



HIGH COURT OF AUSTRALIA

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Details of Filing

File Number: S179/2021
File Title: Fairbairn v. Radecki
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
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Important Information

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IN THE HIGH COURT OF AUSTRALIA
 SYDNEY REGISTRY

BETWEEN:

FAIRBAIRN

Appellant

and

RADECKI

Respondent

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APPELLANT'S CHRONOLOGY

Part I: Certification

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

Part II: Chronology

	Date	Event	Reference
1.	July 2004	Ms Fairbairn appoints her two adult children as her enduring attorneys and guardians and makes a will appointing her two adult children as executors and bequeathing her estate to them.	CAB 19-20 / J [50].
2.	2005/2006	Parties commenced cohabitation and shortly thereafter a de facto relationship.	CAB 9, 20 / J [1], [52]-[53].
3.	3 May 2010	Parties execute a cohabitation agreement agreeing to quarantine their respective property.	CAB 21 / J [57].

	Date	Event	Reference
4.	2012-2014	Some tensions between the parties are observed by Ms Fairbairn's adult daughter.	CAB 21 / J [58].
5.	2015	Ms Fairbairn begins to suffer a fairly rapid cognitive decline.	CAB 21 / J [59].
6.	9 December 2015	Parties executed another cohabitation agreement by which they quarantine their respective property.	CAB 21 / J [60].
7.	January 2016	Ms Fairbairn executes an updated will. Her two adult children remain as executors and primary beneficiaries but Mr Radecki is given six months to vacate the Town A Property in the event of her death.	CAB 22/ J [61].
8.	April to June 2017	Mr Radecki goes on a three-month overseas holiday without Ms Fairbairn. Ms Fairbairn's health was precarious and continuing to decline. Ms Fairbairn complains to her adult children about Mr Radecki and selling the Town A Property. Ms Fairbairn does not separate from Mr Radecki on his return or sell the Town A Property. Ms Fairbairn's capacity to make considered long term decisions was largely, if not complete, absent by this time.	CAB 23-25/ J [70]-[87].

	Date	Event	Reference
9.	18 July 2017	Mr Radecki drove Ms Fairbairn to a courthouse to revoke her existing power of attorney in favour of her children and appoint Mr Radecki and Ms Fairbairn's brother as her enduring attorneys.	CAB 26 / J [93].
10.	29 November 2017	Mr Radecki arranged for a solicitor to attend upon Ms Fairbairn in hospital to leave him Radecki a life estate in the Town A Property in Ms Fairbairn's will.	CAB 27 / J [97].
11.	January 2018	Ms Fairbairn discharged from hospital to aged care facility at Town K.	CAB 28 / J [102].
12.	January and February 2018	New South Wales Civil and Administrative Tribunal set aside 18 July 2017 appointment of Mr Radecki and Ms Fairbairn's brother as enduring attorneys and appointed the New South Wales Trustee & Guardian as financial manager and to make health and welfare decisions on Ms Fairbairn's behalf.	CAB 27-29 / J [101], [103]- [109].
13.	March 2018	Ms Fairbairn moved into aged facility at Town M. Ms Fairbairn's finances were used to pay the daily accommodation payment (DAP) as Mr Radecki was unwilling to sell the Town A Property to pay the refundable accommodation deposit (RAD).	CAB 29-31 / J [110]-[123].

	Date	Event	Reference
14.	May 2019	Mr Radecki starts contributing to Ms Fairbairn's aged care costs.	CAB 33 / J [131], [134]- [135].
15.	22 August 2019	Proceedings commenced in the Federal Circuit Court of Australia.	CAB 17 / J [34].
16.	15 June 2020	Federal Circuit Court of Australia makes orders declaring that the de facto relationship had broken down by no later than 25 May 2018.	CAB 41.
17.	11 December 2020	Full Court of the Family Court of Australia makes orders allowing the appeal and dismissing the proceedings.	CAB 64.
18.	15 October 2021	Special leave granted.	CAB 67.

Dated: 3 December 2021



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