



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: S153/2022  
File Title: Qantas Airways Limited & Anor v. Transport Workers Union of Australia  
Registry: Sydney  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellants  
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#### Important Information

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IN THE HIGH COURT OF AUSTRALIA  
 SYDNEY REGISTRY

No. S153 of 2022

BETWEEN: **QANTAS AIRWAYS LIMITED ACN 009 661 901**  
 First Appellant

**QANTAS GROUND SERVICES PTY LTD ACN 137 771 692**  
 Second Appellant

and

**TRANSPORT WORKERS UNION OF AUSTRALIA**  
 Respondent

### APPELLANTS' CHRONOLOGY

**Part I:** This chronology is in a form suitable for publication on the internet.

**Part II:**

Item	Date	Event	References
1.	1 September 2019	Nominal expiry date of enterprise agreement (EA) covering QGS employees.	
2.	From January 2020	As a result of the COVID-19 pandemic, Qantas progressively experienced an almost total reduction in travelling passengers and thereby passenger flights on its international networks, and a very significant reduction in travelling	LJ [33], CAB 21; FC [32], CAB 159

Item	Date	Event	References
		passengers and thereby passenger flights on its domestic networks.	
3.	From early February 2020	Australian governments implemented progressive restrictions on international travel, followed by restrictions on domestic travel, in response to the COVID-19 pandemic.	FC [34], CAB 159
4.	29 June 2020	Qantas commenced a Request for Information ( <b>RFI</b> ) process with potential third-party suppliers of ground handling services ( <b>Suppliers</b> ), and received responses in July.	LJ [142], CAB 69–70; FC [53(a)], CAB 165
5.	20 August 2020	Qantas Group released FY2020 results which included a 91% profit reduction compared to FY2019 and a \$2.7b statutory before tax loss. The Group anticipated a significant underlying loss in FY2021.	LJ [34], CAB 21–22; FC [54(b)], CAB 165–166
6.	24-25 August 2020	Mr Andrew David (CEO, Qantas Domestic and International) executed a Request for Approval ( <b>RFA</b> ) to commence a review of Australian Airports (ramp, baggage and fleet presentation) ( <b>Review</b> ).	FC [54(c)], CAB 165–166
7.	25 August 2020	Qantas notified affected employees regarding its proposal to undertake the Review, including details of an in-house bid ( <b>IHB</b> ) process and an external Request for Proposal ( <b>RFP</b> ) process	FC [9], CAB 66–67; FC [56], CAB 152–153

Item	Date	Event	References
		with Suppliers. Qantas makes a public announcement in relation to the Review.	
8.	September 2020	Qantas commenced the RFP process with Suppliers.	LJ [159], CAB 74–75
9.	19 November 2020	TWU presented an IHB which was less competitive than outsourcing.	LJ [176], CAB 78; FC [58], CAB 167–168
10.	27 November 2020	Mr David formally made the decision to outsource ( <b>Decision</b> ). He did so for the three key “imperatives” of (i) reducing operating costs, (ii) increasing variability in Qantas’s cost base, and (iii) minimising capital expenditure.	FC [12], CAB 153–154; FC [56], CAB 166–167; FC [61], CAB 169
11.	30 November 2020	Qantas announced it had rejected the IHB and determined to outsource its operations to external third-party providers.	FC [61], CAB 169
12.	9 December 2020	TWU commenced proceedings against Qantas in the Federal Court of Australia ( <b>Proceedings</b> )	
13.	31 December 2020	Nominal expiry date of EA covering Qantas employees.	FC [10(b)], CAB 153
14.	Late January 2021	Qantas entered into ground handling agreements with Suppliers.	LJ [189], CAB 83
15.	April and May 2021	Liability hearing before primary judge (over 12 sitting days).	
16.	30 July 2021	Judgment in liability proceedings handed down.	CAB 5

Item	Date	Event	References
17.	25 August 2021	Second judgment on declaratory relief handed down and declaration as to contravention made.	CAB 118
18.	21 December 2021	Qantas filed amended application for leave to appeal from the Federal Court's judgment and amended draft notice of appeal.	CAB 135, 139
19.	24 – 25 February 2022	Appeal hearing before Full Federal Court.	
20.	4 May 2022	Appeal judgment handed down by the Full Federal Court, dismissing Qantas' appeal.	CAB 143
21.	1 June 2022	Qantas filed application for special leave to appeal from the Full Federal Court's judgment to the High Court of Australia (HCA).	
22.	18 November 2022	Qantas granted special leave to appeal to the HCA.	CAB 313
23.	2 December 2022	Qantas filed Notice of Appeal in the HCA.	CAB 315

Dated: 20 January 2023



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