



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S12/2026
File Title: Zonia Holdings Pty Ltd (ACN 008 565 286) v. Commonwealth
Registry: Sydney
Document filed: Form 27B - Appellants' Joint Chronology (S12/2026 and S13/2
Filing party: Appellant
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Important Information

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Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

IN THE HIGH COURT OF AUSTRALIA

SYDNEY REGISTRY

S12/2026

BETWEEN

Zonia Holdings Pty Ltd (ACN 008 565 286)

and

Commonwealth Bank of Australia (ACN 123 123 124)

S13/2026

BETWEEN

Philip Anthony Baron

First Appellant

Joanne Baron

Second Appellant

and

Commonwealth Bank of Australia (ACN 123 123 124)**APPELLANTS’ JOINT CHRONOLOGY****Part I: Certification**

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

Part II: Chronology

	Date	Event	Reference
1.	May 2012	CBA began deploying Intelligent Deposit Machines (IDMs) – a type of automatic teller machine which allowed customers to deposit cash which was instantly credited and immediately available for transfer.	FC [25]; CAB 446
2.	20 October 2012 to 30 November 2015	An error in the Bank’s Financial Crimes Platform caused the failure of account-level monitoring to operate as intended, in respect of what would ultimately amount to 778,370 accounts (AMF issue).	FC [37]– [38], [41], [97];

	Date	Event	Reference
			CAB 448–450, 461
3.	18 November 2012 to August 2015	CBA introduced transaction code 5000 for a sub-set of IDM transactions. Code 5000 was not linked to TTR reporting. From 18 November 2012, threshold transactions processed under that code went unreported to AUSTRAC (late TTR issue). The failure continued undetected until August 2015, ultimately affecting 53,506 TTRs.	FC [32], [45], [52]–[53]; CAB 447, 450, 452
4.	17 June 2014	The AMF issue was identified internally by a Bank employee and circulated by email.	FC [39]; CAB 449
5.	11 August 2015	AUSTRAC asked CBA to locate TTRs for two deposits. CBA could not locate them and, on investigation, discovered the code 5000 error.	FC [45]; CAB 450
6.	4 September 2015	The late TTR issue was escalated to Mr Narev (CEO). A briefing paper to Mr Narev noted that failure to comply with the obligation to lodge TTRs “can result in reputational damage and regulatory enforcement including fines and remedial action”.	FC [46]; CAB 451
7.	6 September 2015	In an email exchange within CBA, Mr Narev directed that the TTR issue be taken “extremely seriously” and called for “very senior oversight”, including by way of personal engagement with AUSTRAC initiated by Mr Toevs (Group Executive – Risk Management).	FC [47]; CAB 451
8.	7 September 2015	In an email exchange within CBA, Mr Comyn (Group Executive, Retail Banking Services) confirmed the TTR issue was being taken “very seriously” (although he had “zero concerns about the reluctance to escalate”).	FC [48]; CAB 451
9.	8 September 2015	The coding error causing the late TTR issue was rectified by this date. The same day, Mr Toevs wrote to AUSTRAC reporting the TTR issue and informing it that CBA would implement an “extensive remediation program”.	FC [49]–[50]; CAB 451–452
10.	24 September 2015	All 53,506 outstanding TTRs, had, by this date, been lodged with AUSTRAC.	FC [52]; CAB 452
11.	12 October 2015	In a letter sent to Mr Toevs, AUSTRAC expressed “serious concerns” about the scale and duration of CBA’s non-compliance with s 43 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (Cth) (AML Act).	FC [57]; CAB 453
12.	22 June 2016	AUSTRAC served the first of three statutory notices on CBA under s 167(2) of the AML Act, seeking production of information and documents.	FC [62]; CAB 453–454

	Date	Event	Reference
13.	13 July 2016	An internal CBA email (Mr Keaney to Mr Comyn and others) noted the statutory notice, stated the maximum penalty was “\$18 million per breach”, and referred to the prospect of Federal Court proceedings.	FC [62]; CAB 453– 454
14.	2 September 2016	AUSTRAC served a second statutory notice on CBA under s 167(2) of the AML Act.	FC [65]; CAB 454
15.	27 September 2016	CBA completed its fix of the AMF issue, by fixing that issue in respect of the last batch of affected accounts.	FC [40]; CAB 449
16.	14 October 2016	AUSTRAC served a third statutory notice on CBA under s 167(2) of the AML Act.	FC [66]; CAB 454
17.	17 October 2016	A CBA Executive Committee report stated, amongst other things: “The potential for fines or other regulatory action seem elevated in light of AUSTRAC recently issuing the Group with an Enforcement Notice, stemming from breaches in [TTR] Reporting from branch-based [IDMs].”	FC [67]; CAB 454– 455
18.	30 January 2017	Ms Livingstone (Chair of CBA) met AUSTRAC CEO Paul Jevtovic. Mr Jevtovic expressed AUSTRAC’s concern about the Bank’s lack of reporting, its poor risk assessment, its slow response to risk assessment, and the fact that its IDMs had been compromised by organised crime.	FC [73]– [79]; CAB 456– 457
19.	16 February 2017	Tabcorp’s agreed \$45 million penalty in AUSTRAC proceedings was reported publicly. In an internal CBA email, Mr Cohen (CBA Chief Risk Officer) commented: “this will potentially embolden AUSTRAC in its issue with us.” In a further internal CBA email, Mr Comyn responded: “Jeez, that’s a lot of money. Can you please remind me of the nature of their breach. I hope it’s much more severe than us?”	FC [83]– [84]; CAB 457– 458
20.	1 March 2017	AUSTRAC requested further information from CBA in relation to the AMF issue.	FC [95]; CAB 460
21.	7 March 2017	In a meeting with CBA, AUSTRAC described the TTR issue and associated matters as “serious, significant and systemic” and referred to CBA’s failure to proactively report problems as “a show of bad faith”. AUSTRAC said it had not yet made a determination “but it isn’t far off”. In an internal CBA email, Mr Narev and Ms Livingstone commented that this is “not good news”.	FC [86]; CAB 458
22.	16 March 2017	The Federal Court ordered Tabcorp to pay a civil penalty of \$45 million for breaches of the AML Act.	FC [85]; CAB 458

	Date	Event	Reference
23.	21 March 2017	Mr Narev and Ms Livingstone met with Mr Jevtovic. Mr Jevtovic listed AUSTRAC's options for next steps: external auditor, remedial direction, enforceable undertaking, or civil penalty proceedings. He said AUSTRAC would give advance notice of its decision. Based on Mr Narev's understanding of the matter at this time, AUSTRAC was seriously considering all options including civil penalty proceedings, and it was "highly likely" (but not inevitable) that AUSTRAC would seek a "fine" from CBA.	FC [90]–[93]; CAB 459–460
24.	13 April 2017	CBA responded to AUSTRAC's request for information on the AMF issue, reporting that 778,370 accounts had been affected.	FC [95]–[97]; CAB 460–461
25.	24 April 2017	The date from which the Full Court found CBA had been aware of, and was obliged to disclose, the September 2015 Late TTR Information and the September 2015 Account Monitoring Failure Information.	FC [526], [533]; CAB 596, 597
26.	3 August 2017	AUSTRAC commenced civil penalty proceedings against CBA for "serious and systemic non-compliance" with the AML Act. AUSTRAC published a media release and a link to its filed Concise Statement.	FC [100]–[109]; CAB 462–465
27.	3–4 August 2017	CBA's share price dropped substantially. Over this two-day "event window", there was a statistically significant abnormal return of -\$3.29 per share .	FC [4], [539]; CAB 440–441, 559
28.	4 August 2017	Several broker reports were published by analysts expressing concern over the TTR issue as revealed by AUSTRAC's announcement on 3 August 2017.	FC [522]–[524]; CAB 595–596
29.	20 June 2018	In civil penalty proceedings, AUSTRAC and CBA jointly proposed, and the Court ordered, that CBA should pay a pecuniary penalty of \$700 million for contraventions of the AML Act.	FC [4]; CAB 440–441
30.	10 May 2024	Delivery of the primary judgment: <i>Zonia Holdings Pty Ltd v Commonwealth Bank of Australia Limited</i> (No 5) [2024] FCA 477.	CAB 6–301
31.	28 May 2024	The primary judge made orders answering the common questions in accordance with the reasons given on 10 May 2024.	CAB 302–335

	Date	Event	Reference
32.	7 May 2025	The Full Court delivered its judgment on appeal: <i>Zonia Holdings Pty Ltd v Commonwealth Bank of Australia Limited</i> [2025] FCAFC 63.	CAB 430–629
33.	4 September 2025	The Full Court declared that CBA had breached its continuous disclosure obligations, dismissed the appellants' individual claims, answered the common questions in accordance with its reasons, and remitted the balance of the proceeding to a single judge for case management: <i>Zonia Holdings Pty Ltd v Commonwealth Bank of Australia Limited (No 2)</i> [2025] FCAFC 123.	CAB 630–666
34.	25 September 2025	The applicants (now appellants) applied for special leave to appeal.	
35.	13 February 2026	Special leave to appeal was granted.	CAB 687–688, 700–701
36.	26 February 2026	The appellant in S12/2026 filed a notice of appeal.	CAB 689–692
37.	27 February 2026	The appellants in S13/2026 filed a notice of appeal.	CAB 702–705
38.	5 March 2026	The respondent filed applications for special leave to cross appeal (in both appeals) and a notice of contention (in S13/2026).	CAB 693–697, 706–710, 711–714

Dated 2 April 2026






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