

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

No. S186 of 2017

ON APPEAL FROM THE SUPREME COURT OF  
NEW SOUTH WALES, COURT OF APPEAL

BETWEEN:

**ATTORNEY GENERAL FOR  
NEW SOUTH WALES**

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Appellant

and



**GARRY BURNS**

First Respondent

**TESS CORBETT**

Second Respondent

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**ATTORNEY-GENERAL FOR THE  
COMMONWEALTH**

Third Respondent

### APPELLANT'S CHRONOLOGY

#### Part I: Certification of form suitable for publication on the Internet

1. The Attorney General for New South Wales certifies that this chronology is in a form suitable for publication on the Internet.

#### Part II: Chronology

Date	Event	Reference
31 January	Mr Garry Burns made a complaint to the NSW Anti-Discrimination Board about statements	<u>Burns v Corbett</u> [2013] NSWADT

Date	Event	Reference
2013	made by Ms Tess Corbett (reported on 22 January 2013 in the Hamilton Spectator and subsequently republished by other newspapers and on the ABC) which he claimed were public acts that vilified homosexuals contrary to s 49ZT of the Anti-Discrimination Act 1977 (NSW) (“AD Act”).	227 at [1].
23 April 2013	The President of the NSW Anti-Discrimination Board referred Mr Burn's complaint to the Administrative Decisions Tribunal (“ADT”) pursuant to s 93C of the AD Act as the complaint could not be resolved by conciliation (file no. 131029).	<u>Burns v Corbett</u> [2013] NSWADT 227 at [6].
3 October 2013	Hearing of the complaint in the ADT which Ms Corbett did not attend.	<u>Burns v Corbett</u> [2013] NSWADT 227 at [11]-[14].
15 October 2013	The ADT publishes its reasons for decision. Pursuant to s 108 of the AD Act, the ADT found the complaint of unlawful homosexual vilification substantiated, ordered Ms Corbett to refrain from conduct contravening s 49ZT and ordered Ms Corbett to make a public and private apology within 28 days.	<u>Burns v Corbett</u> [2013] NSWADT 227 at [54].
12 November 2013	Ms Corbett lodged an appeal against the ADT’s decision (file no. AP 139047).	<u>Corbett v Burns</u> [2014] NSWCATAP 42 at [2].
1 January	The NSW Civil and Administrative Tribunal	Civil and

Date	Event	Reference
2014	("NCAT") was established and the ADT was abolished.	Administrative Tribunal Act 2013 (NSW), s 7 and Schedule 1, Part 2, cl 3.
30 April 2014	The NCAT Appeal Panel heard Ms Corbett's appeal.	<u>Corbett v Burns</u> [2014] NSWCATAP 42 at [2].
14 August 2014	The NCAT Appeal Panel refused Ms Corbett's application for the appeal to extend to the merits of the ADT's decision and dismissed the appeal.	<u>Corbett v Burns</u> [2014] NSWCATAP 42 at [64].
29 August 2014	A certificate is issued under s 114 of the AD Act certifying the orders made by the ADT on 15 October 2013 requiring Ms Corbett to issue a public and private apology.	
24 September 2014	The certificate was filed, and judgment entered, in the Supreme Court (proceeding no 2014/280109).	<u>Burns v Corbett</u> [2016] NSWSC 459 at [3].
23 October 2015	Clerical errors contained in the judgment entered on 24 September 2014 were corrected by consent. The time for compliance with the orders was extended to 13 November 2015.	<u>Burns v Corbett</u> [2016] NSWSC 459 at [3], [6].
22 December 2015	Mr Burns filed a notice of motion charging Ms Corbett with contempt.	<u>Burns v Corbett</u> [2016] NSWSC 459 at [1]; <u>Burns v Corbett (No 2)</u> [2016] NSWSC 612

<b>Date</b>	<b>Event</b>	<b>Reference</b>
		at [1].
26 July 2016	Campbell J ordered, pursuant to r 28.2 of Uniform Civil Procedure Rules 2005 (NSW) that three questions be determined before any further hearing of the contempt charges and, pursuant to r 1.21, removed the decision on the separate questions to the Court of Appeal.	<u>Burns v Corbett (No 2)</u> [2016] NSWSC 612 at [17].
30 November 2016	Hearing before the Court of Appeal (proceeding no 2016/224875).	<u>Burns v Corbett</u> (2017) 316 FLR 448; [2017] NSWCA 3 (“J”).
3 February 2017	Court of Appeal delivered its judgment, answering the referred questions (and reformulating question 3).	J [109].
7 March 2017	In proceeding 2016/224875, the Court of Appeal ordered Mr Burns to pay Ms Corbett’s costs of the questions removed to the Court of Appeal, including the cost of her notice of motion seeking a costs order in her favour.	<u>Burns v Corbett; Gaynor v Burns (No 2)</u> [2017] NSWCA 36 at [3], [58].

Dated: 27 July 2017



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