



# HIGH COURT OF AUSTRALIA

## NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 24 Oct 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: S120/2024  
File Title: Forestry Corporation of New South Wales v. South East Forest  
Registry: Sydney  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
Date filed: 24 Oct 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.

Note: see rule 44.02.3.

S120/2024

Date	Event	Core Appeal Book Reference
	Approvals” regime for forestry operations under Part 4 of that Act.	
September 2010	The Respondent, South East Forest Rescue Incorporated INC9894030, is incorporated.	CA[150]; CAB 115
21 December 2012	The <i>Forestry and National Park Estate Act</i> is repealed and the <i>Forestry Act 2012</i> (NSW) commences, incorporating Part 5B (Integrated Forestry Operations Approvals).	
25 August 2017	<i>Biodiversity Conservation Act 2016</i> (NSW) commences.	
9 November 2018	<i>Forestry Legislation Amendment Act 2018</i> (NSW) commences, inserting ss 60SA and 69SB of the <i>Forestry Act</i> and s 13.14A of the <i>Biodiversity Conservation Act</i> .	
16 November 2018	The Minister for the Environment (NSW) and the Minister for Lands and Forestry (NSW) grants an approval for the carrying out of forestry operations in State forests and other Crown-timber land within the ‘Coastal IFOA Region’ of NSW pursuant to Part 5B of the <i>Forestry Act</i> . That approval is called the Integrated Forestry Operations Approval for the Coastal Region ( <b>CIFOA</b> ).	CA[61]; CAB 90
15 January 2024	The Respondent commences civil enforcement proceedings against the Appellant in Class 4 of the New South Wales Land and Environment Court (the	J[1]; CA[78] (CAB 8, 94)

Date	Event	Core Appeal Book Reference
	primary court) ( <b>Primary Proceedings</b> ). In the Primary Proceedings, the Respondent seeks injunctive and declaratory relief to enforce the Appellant's compliance with the CIFOA.	
	The Respondent files and serves a Notice of Motion in the Primary Proceedings seeking injunctive relief in relation to 14 of the Appellant's forestry operations carried out under the CIFOA ( <b>First Motion</b> ).	J[5]; CA[79] (CAB 9, 94)
23 January 2024	The First Motion is heard by Pritchard J in the primary court and judgment is reserved.	J[8]-[9]; CA[80] (CAB 11, 94)
29 January 2024	The Respondent files a second notice of motion in the Primary Proceedings, seeking further interlocutory injunctive relief in relation to additional forestry operations being carried out by the Appellant under the CIFOA ( <b>Second Motion</b> ).	J[16]-[19]; CA[81] (CAB 12-13, 94-95)
2 February 2024	The Second Motion is listed before Pritchard J for mention and orders are made: <ul style="list-style-type: none"> <li>listing the First Motion for judgment on 7 February 2024; and</li> <li>listing the Second Motion for hearing on 8 February 2024.</li> </ul>	J[23], [26]; CA[83]-[84] (CAB 13-14, 95)
7 February 2024	Judgment is delivered by Pritchard J in the First Motion in <i>South East Forest</i>	CAB 5

Date	Event	Core Appeal Book Reference
	<i>Rescue Incorporated INC9894030 v Forestry Corporation of New South Wales</i> [2024] NSWLEC 7 and the First Motion is dismissed.	
8 February 2024	The Second Motion is listed before Pritchard J for hearing. Pritchard J dismisses the Second Motion and the Primary Proceedings on the basis of the reasons for judgment set out in <i>South East Forest Rescue Incorporated INC9894030 v Forestry Corporation of New South Wales</i> [2024] NSWLEC 7.	CA[85];CAB 95 CAB 62
22 February 2024	The Respondent files Summons Seeking Leave to Appeal in the Supreme Court of New South Wales, Court of Appeal (the Court below), seeking orders for leave to appeal orders made by Pritchard J on 7 February 2024 and 8 February 2024 dismissing the First and Second Motion ( <b>Leave Proceedings</b> ).	CA[102] (CAB 99-100)
	The Respondent files a notice of motion in the Leave Proceedings seeking interlocutory injunctive relief in relation to a number of the Appellant's ongoing forestry operations under the CIFOA ( <b>First CoA Motion</b> ).	
26 February 2024	The Respondent files a Notice of Appeal in the Court below, appealing orders 1 and 3 -7 of the orders made by Pritchard J at first instance on 8 February 2024 (being the orders dismissing the	CAB 64

Date	Event	Core Appeal Book Reference
	Proceedings and orders relating to costs) ( <b>Appeal Proceedings</b> ).	
	The Respondent files a notice of motion seeking interlocutory injunctive relief in the Court of Appeal in the Appeal Proceedings ( <b>Second CoA Motion</b> ). The Second CoA Motion is in the same terms as the First CoA Motion filed in the Leave Proceedings.	
18 March 2024	First CoA Motion and Second CoA Motion are listed for hearing before Griffiths AJA. Judgment is reserved.	
20 March 2024	The Respondent files a Notice of Contention in the Appeal Proceedings.	CAB 125
22 March 2024	Judgment is delivered by Griffiths AJA in relation to the First CoA Motion and Second CoA Motion in <i>South East Forest Rescue Incorporated v Forestry Corporation of New South Wales</i> [2024] NSWCA 64. Both the First CoA Motion and the Second CoA Motion are dismissed.	
8 April 2024	The Respondent files a notice of discontinuance in the Leave Proceedings.	
16 April 2024	Appeal Proceedings are listed for hearing before Adamson JA, Basten AJA and Griffiths AJA in the court below.	
16 May 2024	Judgment is delivered by Adamson JA,	CAB 71

Date	Event	Core Appeal Book Reference
	Basten AJA and Griffiths AJA in <i>South East Forest Rescue Inc v Forestry Corporation of New South Wales (No 2)</i> [2024] NSWCA 113, allowing the Respondent's appeal.	
12 June 2024	The Appellant files Special Leave Application S73/2024.	
5 September 2024	This Court grants the Appellant special leave to appeal from the judgment and order of the Supreme Court of New South Wales, Court of Appeal.	CAB 138
19 September 2024	The Appellant files its Notice of Appeal in this Court.	CAB 140

Dated 24 October 2024



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