

ON APPEAL FROM THE FEDERAL COURT OF AUSTRALIA

BETWEEN: **Construction, Forestry, Mining and Energy Union**  
Appellant

10

and

**BHP Coal Pty Ltd**  
Respondent

APPELLANT'S CHRONOLOGY

**Part I:**

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

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**Part II:**

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DATE	EVENT	REFERENCE
1988	Mr Doevendans commences employment with the respondent and joins CFMEU.	<i>Construction Forestry Mining and Energy Union v BHP Coal Pty Ltd</i> (2012) 228 IR 195; [2012] FCA 1218 ( <b>Primary judgment</b> ) at [8]
August 2011	CFMEU members commence series of stoppages which are protected industrial action at Saraji mine ( <b>the mine</b> ) in support of a new industrial agreement with the respondent.  CFMEU organises peaceful demonstrations outside the mine in support of protected industrial action.	Primary judgment at [9], reproduced in <i>BHP Coal Pty Ltd v Construction Forestry Mining and Energy Union</i> [2013] FCAFC 132 ( <b>Full Court judgment</b> ) at [34]
15 – 22 February 2012	CFMEU members take protected industrial action at the mine in the form of a one week stoppage.	Primary judgment at [11]; Full Court judgment at [34].
15 – 22 February 2012	CFMEU conducts lawful demonstration ( <b>the protest</b> ) in support of protected industrial action on side of road	Primary judgment at [11]; Full Court judgment at [34].

File on behalf of the Appellant  
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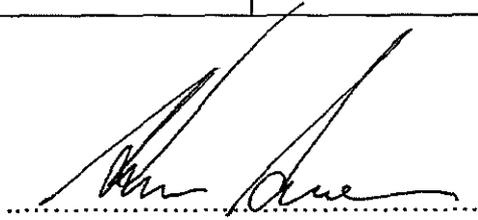
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	<p>approaching the mine.</p> <p>CFMEU takes signs to the protest for participants to hold up, including 4 signs bearing words "No Principles, Scabs, No Guts".</p>	
10	<p>March 2012</p> <p>Respondent conducts investigation into allegations that Mr Doevendans held and waved the 'scab sign' at the protest.</p>	Full Court judgment at [35]
	<p>4 May 2012</p> <p>Mr Brick meets with Mr Doevendans. Mr Doevendans admits that he held the 'scab sign' on a number of occasions during the protest.</p>	Full Court judgment at [36]
20	<p>21 May 2012</p> <p>Mr Brick writes to Mr Doevendans dismissing him summarily from his employment.</p> <p>The reasons for the dismissal included the holding and waving of the sign.</p>	<p>Full Court judgment at [39]</p> <p>Full Court judgment at [38] and [41]</p>
	<p>23 May 2012</p> <p>CFMEU commences proceedings in Federal Court of Australia alleging contraventions of s. 346 of Fair Work Act 2009 ("FW Act").</p>	Application QUD 248 of 2012
30	<p>7 November 2013</p> <p>Jessup J hands down decision on liability, finding that the respondent contravened s. 346(b) of FW Act by dismissing Mr Doevendans for reasons which included participation in a lawful industrial activity organised by an industrial association, and representing or advancing the views, claims or interests of an industrial association.</p> <p>Jessup J orders that Mr Doevendans be reinstated to his employment.</p>	<p>Primary judgment at [114] and [123].</p> <p>Order 1 of 7 November 2013</p>
40	<p>November 2013</p> <p>Respondent granted leave to appeal Jessup J's decision on liability. Stay of Jessup J's reinstatement order refused.</p>	Decision of Logan J [2012] FCA 1495
	<p>13 December 2013</p> <p>Full Court hands down decision upholding appeal against Jessup J's decision by majority, Kenny J dissenting.</p>	Full Court decision.
	<p>9 January 2014</p> <p>CFMEU seeks special leave to appeal decision of Full Court</p>	Application for Special Leave to Appeal.

16 May 2014	High Court grants special leave to appeal.	Order granting special leave to appeal.
30 May 2014	CFMEU files notice of Appeal	Notice of Appeal.

Dated: 20 June 2014



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