

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
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File Number: VID420/2025
File Title: IN THE MATTER OF ONESTEEL MANUFACTURING PTY LIMITED
(ADMINISTRATORS APPOINTED) ACN 004 651 325
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. 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.

The date of the filing of the document is determined pursuant to the Court's Rules.



ORIGINATING PROCESS

No. VID of 2025

Federal Court of Australia
District Registry: Victoria
Division: Commercial and Corporations List

IN THE MATTER OF ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325

SEBASTIAN DAVID HAMS, MARK FRANCIS XAVIER MENTHA, LARA LUISA WIGGINS AND MICHAEL ANTHONY KORDA IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325

First Plaintiffs

ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325

Second Plaintiff

WHYALLA PORTS PTY LTD ACN 153 225 364

Defendant

A. DETAILS OF APPLICATION

This application is made under section 447A of the *Corporations Act 2001* (Cth) (**Corporations Act**) and section 90-20 of the *Insolvency Practice Schedule (Corporations) 2016* (Cth), being Schedule 2 of the Corporations Act (**IPSC**).

On the facts stated in the supporting affidavit of Michael Anthony Korda dated 2 April 2025, the Plaintiffs seek the following orders:

1. An order pursuant to section 90-15 of the IPSC declaring, or a declaration, that the purported Lease dated 29 June 2018 between the Second Plaintiff and Defendant (**Lease**) is void ab initio, unenforceable and of no legal effect.
2. An order pursuant to section 90-15 of the IPSC declaring, or a declaration, that the Notice of Termination and Re-Possession of Premises dated 27 March 2025 and issued to the Defendant on behalf of the Second Plaintiff is valid and effective.

Filed on behalf of: the Plaintiffs

Prepared by: Leon Zwier

Ref: 011929197

Law firm: **ARNOLD BLOCH LEIBLER**

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3. An order pursuant to section 447A(1) of the Corporations Act and section 90-15 of the IPSC, that Part 5.3A of the Corporations Act is to operate in relation to the Second Plaintiff as if the following liquidation disclaimer provisions in section 568 of the Corporations Act apply to it:
- (1) *An administrator may at any time, on the company's behalf, by signed writing disclaim property of the company that consists of:*
- (a) *land burdened with onerous covenants; or*
 - (b) *shares; or*
 - (c) *property that is unsaleable or is not readily saleable; or*
 - (d) *property that may give rise to a liability to pay money or some other onerous obligation; or*
 - (e) *property where it is reasonable to expect that the cost, charges and expenses that would be incurred in realising the property would exceed the proceeds of realising the property; or*
 - (f) *a contract;*
- whether or not:*
- (g) *except in the case of a contract – the administrator has tried to sell the property, has taken possession of it or exercised an act of ownership in relation to it; or*
 - (h) *in the case of a contract – the company or the administrator has tried to assign, or has exercised rights in relation to, the contract or any property to which it relates.*
- (1AA) *This section does not apply to:*
- (a) *an agreement by the company to buy back its own shares; or*
 - (b) *PPSA retention of title that is taken to form part of the property of the company because of the definition of property in section 513AA.*
- (1A) *An administrator cannot disclaim a contract (other than an unprofitable contract or a lease of land) except with the leave of the Court.*
- (1B) *On an application for leave under subsection (1A), the Court may:*
- (a) *grant leave subject to such conditions; and*
 - (b) *make such orders in connection with matters arising under, or relating to, the contract;*
- as the Court considers just and equitable.*
- (8) *Where:*



- (a) *an application in writing has been made to the administrator by a person interested in property requiring the administrator to decide whether he or she will disclaim the property; and*
- (b) *the administrator has, for the period of 28 days after the after the receipt of the application, or for such extended period as is allowed by the Court, declined or neglected to disclaim the property;*

the administrator is not entitled to disclaim the property under this section and, in the case of a contract, he or she is taken to have adopted it.

4. An order that the costs of the application be paid as costs of the administration.
5. Such further or other orders as the Court considers just or necessary.

Date: 2 April 2025

A handwritten signature in blue ink, appearing to read 'Leon Zwier'.

*Signed by Leon Zwier
Solicitor for the Plaintiffs*

This application will be heard by the Honourable Justice Moshinsky at _____ on _____ in a court room to be determined.



B. NOTICE TO THE DEFENDANT(S) (IF ANY)

TO: Whyalla Ports Pty Ltd

C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

N/A

D. FILING

Date of filing: 2 April 2025

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Registrar

This originating process is filed by Arnold Bloch Leibler for the Plaintiffs.

E. SERVICE

The Plaintiffs' address for service is:

C/- Arnold Bloch Leibler
Level 21
333 Collins Street
Melbourne 3000
Victoria

It is intended to serve a copy of this originating process on each respondent and on any person listed below:

- NRW Limited; and
- The Australian Securities and Investment Commission.