

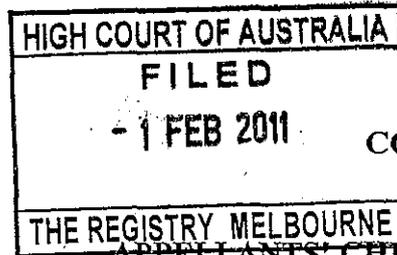
MELBOURNE REGISTRY

On appeal from the Full Court,  
Federal Court of Australia

JEMENA ASSET MANAGEMENT (3) PTY LTD (ACN 086 013 461)  
First Appellant

JEMENA ASSET MANAGEMENT (4) PTY LTD (ACN 009 641 187)  
Second Appellant

JEMENA ELECTRICITY NETWORKS (VIC) LIMITED (ACN 064 651 083)  
Third Appellant



and  
COINVEST LIMITED (ACN 078 004 985)  
Respondent

APPELLANTS' CHRONOLOGY

Part I:

The Appellants certify that the Chronology is in a form suitable for publication on the Internet.

Part II:

Date	Description	Reference
5 July 1983	<i>Construction Industry Long Service Leave Act 1983</i> assented to.	NR
On or about 2 August 1990	The Australian Industrial Relations Commission (AIRC) made the <i>State Electricity Commission of Victoria Electrical, Electronic and Engineering Employees Award 1989 (1989 Award)</i>	51
On or about 1 October 1992	The AIRC certified the State Electricity Commission of Victoria Conditions of Employment Agreement 1992 ( <b>SECV 1992 Agreement</b> )	55
1993	The SEC Human Resources Policy Manual adopted the terms of the SECV 1992 Agreement.	185
On or about	The AIRC certified the <i>Electricity Services Victoria Enterprise</i>	69

Date of Document:  
Filed on behalf of:  
Prepared by:  
Herbert Geer Lawyers  
Level 20, 385 Bourke Street  
MELBOURNE 3000

1 February 2011  
The Appellants  
Telephone: (03) 9641 8661  
Fax: (03) 9670 3338  
DX 428 Melbourne  
Ref: Lucienne Mummé

	31 March 1994	<i>Agreement 1993 (1993 Agreement)</i> which applied to Electricity Services Victoria who had a licensing arrangement with Solaris Power Ltd (now the third Appellant).	
	On or about 7 February 1995	The AIRC certified the <i>Solaris Power (Transitional Arrangements) Agreement 1994 (1994 Agreement)</i> which applied to Solaris Power (now the third Appellant).	NR
10	On or about 5 May 1995	The AIRC certified the <i>Solaris Power Enterprise Agreement 1995 (1995 Agreement)</i> which applied to Solaris Power (now the third Appellant).	81
	On or about 21 April 1997	The AIRC certified the <i>Solaris Power Enterprise Agreement 1997 (1997 Agreement)</i> which applied to Solaris Power (now the third Appellant).	87
20	On or about 30 June 1998	The AIRC made the <i>Power and Energy Industry Electrical, Electronic and Engineering Employees Award 1998</i> which replaced the 1989 Award and which applied to Solaris Power (now the third Appellant) and any other employer who took over or acquired the business or part of the business of the former SECV.	92
	21 October 1997	<i>Construction Industry Long Service Leave Act 1997</i> assented to.	NR
	On or about 19 August 1999	The AIRC certified the <i>AGL Electricity Ltd Enterprise Agreement 1999 (1999 Agreement)</i> which applied to AGL Electricity Limited (now JEN) and any of its subsidiaries.	102
30	On or about 22 May 2002	The AIRC certified the <i>AGL Electricity and Agility Certified Agreement (Victoria) 2002 (2002 Agreement)</i> which replaced the 1999 Agreement and which applied to AGL Electricity Limited (now the third Appellant), Agility Services Pty Ltd (now the second Appellant) and Agility Management Pty Ltd (now the first Appellant) and any subsidiary or successor.	107
	24 November 2003 - 3 December 2003	APESMA, ASU and CEPU purport to initiate bargaining periods with AGL for the creation of an agreement to cover all employees employed by AGL located at company sites within Victoria.	128
40	10 February 2004	APESMA initiated a bargaining period with AGL Corporate Services Pty Ltd.	NR
	10 February 2004	The CEPU initiate a bargaining period with Agility Management Pty Ltd, Agility Services Pty Ltd and AGL Electricity Limited.	NR
	10 February 2004	APESMA initiated a bargaining period with AGL Electricity Limited.	NR

10 February 2004	APESMA initiated a bargaining period with Agility Management Pty Ltd and Agility Services Pty Ltd.	NR
10 February 2004	ASU initiated a bargaining period with Agility Management Pty Ltd.	NR
On or about 29 September 2004	The Appellant companies received a combined union log of claims in respect of the negotiations for an enterprise bargaining agreement pursuant to the bargaining periods initiated on 10 February 2004. Clause 20 of that log included a claim in respect of long service leave.	113
On or about 25 November 2004	The AIRC certified the <i>AGL Electricity and Agility (Victoria) APESMA/ASU Certified Agreement 2004 (2004 APESMA/ASU Agreement)</i> .	146
On or about 11 February 2005	The AIRC certified the <i>AGL Electricity and Agility (Victoria) Certified Agreement 2004 (2004 CEPU Agreement)</i> .	135
18 July 2007	Solicitors for the Respondent wrote to solicitors for the second Appellant claiming that if the information required under the section 10 notice was not received within 14 days, legal proceedings would be commenced.	NR
28 August 2007	Solicitors for the second Appellant requested the solicitors for the Respondent provide an explanation of how the CILSL Act applies to the second Appellant.	NR
3 October 2007	Solicitors for the Respondent wrote to solicitors for the second Appellant to inform them that they had instructions to commence proceedings.	NR
5 October 2007	Proceedings in VID 911/2007 under section 98B of the <i>Judiciary Act 1903</i> (Cth), section 109 of the <i>Commonwealth of Australia Constitution Act 1900</i> (UK), section 21 of the <i>Federal Court of Australia Act 1976</i> (Cth) and sections 8, 17 and Schedule 7, clause 2 of the <i>Workplace Relations Act 1996</i> (Cth) commenced by Application of the Appellants.	1
9 April 2009	Judgment handed down by His Honour Marshall J.	412
18 December 2009	Appeal Judgment handed down by Their Honours Moore, Middleton and Gordon JJ.	436
3 September 2010	Special Leave to appeal against the decision of Their Honours Moore, Middleton and Gordon JJ granted.	452

## CORPORATE HISTORY OF THE APPELLANTS

### Successors to the State Electricity Commission of Victoria

Date	Description
December 1920	Legislation was passed to form the State Electricity Commission of Victoria (SECV)
January 1994	The functions of the SECV were transferred to Generation Victoria, National Electricity, and Electricity Services Victoria (ESV) (distribution functions transferred to ESV)
11 May 1994	Distribution and retail licences were issued to Eastern Energy Ltd, Citipower Ltd, Solaris Power Ltd, United Energy Ltd and Powercor Australia Ltd

### First Appellant

Date	Description
27 January 1999	AGL Gas (Vic) No 3 Pty Ltd was incorporated
24 December 1999	AGL Gas (Vic) No 3 Pty Ltd changed its name to AGL Asset Management Pty Ltd
22 February 2000	AGL Asset Management Pty Ltd changed its name to AGL Infrastructure Management Pty Ltd
27 June 2000	AGL Infrastructure Management Pty Ltd changed its name to Agility Management Pty Ltd
4 May 2007	Agility Management Pty Ltd changed its name to Alinta Asset Management (3) Pty Ltd
4 August 2008	Alinta Asset Management (3) Pty Ltd changed its name to Jemena Asset Management Pty Ltd

### Second Appellant

Date	Description
18 March 1988	Jocund North Pty Ltd was incorporated
13 May 1988	Jocund North Pty Ltd changed its name to Energy North Pty Ltd
4 September 1992	Energy North Pty Ltd changed its name to AGL Pipelines Management Pty Ltd
19 May 2000	AGL Pipelines Management Pty Ltd changed its name to AGL Services Pty Ltd
27 June 2000	AGL Services Pty Ltd changed its name to Agility Services Pty Ltd
4 May 2007	Agility Services Pty Ltd changed its name to Alinta Asset Management (4) Pty Ltd
4 August 2008	Alinta Asset Management (4) Pty Ltd changed its name to Jemena Asset Management (4) Pty Ltd

### Third Appellant

Date	Description
11 May 1994	DB Three Ltd was incorporated
13 September 1994	DB Three Ltd changed its name to Solaris Power Ltd (Solaris)
November 1995	The Australian Gas Light Company Limited (AGL) purchased a 50% share in Solaris (together with GPU International Inc (GPU) which also purchased a 50% in Solaris)
21 December 1995	Solaris Power Ltd changed its name to Solaris Power

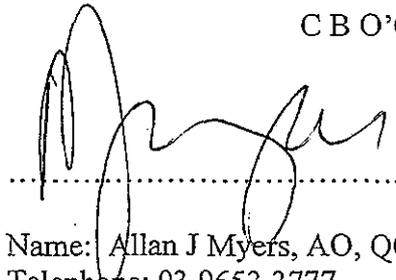
22 June 1998	Solaris Power changed its name to AGL Electricity
28 May 1999	AGL Electricity changed its name to AGL Electricity Ltd
2001	AGL Electricity employees transferred to the First and Second Applicants
6 November 2006	AGL Electricity Ltd changed its name to Alinta AE Ltd
4 August 2008	Alinta AE Ltd changed its name to Jemena Electricity Networks (Vic) Ltd

10

**DATED:** 1 February 2011

A J Myers

C B O'Grady



Name: Allan J Myers, AO, QC

Telephone: 03 9653 3777

Facsimile: 03 9653 3700

Email: [ajmyers@dunkeldpc.com.au](mailto:ajmyers@dunkeldpc.com.au)

20

30

40