



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S17/2026
File Title: President of the Legislative Council of New South Wales v. Cu
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 16 Apr 2026

Important Information

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IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

PRESIDENT OF THE LEGISLATIVE COUNCIL OF NEW SOUTH WALES

Appellant

and

JAMES CULLEN

First Respondent

ATTORNEY GENERAL FOR NEW SOUTH WALES

Second Respondent

SPEAKER OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES

Third Respondent

APPELLANT'S CHRONOLOGY

PART I: CERTIFICATION

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

PART II: CHRONOLOGY

Item	Date	Event	Reference
1.	4 October 1881	The <i>Parliamentary Evidence Act 1881</i> (NSW) was enacted.	
2.	7 November 1901	The <i>Parliamentary Evidence Act 1901</i> (NSW) (PE Act) was enacted.	
3.	28 March 2023	James Cullen (Mr Cullen) was employed by the Premier of New South Wales, on behalf of the State, under Part 2 of the <i>Members of Parliament Staff Act 2013</i> (NSW).	CAB 48 [4]

Item	Date	Event	Reference
4.	10 May 2023	The Legislative Council resolved to appoint the Privileges Committee for the 58th Parliament. The resolution was amended on 28 May 2025, in relation to the membership of the Committee (the Privileges Committee Resolution).	CAB 54 [27]
5.	15 May 2024	The Legislative Council resolved to establish a select committee to inquire into and report, by 30 November 2024, on the proposal to develop Rosehill Racecourse (Select Committee).	CAB 50 [8]
6.	20 September 2024	The Select Committee issued a ‘Special report on a possible contempt in the inquiry into the proposal to develop Rosehill Racecourse’ (Special Report No 1). Recommendation 1 of the report was that the Council refer certain correspondence to the to the Privileges Committee for “inquiry and report on the basis that it may constitute a substantial interference with the work of the committee and therefore a possible contempt” (Referral Recommendation).	CAB 50-51 [9]-[10].
7.	25 September 2024	The Legislative Council resolved that Special Report No 1 and the Referral Recommendation be referred to the Privileges Committee for inquiry and report (Inquiry into Possible Contempt).	CAB 54 [29]
8.	6 December 2024	The President of the Legislative Council of New South Wales (the President) referred to the Privileges Committee additional terms of reference for the Inquiry into Possible Contempt.	CAB 54-55 [30]
9.	19 February 2025	The Privileges Committee resolved to adopt the additional terms of reference from the President.	CAB 55 [31]
10.	6 August 2025	The Privileges Committee resolved that it conduct an <i>in camera</i> hearing and invite Mr Cullen and another to give evidence.	CAB 58 [43]

Item	Date	Event	Reference
11.	4 September 2025	A representative of the Privileges Committee sent an email to Mr Cullen, stating that “the Privileges Committee would like to invite you to give evidence at a hearing” for the Inquiry into Possible Contempt.	CAB 58-59 [44]
12.	9 September 2025	A representative of the Privileges Committee sent an email to Mr Cullen, stating that “the opportunity is available to you to provide a written submission in advance”.	CAB 59 [45]
13.	12 September 2025	Mr Cullen sent an email to the representative of the Privileges Committee asking the committee to provide particulars of any allegations, issues, or lines of inquiry that concerned Mr Cullen personally.	CAB 59 [46]
14.	16 September 2025	A representative of the Privileges Committee sent an email to Mr Cullen in response to Mr Cullen’s request for particulars.	CAB 59 [47]
15.	19 September 2025	Mr Cullen provided a written submission to the Privileges Committee. That submission stated “I do not think that I can be of any further assistance on the topics set out in your email and do not propose to accept your invitation to appear at the hearing on 8 October 2025.”	CAB 60 [48]
16.	30 September 2025	The Privileges Committee resolved, relevantly, that: <ul style="list-style-type: none"> a. the Chair of the Privileges Committee write to Mr Cullen noting his written submission and re-issuing the invitation to appear at an <i>in camera</i> hearing on 8 October 2025, noting that the committee has resolved to issue him with a summons if he declines or fails to respond; and b. if Mr Cullen declined the re-invitation, under the authority of s 4(2) of the PE Act the committee issue him a summons to attend and give evidence on 8 October 2025. 	CAB 60 [49]

Item	Date	Event	Reference
17.	30 September 2025	The Chair of the Privileges Committee sent a letter to Mr Cullen consistent with the resolution of the same day.	CAB 60-61 [50]
18.	1 October 2025	Mr Cullen sent an email to the Chair of the Privileges Committee. Mr Cullen declined the Committee's invitation to give evidence at the hearing on 8 October 2025. He requested that the Committee reconsider its resolution to issue a summons to attend.	CAB 61 [51]
19.	2 October 2025	The Chair of the Privileges Committee sent a letter to Mr Cullen confirming the Committee would not be changing its decision to issue a summons should Mr Cullen decline the invitation to appear at the hearing.	CAB 61-62 [52]
20.	3 October 2025	Mr Cullen again declined the Committee's invitation to give evidence at the hearing on 8 October 2025.	CAB 62 [53]
21.	3 October 2025	A representative of the Privileges Committee sent an email to Mr Cullen advising that the committee would issue him with a summons to appear on 8 October 2025.	CAB 62 [54]
22.	7 October 2025	The Usher of the Black Rod personally served Mr Cullen with a 'Summons to Attend and Give Evidence Under Section 4 of the Parliamentary Evidence Act 1901', signed by the Chair of the Privileges Committee (the Summons). The Summons stated that Mr Cullen was required to attend and give evidence before the Privileges Committee at 10:00 am on 8 October 2025.	CAB 63 [55]
23.	7 October 2025	Mr Cullen sent a letter to the President and the Chair of the Privileges Committee, stating among other things, that he had a reasonable excuse or just cause not to attend the hearing, and that he proposed not to attend. Mr Cullen also asked the Chair to withdraw the Summons.	CAB 63 [56]

Item	Date	Event	Reference
24.	7 October 2025	The Privileges Committee resolved that the Chair write to Mr Cullen and indicate that the committee had resolved the Summons stands.	CAB 63 [57]
25.	7 October 2025	Mr Cullen's solicitor sent to the President an email attaching a summons and related documents in connection with the commencement of a proceeding. The email also sought an "assurance from you that, when Mr Cullen does not appear at the hearing of the Privileges Committee at 10am tomorrow, you will not seek a warrant prior to the determination of the proceeding".	CAB 63-64 [58]
26.	8 October 2025	The Acting President of the Legislative Council sent an email to the solicitor for Mr Cullen to confirm that they would not seek the issuing of a warrant for the apprehension of Mr Cullen under ss 7 to 8 of the PE Act, pending resolution of the matters before the Supreme Court of New South Wales, Court of Appeal .	CAB 63-64 [58]-[60]
27.	8 October 2025	Mr Cullen did not attend and give evidence at the Privileges Committee hearing.	CAB 64 [61]
28.	17 October 2025	Mr Cullen filed a summons in the Court of Appeal, challenging the constitutional validity of ss 7 to 9 of the PE Act (amongst other things).	
29.	29 October 2025	The Attorney General for New South Wales intervened in the Court of Appeal proceeding.	
30.	19 November 2025	The Speaker of the Legislative Assembly of New South Wales sought leave to intervene in the Court of Appeal proceeding.	
31.	9 to 10 December 2025	Hearing before the Court of Appeal.	
32.	23 December 2025	The Court of Appeal delivered judgment, finding that ss 7 to 9 of the PE Act are invalid (<i>Cullen v President of the Legislative</i>	CAB 4

Item	Date	Event	Reference
		<i>Council of New South Wales</i> [2025] NSWCA 278).	
33.	12 March 2026	The High Court of Australia granted the President special leave to appeal from the whole of the judgment of the Court of Appeal.	CAB 66
34.	18 March 2026	The President filed Notice of Appeal in the High Court of Australia.	CAB 68
35.	23 March 2026	The President filed a notice under s 78B of the <i>Judiciary Act 1903</i> (Cth).	CAB 71
36.	26 March 2026	The Speaker of the Legislative Assembly of New South Wales (Third Respondent) filed a submitting appearance.	CAB 75

Dated 16 April 2026



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