



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 22 Apr 2024 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: M22/2024
File Title: Elisha v. Vision Australia Limited
Registry: Melbourne
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 22 Apr 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

M22/2024

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

ADAM ELISHA
Appellant

and

VISION AUSTRALIA LIMITED
Respondent

APPELLANT’S CHRONOLOGY

PART I: CERTIFICATION

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

PART II: CHRONOLOGY

No.	Date	Event	Source/reference
1.	27 September 2006	The Respondent entered an employment contract with the Appellant, Mr Elisha.	CA [7]–[11] (CAB 190–191), CA Appendix 1 (CAB 245–6)
2.	23 March 2015	Mr Elisha stayed at the Bairnsdale International Hotel while performing his work duties and was involved in an incident with a Ms Trch	CA [18]–[19] (CAB 193)
3.	Following the 23 March 2015 stay	Mr Elisha went on holiday.	CA [20] (CAB 193)
4.	5 May 2015	Two other employees of the Respondent stayed at the hotel and became apprised of Ms Trch’s account of the 23 March 2015 incident. Those employees then reported the matter to their manager, who then reported the matter to Ms Hauser.	CA [20] (CAB 193)
5.	From 8 May 2015	Various of the Respondent’s employees became involved in investigating the incident.	CA [21]–[24] (CAB 193–4)

No.	Date	Event	Source/reference
6.	19 May 2015	Mr Elisha returned from leave and was asked to (and did) attend Ms Hauser’s office where he was presented with a letter alleging “serious misconduct” in that Mr Elisha had breached the Respondent’s policies concerning a complaint which had been received.	CA [25]–[31] (CAB 194–6)
7.	From 19 May 2015	Mr Elisha was stood down.	CA [27] (CAB 195)
8.	Following receipt of the letter	Mr Elisha prepared a written response denying any such misconduct.	CA [32] (CAB 196)
9.	26 May 2015	Various persons, including Mr Elisha, Mr Nunns (a union representative), Ms Hauser and Ms Eagle (from the Respondent’s “People and Culture” team) attended a meeting.	CA [33] (CAB 196)
10.	Following this meeting	Ms Eagle provided documentation “for meeting tomorrow” to several other employees of the Respondent, including the file notes from the meeting earlier that day.	CA [34] (CAB 196)
11.	27 May 2015	Ms Eagle made “findings” concerning the incident and a further meeting took place between Ms Eagle, Mr Gow-Hills, Ms Hauser and others — but not Mr Elisha or Mr Nunns. At this meeting, Ms Eagle’s “findings”, including that Ms Trch’s account of events should be accepted, were adopted.	CA [35] (CAB 196–7)
12.	28 May 2015	Mr Nunns emailed Ms Eagle a letter concerning the meaning of “serious misconduct” and stating that the union would notify the Respondent’s management of a dispute under the enterprise agreement in the event Mr Elisha was not returned to normal duties.	CA [36]–[37] (CAB 197)
13.	28 May 2015	Mr Nunns also sent a letter to Mr Van Dyk (dated 29 May 2015) relating to representation at the earlier meeting.	CA [36] (CAB 197)
14.	Following receipt of Mr Nunns’s email	Ms Eagle forwarded Mr Nunns’ email to Mr Gow-Hills and Mr Van Dyk (the Respondent’s human resources	CA [37] (CAB 197)

No.	Date	Event	Source/reference
		manager), suggesting they discuss it, asking “does this change our proposed strategy?”	
15.	On the morning of 29 May 2015	Mr Gow-Hills emailed Mr Van Dyk.	CA [38] (CAB 197)
16.	Later on 29 May 2015	Ms Eagle wrote to Mr Elisha terminating his employment.	CA [39] (CAB 197); PJ [39] (CAB 16)
17.		Mr Elisha subsequently developed a “very severe psychiatric illness in the nature of at least major depressive disorder”.	CA [174] (CAB 226)
18.	27 August 2020	Mr Elisha commenced proceedings in the Trial Division of the Supreme Court of Victoria.	CA [42]–[43] (CAB 198–9)
19.	13 December 2022	O’Meara J delivered reasons in <i>Elisha v Vision Australia Ltd</i> [2022] VSC 754.	CAB 5–179
20.	15 December 2022	Orders made by O’Meara J.	CAB 180–1
21.	8 February 2023	The Respondent filed an application for leave to appeal.	CAB 182–4
22.	20 March 2023	Mr Elisha filed a notice of contention.	CAB 185
23.	29 March 2023	Orders made refusing a stay of the orders below.	CAB 186
24.	1 November 2023	McLeish, Kennedy and Macaulay JJA delivered reasons in <i>Vision Australia Ltd v Elisha</i> [2023] VSCA 265.	CAB 187–246
25.	28 November 2023	McLeish, Kennedy and Macaulay JJA delivered reasons on nominal damages and costs in <i>Vision Australia Ltd v Elisha (No 2)</i> [2023] VSCA 288.	CAB 248–254
26.	28 November 2023	Orders made by McLeish, Kennedy and Macaulay JJA.	CAB 255–6

Dated: 22 April 2024



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