

**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

No S183 of 2017

B E T W E E N:

GARRY BURNS

Appellant

and

TESS CORBETT

First Respondent

**ATTORNEY GENERAL FOR NEW SOUTH
WALES**

Second Respondent

**ATTORNEY-GENERAL OF THE
COMMONWEALTH**

Third Respondent



APPELLANT'S CHRONOLOGY

Part I:

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

Part II:

No	Date	Event
1	22 January 2013	The Hamilton Spectator, a Victorian newspaper, publishes article by Rex Martinich on the front page which reports Ms Corbett's statements in relation to homosexuals.

Date of document: 27 July 2017

Filed on behalf of: the appellant

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No	Date	Event
2	23 January 2013	Sydney Morning Herald's website publishes article repeating the substance of Ms Corbett's statements.
3	24 January 2013	The Australian's website and the ABC's website publish articles repeating the substance of Ms Corbett's statements, except that the article on the Australian's website did not report her claim that homosexuals were 'in the same category as paedophiles'.
4	31 January 2013	Mr Burns makes complaint to the Anti-Discrimination Board claiming Ms Corbett had made vilifying statements about homosexuals, referring to the Hamilton Spector and subsequent republications.
5	23 April 2013	President of the Board refers Mr Burn's complaint in writing to the Anti-Discrimination Tribunal (the ADT), naming both Ms Corbett and Katter's Australian Party as respondents.
6	29 May 2013	<p>The ADT holds case conference but neither respondent appeared.</p> <p>The ADT directs Mr Burns (appearing in person) to notify the Registry of Ms Corbett's residential address and the Registrar to send a copy of the President's Report to her at this address with notification of a second case conference on 3 July 2013.</p> <p>The ADT orders that Katter's Australian Party be removed as a respondent.</p>
7	11 June 2013	The Registrar writes to Ms Corbett as directed, sending the letter to an address in Victoria that Mr Burns had provided.

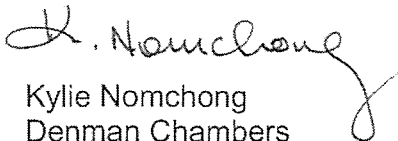
No	Date	Event
8	3 July 2013	<p>The Tribunal holds a second case conference but Ms Corbett did not appear.</p> <p>The Tribunal directs Ms Corbett to file and serve before 10 September 2013 any material on which she wishes to rely at that the hearing of Mr Burns' complaint on 3 October 2013.</p>
9	14 August 2013	The Registrar sends a registered letter to Ms Corbett advising of the 10 September 2013 deadline to file and serve any material for the hearing of Mr Burns' complaint.
10	27 August 2013	Ms Corbett receives and accepts the 14 August 2013 letter from the Registrar – an Australia Post 'Delivery Confirmation - Advice Receipt' provided subsequently to the Registry had Ms Corbett's signature beside the words 'Signature of Addressee or Agent'.
11	3 October 2013	Hearing before ADT. Ms Corbett did not appear at the hearing despite admitting having notice.
12	15 October 2013	The ADT finds Ms Corbett unlawfully vilified homosexual persons and orders that Ms Corbett publish an apology in the Sydney Morning Herald and forward a letter of apology to Mr Burns – <i>Burns v Corbett</i> [2013] NSWADT 227.
13	12 November 2013	Ms Corbett appeals the ADT's decision to the NSW Civil and Administrative Tribunal (the NCAT) Appeal Panel.
14	30 April 2014	Ms Corbett's appeal heard by the NCAT Appeal Panel.
15	14 August 2014	The NCAT Appeal Panel refuses Ms Corbett leave for her appeal to extend to the merits of the ADT's decision and dismisses Ms Corbett's appeal – <i>Corbett v Burns</i> [2014] NSWCATAP 42.

No	Date	Event
16	29 August 2014	The Registrar of NCAT issued Mr Burns with a certificate of orders under section 114 of the <i>Anti-Discrimination Act 1977 (NSW)</i> in response to his request.
17	24 September 2014	Mr Burns files the NCAT certificate in the Supreme Court of New South Wales.
18	7 October 2014	Certificate filed in the Supreme Court of New South Wales (<i>Filed Certificate</i>).
19	23 October 2015	Filed Certificate amended by consent to correct a number of clerical errors in the original and to extend the time for compliance with the orders to 13 November 2015.
20	22 December 2015	Mr Burns files a notice of motion seeking an order that Ms Corbett be found guilty of contempt (the <i>Corbett proceeding</i>).
21	24 March 2016	Ms Corbett files a motion seeking to strike out the contempt motion on the basis that the ADT's original decision and, as a result, the Filed Certificate was void ab initio.
22	15 April 2016	The Corbett Proceeding is part-heard before Justice Campbell in the Supreme Court of New South Wales – <i>Burns v Corbett</i> [2016] NSWSC 459.
23	26 July 2016	Justice Campbell determines that separate questions be removed to the Court of Appeal – <i>Burns v Corbett (No 2)</i> [2016] NSWSC 612 (<i>Referred Questions</i>).
24	28 September 2016	The Attorney-General of the Commonwealth and the Attorney General for New South Wales formally intervene in the hearing of the Referred Questions.

No	Date	Event
25	30 November 2016	The Referred Questions are heard by Bathurst CJ, Beazley P and Leeming JA of the Court of Appeal.
26	3 February 2017	Judgment handed down in relation to the Referred Questions – <i>Burns v Corbett; Gaynor v Burns</i> [2017] NSWCA 3 (the Judgment).
27	2 March 2017	Mr Burns files special leave application S42/2017 in the High Court of Australia in respect of the Judgment.
28	3 March 2017	Attorney General for New South Wales files special leave application S43/2017 in the High Court of Australia in respect of the Judgment.
29	7 March 2017	Costs orders handed down in relation to the Notice of Motion filed by Ms Corbett in the Referred Questions – <i>Burns v Corbett; Gaynor v Burns (No 2)</i> [2017] NSWCA 36.
30	22 June 2017	Special leave granted by the High Court in respect of special leave applications S42/2017 and S43/2017.
31	3 July 2017	Mr Burns files Notice of Appeal and section 78B notice in the High Court of Australia in respect of special leave application S42/2017 (allocated file no S183/2017).
32	6 July 2017	Attorney General for New South Wales files Notice of Appeal and section 78B notice in the High Court of Australia in respect of special leave application S43/2017 (allocated file no S186/2017).
33	13 July 2017	Attorney General for Victoria files Notice of Intervention in S183/2017 and S186/2017.
34	18 July 2017	Attorney General for Queensland files Notice of

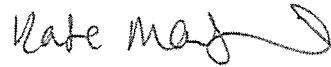
No	Date	Event
		Intervention in S183/2017 and S186/2017.
35	20 July 2017	Attorneys General for Western Australia and Tasmania file Notices of Intervention in S183/2017 and S186/2017.

Dated: 27 July 2017



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