



## HIGH COURT OF AUSTRALIA

### NOTICE OF FILING

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#### Details of Filing

File Number: A9/2023  
File Title: Tesseract International Pty Ltd v. Pascale Construction Pty Ltd  
Registry: Adelaide  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
Date filed: 07 Jul 2023

#### 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.

IN THE HIGH COURT OF AUSTRALIA  
ADELAIDE REGISTRY

BETWEEN:

TESSERACT INTERNATIONAL PTY LTD  
Appellant

and

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PASCALE CONSTRUCTION PTY LTD  
Respondent

### APPELLANT'S CHRONOLOGY

**Part I:** This chronology is in a form suitable for publication on the Internet.

#### Part II:

	<b>Date</b>	<b>Event</b>	<b>Core Appeal Book Ref</b>
20	14 October 2015	Appellant and Respondent enter in a sub-contract ( <b>the Contract</b> ).	CAB p.25 at [4]
	7 November 2019	Respondent delivers to the Appellant a notice of dispute under the Contract.	CAB p.25 at [7]
	6 July 2021	Appellant and Respondent appoint the Honourable Wayne Martin AC KC as arbitrator pursuant to clause 21 of the Contract in respect of the dispute.	CAB p.25 [7]
	26 August 2021	Respondent serves its statement of claim in the arbitration proceeding.	CAB p.26 at [8]
30	7 October 2021	Appellant service its points of defence in the arbitration proceeding and pleads that any damages payable by it should be reduced by reason of the proportionate liability provisions under	CAB p.26 at [9] and [10]

Part 3 of the *Law Reform (Contributory Negligence and Apportionment of Liability) Act 2001* (SA) (**Law Reform Act**) and Part VIA of the *Competition and Consumer Act 2010* (Cth) (**CCA**).

29 October 2021 Respondent serves its reply in the arbitration proceeding by which it denied the applicability of the proportionate liability provisions. CAB p.26 at [11]

10 16 November 2021 The arbitrator makes an order that by 10 December 2021 the Appellant shall, pursuant to s27J of the Commercial Arbitration Act 2011 (SA) (**CAA**), make an application to the Court for leave to obtain a determination of any of law arising in the arbitration. CAB p.27 at [12]

21 December 2021 Livesey P of the Court of Appeal of SA grants the Appellant leave to apply for the determination of the following question of law: CAB p.27 at [12] and [13]

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Does Part 3 of the [Law Reform Act] and/or Part VIA of [the CCA] apply to this commercial arbitration proceeding conducted pursuant to the legislation and the [CAA]?

Dated: 7 July 2023

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Bret Walker

**Andrew Graham McAdam**  
Lawyer for the Appellant