



## HIGH COURT OF AUSTRALIA

### NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 01 Jun 2021 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

#### Details of Filing

File Number: S56/2021  
File Title: NSW Commissioner of Police v. Cottle & Anor  
Registry: Sydney  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
Date filed: 01 Jun 2021

#### Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA  
 SYDNEY REGISTRY

BETWEEN:

**NSW Commissioner of Police**

Appellant

and

**Trevor Cottle**

First Respondent

**Industrial Relations Commission of New South Wales**

Second Respondent

**APPELLANT'S CHRONOLOGY**

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

**Part II:**

<b>Date</b>	<b>Event</b>	<b>Reference</b>
20 December 2002	The First Respondent was appointed as a non-executive police officer of the NSW Police Force.	See Application
1 December 2016	Letter from the Appellant's Medical Discharge Unit to the First Respondent advising that the First Respondent would be medically retired from the NSW Police Force with effect from 15 December 2016.	

14 December 2016	The First Respondent filed an unfair dismissal claim pursuant to s 84 of the <i>Industrial Relations Act 1996</i> (NSW).	
15 December 2016	The First Respondent's medical retirement from the NSW Police Force under s 72A of the <i>Police Act 1990</i> (NSW) (as at that date) became effective.	
22 August 2017	Commissioner Murphy of the Industrial Relations Commission of New South Wales ( <b>IRC</b> ) dismissed the First Respondent's unfair dismissal claim for want of jurisdiction.	CAB [5]
19 December 2018	The Full Bench of the Industrial Relations Commission granted leave to appeal, upheld the First Respondent's appeal, set aside the orders of Commissioner Murphy and ordered that the matter be remitted to Commissioner Murphy for hearing and determination.	CAB [23]
15 November 2019	Simpson AJ of the Supreme Court of New South Wales made a declaration that the IRC did not have jurisdiction to hear and determine the First Respondent's unfair dismissal claim, quashed the order of the Full Bench of the IRC and ordered that the appeal to the Full Bench of the IRC be dismissed.	CAB [58]; [88]
27 July 2020	The Court of Appeal of New South Wales ordered inter alia that in proceedings 2019/381789 and 2020/63922, leave to	CAB [103]; [138]

	appeal be granted and the appeal be allowed with costs, in proceedings 2019/393098, the application for leave to appeal be dismissed and set aside the decision of Simpson AJ and, in lieu thereof, dismissed the summons brought by the Appellant with costs.	
24 August 2020	Application for special leave to appeal filed.	
12 April 2021	Special leave to appeal granted.	CAB [146]
19 April 2021	Undertaking filed by the Appellant.	CAB [149]
23 April 2021	Notice of Appeal filed.	CAB [152]

Dated 31 May 2021

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Name: J K Kirk

Telephone: (02) 9223 9477

Email: [kirk@elevenwentworth.com](mailto:kirk@elevenwentworth.com)