hon Joseph Ludwig, Minister for Human Services and Senator for Queensland requesting assistance in obtaining a refund of the relevant duty and GST.	Letter Nicholsons to Senator Hon Joseph Ludwig	

27.	24.05.09	The Department of Finance and Deregulation writes to Ian Marr of Nicholsons Solicitors saying there is "no additional information that might warrant reconsideration of the Minister's decision of 31 May 2007."	Letter Department of Finance and Deregulation to Nicholsons	
28.	21.05.10	Ian Marr of Nicholsons sends a further request for reconsideration to Mr Bernie Ripoll MP	Letter Nicholsons to Hon Bernie Ripoll MP	
29.	23.07.10	Bernie Ripoll MP writes to Hon Wayne Swan MP re request	Copy letter Hon Bernie Ripoll MP to Hon Wayne Swan MP	
30.	23.07.10	Ian Marr of Nicholsons writes a follow up letter to Bernie Ripoll MP	Letter Nicholsons to Bernie Ripoll	
31.	07.10.10	The Honourable Brendan O'Connor MP, Minister for Home Affairs and Justice writes to Mr Ripoll MP concerning the application advising that the Australian Customs and Border Protection Service is not authorised to make a refund in relation to the importation but refers a potential reconsideration to the act of grace to the Minister for Finance and Deregulation, Senator the Honourable Penny Wong.	Letter Hon Brendan O'Connor MP TO Hon Bernie Ripoll MP dated 7 October 2010	
33.	15.12.10	Claim and Statement of Claim issued by Plaintiff		
34.	12.01.11	Dr Guy Verney, the delegate of the Minister for Finance and Deregulation writes to Ian Marr of Nicholsons refusing the reconsideration	Letter Department of Finance and Administration to Nicholsons	
35.	15.12.12	Appellant files Claim in Supreme Court of Queensland		
36.	18.03.12	Appellant files Amended Statement of Claim in Supreme Court of Queensland		
37.	17.05.12	Respondents file Amended Defence in Supreme Court of Queensland		
38.	01.06.12	Appellant files Reply in Supreme Court of Queensland		
39.	19.06.12	Fryberg J Orders referral of matter to Court of Appeal in respect of claim against Respondent's only		

40.	11.02.13	Referred matter heard before the Court of Appeal		
41.	22.03.13	Court of Appeal delivers decision in favour of Respondents		
42.	24.04.13	Appellant files Amended Application for Special Leave		
43.	11.10.13	Application for Special Leave heard in High Court of Australia, Special Leave granted		
44.	23.10.13	Appellant files Notice of Appeal in High Court		

Dated: 18 November 2013



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