



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: B17/2023  
File Title: Redland City Council v. Kozik & Ors  
Registry: Brisbane  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
Date filed: 05 May 2023

#### Important Information

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IN THE HIGH COURT OF AUSTRALIA  
BRISBANE REGISTRY

BETWEEN:

**Redland City Council**  
Appellant

and

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**John Michael Kozik**  
First Respondent

and

**Simon John Akero**  
Second Respondent

and

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**Sarah Akero**  
Third Respondent

and

**Neil Robert Collier**  
Fourth Respondent

**APPELLANT'S CHRONOLOGY**

30 **PART I: PUBLICATION**

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

**PART II: CHRONOLOGY OF PRINCIPAL EVENTS**

<b>Date</b>	<b>Event</b>	<b>Reference</b>
At all material times after 21 September 2004	The Respondents were the registered owners of land or a registered building unit within a canal or lakefront reserve within the Redland local government area.	Statement of Agreed Facts dated 15 June 2021 (SAF), [1]-[2], [4]; Appellant's Book of Further Material (AFM) 33


Date	Event	Reference
1 July 2010	The <i>Local Government (Finance, Plans and Reporting) Regulation 2010</i> (Qld) ( <b>2010 Regulation</b> ) commenced.	-
28 June 2011	<p>Redland City Council (<b>Council</b>) decided by resolution to levy special charges upon land owned by the Fourth Respondent to fund capital and operational expenditure on services in the Redland local government area identified in the Council’s meeting minutes.</p> <p>The resolution identified a document as the “overall plan”, which did not comply with the requirements in s 28(4)(c) and (d) of the 2010 Regulation.</p>	<p>SAF, [5]-[6]; AFM 34-35</p> <p>Primary Judgment (<b>PJ</b>) [32]; Core Appeal Book (<b>CAB</b>) 14</p>
From July 2011	The Council issued rates notices levying the special charges on the Respondents pursuant to the resolutions referred to in this chronology. The special charges so levied were paid by the Respondents.	SAF [19]; AFM 37
12 July 2012	<p>The Council decided by resolution to levy special charges upon land owned by the Fourth Respondent to fund capital and operational expenditure on services in the Redland local government area identified in the Council’s meeting minutes.</p> <p>The resolution identified a document as the “overall plan”, which did not comply with the requirements in s 28(4)(c) and (d) of the 2010 Regulation.</p>	<p>SAF, [7]-[8]; AFM 35</p> <p>PJ [32]; CAB 14</p>
14 December 2012	The 2010 Regulation was repealed and replaced by the <i>Local Government Regulation 2012</i> (Qld) ( <b>2012 Regulation</b> ).	PJ [52]; CAB 18
27 June 2013	<p>The Council decided by resolution to levy special charges upon land owned by the Respondents to fund capital and operational expenditure on services identified in the Council’s meeting minutes.</p> <p>The resolution identified a document as the “overall plan”, which did not comply with the requirements in s 94(3)(c) and (d) of the 2012 Regulation.</p>	<p>SAF, [9]-[10]; AFM 35</p> <p>PJ [55]; CAB 19</p>

Date	Event	Reference
26 July 2014	<p>The Council decided by resolution to levy special charges upon land owned by the Respondents to fund capital and operational expenditure on services identified in the Council’s meeting minutes.</p> <p>The resolution identified a document as the “overall plan”, which did not comply with the requirements in s 94(3)(c) and (d) of the 2012 Regulation.</p>	<p>SAF, [11]-[12]; AFM 35 PJ [55]; CAB 19</p>
5 December 2014	<p>Section 98 of the 2012 Regulation was amended.</p>	<p>PJ [62]; CAB 20</p>
25 June 2015	<p>The Council decided by resolution to levy special charges upon land owned by the Respondents to fund capital and operational expenditure on services identified in the Council’s meeting minutes.</p> <p>The resolution identified a document as the “overall plan”, which did not comply with the requirements in s 94(3)(c) and (d) of the 2012 Regulation.</p>	<p>SAF, [13]-[14]; AFM 35-36 PJ [55]; CAB 19</p>
14 July 2016	<p>The Council decided by resolution to levy special charges upon land owned by the Respondents to fund capital and operational expenditure on services identified in the Council’s meeting minutes.</p> <p>The resolution identified a document as the “overall plan”, which did not comply with the requirements in s 94(3)(c) and (d) of the 2012 Regulation.</p>	<p>SAF, [15]-[16]; AFM 36 PJ [55]; CAB 19</p>
In or before March 2017	<p>The Council became aware that each of the above resolutions was passed without compliance with the mandatory provisions in the relevant regulations.</p>	<p>PJ [5]; CAB 8 SAF [38]; AFM 40</p>
18 October 2017	<p>The Council returned to the First Respondent the amount of \$8,347.25. This amount represented part of the special charges levied on the First Plaintiff’s land (of a total of \$10,193.64), and included an amount for compound interest.</p>	<p>SAF, [21], [34], [37]; AFM 37, 40</p>
November 2017	<p>The Council returned to the Second and Third Respondents the amount of \$89.95. This amount represented part of the special charges levied on the Second and Third Respondents’ land (of a total of \$2,529.75), and included an amount for compound interest.</p>	<p>SAF, [21], [35], [37]; AFM 37, 40</p>

Date	Event	Reference
November 2017	The Council paid to the Fourth Respondent the amount of \$2,784.39. This amount represented part of the special charges levied on the Fourth Plaintiff's registered building unit (out of a total of \$6,297.92), and included an amount for compound interest.	SAF, [21], [36]-[37]; AFM 37, 40
18 October 2018	The First Respondent commenced representative proceedings in the Supreme Court of Queensland under Part 13A of the <i>Civil Proceedings Act 2011</i> (Qld).	-
31 January 2020	The Second to Fourth Respondents were joined to the proceeding as plaintiffs.	Further Amended Statement of Claim; AFM 5
13 September 2021	The Supreme Court of Queensland (Bradley J) delivered judgment on the agreed common questions.	CAB 5
8 October 2021	The Council filed a notice of appeal in the Queensland Court of Appeal.	CAB 35
22 October 2021	The Respondents filed a notice of cross-appeal in the Queensland Court of Appeal.	AFM 49
26 August 2022	The Queensland Court of Appeal (McMurdo JA, Boddice and Callaghan JJ) delivered judgment.	CAB 38
17 March 2023	The High Court (Kiefel CJ and Jagot J) granted the Council special leave to appeal.	CAB 69
3 April 2023	The Respondents filed a Notice of Cross-Appeal and Notice of Contention.	CAB 73-79

Dated 5 May 2023

  
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