



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

BETWEEN: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Appellant

10

and

LINDSAY KOBELT

Respondent

APPELLANT'S CHRONOLOGY

Part I:

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

Part II:

FC = *Australian Securities and Investments Commission v Kobelt* [2016] FCA 1327

(Primary Judgment)

20 RJ = *Australian Securities and Investments Commission v Kobelt* [2016] FCA 1561

(Relief Judgment)

PCJ = *Australian Securities and Investments Commission v Kobelt* [2017] FCA 387

(Penalty & Costs Judgment)

No.	Date	Event/Description	Reference
1.	Since 17 November 1988	Mr Kobelt has operated Nobby's General Store ("Nobby's"). At all relevant times, Mr Kobelt was engaged in trade or commerce.	FC [19], [215] [AB17, 59]
2.	Since at least 2007	Mr Kobelt ceased providing purchase orders to the Mimili Community Store due to a commercial dispute.	FC [85] [AB30]
3.	Since at least 1 June 2008	Timothy Kobelt (Mr Kobelt's adult son) and Sonia Kobelt (Mr Kobelt's partner), have been employees and agents of Mr Kobelt.	FC [19] [AB17]

No.	Date	Event/Description	Reference
4.	Since at least 1 June 2008	Community stores were operated in each of the communities on the APY Lands, including the communities of Mimili and Indulkana.	FC [15] [AB25]
5.	May 2009 – September 2011	Book up diary 1 commences, with records from May 2009 to September 2011.	FC [41] [AB21] Ex #A2, C1 [AB358]
6.	From 1 April 2010	The responsible lending provisions of the <i>National Consumer Credit Protection Act 2009</i> (Cth) came into force.	<i>National Consumer Credit Protection Act 2009</i> (Cth)
7.	1 July 2010 – 30 November 2012	Approximately two-thirds of withdrawals from customers' accounts were made by Mr Kobelt or his agents outside the usual trading hours of Nobby's.	FC [46] [AB22-23]
8.	1 July 2010 – 30 November 2012	Mr Kobelt withdrew a total of just under \$1M from the 85 customers to whom he had provided book-up for second hand motor vehicles.	FC [54] [AB24]
9.	14 December 2010	Mr Kobelt withdraws \$56,944 in one day (the "CBA Glitch").	FC [95] [AB32]
10.	From January 2011	Mr Kobelt started requiring written authority for book-up.	FC [51] [AB24]
11.	19 April 2011	ASIC informed Mr Kobelt that he may be required to hold an Australian Credit Licence from 1 July 2011.	PCJ [92] [AB219]
12.	From 1 July 2011	The relevant provisions of the <i>National Consumer Credit Protection Act 2009</i> (Cth) requiring credit providers to hold a licence commence.	<i>National Consumer Credit Protection Act 2009</i> (Cth)
13.	September 2011 – November 2012	Book up diary 2 commences, with records from September 2011 – November 2012.	Ex #A2, C2 [AB358]
14.	4 November 2011	ASIC conducted a s 19 examination of Mr Timothy Kobelt.	FC [139] [AB41] Ex #A2, D4 [AB358]
15.	4 November 2011	ASIC conducted a s 19 examination of Mr Kobelt.	FC [139] [AB41] Ex #A2, D2 [AB358]

No.	Date	Event/Description	Reference
16.	5 November 2012	<p>ASIC visits Nobby's Store.</p> <p>A record is made of the names of the cards and card numbers held by Mr Kobelt.</p> <p>The bags and contents (key cards and EFTPOS receipts) are taken by ASIC.</p>	Ex #A17 [13], [16] [AB433]
17.	November 2012 -April 2014	Book up diary 3 commences, with records from November 2012 to April 2014.	Ex #A3, N38 [AB426]
18.	30 September 2013	Mr Kobelt applied to ASIC for an Australian Credit Licence.	Ex #A2, L3 [AB410]
19.	25 October 2013	ASIC conducted a s 19 examination of Ms Sonia Kobelt.	Ex #A2, D6 [AB358]
20.	30 October 2013	Mr Kobelt submitted to ASIC a document titled 'Systems Plan' which described the ongoing conduct of Nobby's.	FC [147] [AB43] Ex #A2, L6 [AB410]
21.	December 2013	Mr Kobelt commenced using ledger cards instead of diaries to record book – up transactions.	FC [70] [AB27] Ex #A2, E19 [AB360]
22.	April 2014	Mr Kobelt submitted to ASIC an amended document titled 'Systems Plan' which described the ongoing conduct of Nobby's in substantially the same terms as the attachment to his letter dated 30 October 2013.	FC [152] [AB44] Ex #A2, L11 [AB410]
23.	2 April 2014	Hearing before a Delegate regarding Mr Kobelt's application for an Australian Credit Licence.	FC [151] [AB44]  Ex #A2, L12 [AB410-411]
24.	7 April 2014	Date of Delegate's decision refusing Mr Kobelt's application for an Australian Credit Licence.	Ex #A2, L13 [AB411]
25.	7 May 2014	ASIC proceedings filed against Mr Kobelt.	FFC Appeal Book Part A [2] [AB350]
26.	27 March 2015	Katjiti Store no longer accepts purchase orders from Mr Kobelt.	FC [236] [AB302] Ex #A1 [AB354]

<b>No.</b>	<b>Date</b>	<b>Event/Description</b>	<b>Reference</b>
27.	9 April 2015	Amata Store no longer accepts purchase orders from Mr Kobelt.	FC [236] [AB302] Ex #A1 [AB354]
28.	9 June 2015 to 2 July 2015	Trial	FFC Appeal Book Part B [141-154] [AB450-452]
29.	9 November 2016	Justice White hands down reasons on liability.	[AB5-166]
30.	6 December 2016	Mr Kobelt admits to continuing to withdraw money from some or all of the debit cards which remain in his possession.	RJ [15] [AB178]
31.	13 December 2016	Hearing and orders on declarations and injunctions.	[AB167-188] FFC Appeal Book Part B [158] [AB441]
32.	14 December 2016 – 18 December 2016	ASIC officers attended Mintabie to collect and return key cards to customers.	Order 3.2.2 made on 13 December 2016 [AB185]
33.	24 January 2017	Mr Kobelt files Notice of Appeal.	[AB229-242]
34.	13 April 2017	Penalty judgment and final orders made on penalty and costs.	[AB189-228]
35.	13 April 2017	Execution of final orders made on penalty stayed pending hearing and determination by the Full Court of the appeal commenced by Mr Kobelt in SAD18 of 2017.	[AB228]
36.	14 to 15 August 2017	Hearing of Appeal before the Full Court of the Federal Court of Australia (Besanko, Gilmour and Wigney JJ).	
37.	15 February 2018	Delivery of reasons for judgment by the Full Court of the Federal Court of Australia.	[AB243-342]
38.	20 February 2018	Order of Besanko, Gilmour and Wigney JJ.	[AB343-346]

No.	Date	Event/Description	Reference
39.	17 August 2018	Order made granting Appellant special leave to appeal.	[AB459]
40.	31 August 2018	Notice of Appeal filed in High Court of Australia.	[AB463]

Dated: 5 October 2018



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