

## NOTICE OF FILING

### Details of Filing

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File Title: IN THE MATTER OF ONESTEEL MANUFACTURING PTY LIMITED  
(ADMINISTRATORS APPOINTED) ACN 004 651 325  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*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.



Form 59  
Rule 29.02(1)

## Affidavit

No. VID 420 of 2025

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

**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 LTD (ADMINISTRATORS  
APPOINTED) ACN 004 651 325**

First Plaintiff

**ONESTEEL MANUFACTURING PTY LTD (ADMINISTRATORS APPOINTED) ACN 004 651  
325**

Second Plaintiff

**WHYALLA PORTS PTY LTD ACN 153 225 364**

First Defendant

**GOLDING CONTRACTORS PTY LTD ACN 009 732 794**

Second Defendant

Affidavit of: **Stacie Khuan Starcevich**  
Address: c/o King & Wood Mallesons  
Level 30, QV1 Building  
250 St Georges Terrace  
Perth WA 6000  
Occupation: Solicitor  
Date: 26 May 2025

Filed on behalf of (name & role of party)	Second Defendant
Prepared by (name of person/lawyer)	Samuel James Dundas
Law firm (if applicable)	King & Wood Mallesons
Tel	+61 8 9269 7097
Fax	+61 8 9269 7999
Email	Sam.Dundas@au.kwm.com
<b>Address for service</b> (include state and postcode)	Level 30, QV.1 Building, 250 St Georges Terrace Perth WA 6000

## Contents

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1	Affidavit of Stacie Khuan Starceвич affirmed on 26 May 2025	[1] – [27]	1 – 6
2	Annexure “SKS-1”	N/A	7 – 19

I, Stacie Khuan Starceвич, care of Level 30, QV.1 Building, 250 St Georges Terrace, Perth WA 6000, affirm:

### A. Introduction

1. I am a solicitor employed by KWM. KWM acts for the second defendant (**Golding**) in this proceeding. I have day-to-day carriage of this matter, under the supervision of Samuel James Dundas and Nathan John Collins, who are both partners of KWM. I am authorised to make this affidavit on Golding’s behalf.
2. Unless otherwise stated, this affidavit is based on my own knowledge, information and belief. Where I depose to matters on the basis of information and belief, I believe such matters to be true and correct and I state the basis for my information and belief.
3. I refer to the affidavit of Nathan John Collins sworn on 25 April 2025, served on the other parties to this proceeding on that date and filed in this proceeding on 30 April 2025 (**First Collins Affidavit**).
4. Annexed to this affidavit is a bundle of documents, to which I refer to in this affidavit marked “SKS-1” (**Annexure SKS-1**). A reference to a tab in this affidavit is a tab in Annexure SKS-1, unless otherwise stated.
5. The purpose of this affidavit is to explain that certain assets that belong to the first defendant (**WP**) and are not located on “*prescribed land*” as defined in clause 1 of Schedule 4 of the *Whyalla Steel Works Act 1958 (SA)* (**Amended Act**). Schedule 4 was inserted into the Amended Act by the *Whyalla Steel Works (Port of Whyalla) Amendment Act 2025 (SA)* (which was assented to on Thursday, 22 May 2025).

### B. Tenures referred to in the Lease

6. Schedule 4 of the Amended Act refers to the “*lease agreement executed or purportedly executed on 29 June 2018*” as is stated in clause 2(1) of Schedule 4 of the Amended Act. This is the lease made between the second plaintiff (**OneSteel**) and WP. The lease is in Annexure NJC-1 of the First Collins Affidavit, Tab 2, p 237. The Premises the

subject of the lease are defined in Item 3 of the Reference Schedule of the lease (Annexure NJC-1 of the First Collins Affidavit, Tab 2, p 244) as:

*That portion of the land in Certificate of Titles Volume 6105 Folio 304, Volume 6141 Folio 526, Volume 5582 Folio 363, Volume 5463 Folio 457 and Volume 5603 Folio 813 described in Annexure A.*

7. Clause 1 of Schedule 4 of the Amended Act provides that the “*prescribed land*” the subject of Schedule 4 is the “*whole of the land comprised in*” the above certificates of title. Clause 1 also provides that the “*prescribed land*” “*includes any other land that is the subject of the lease to which this Schedule applies*”.

**C. Tenures relevant to certain of the assets**

8. On 26 May 2025, I generated an aerial image of the part Whyalla Port through the SA Property and Planning Atlas (**SAPP Atlas**), maintained by the South Australian government at the following website domain: <https://sappa.plan.sa.gov.au/>. On SAPP Atlas, a user can select an area of land on an interactive map and SAPP Atlas will delineate and identify the tenures relevant to that area of land. At **Tab 1, p 9 of Annexure SKS-1** is a true copy of this aerial image (**Aerial Image**).

*The Tip Pocket*

9. In Annexure NJC-1 of the First Collins Affidavit, Tab 14, p 557, there is a true copy of an agreement between WP and Kerman Contracting Pty Ltd (**Kerman**) dated 30 November 2011 (**Kerman EPC Contract**). Under the Kerman EPC Contract, Kerman agreed to construct for WP a “**Tip Pocket**” which is described as a “*rail unloading facility*”. This rail unloading facility “*discharges onto an inclined conveyor CV01 starting below ground within a concrete bunker*”: section 2.3 of the Project Definition Statement in the Kerman EPC Contract (Annexure NJC-1 of the First Collins Affidavit, Tab 14, p 700).
10. In the Aerial Image, a balloon-shaped rail loop is depicted. On the right-hand side of this rail loop, a shed-like structure is depicted. Immediately below the shed-like structure is a long and narrow structure that connects to two rectangular objects that resemble sheds.
11. I believe that the long, narrow structure is conveyor CV01, and the shed-like structure is the Tip Pocket.

*OSF#2 / Outer Storage Facility / the Ore Storage Sheds*

12. Under the Kerman EPC Contract, Kerman agreed with WP to construct for WP “**Ore Storage Sheds**” or “*Storage Building #1*” and “*Storage Building #2*”. This is detailed in

section 2.4 of the Project Definition Statement in the Kerman EPC Contract (Annexure NJC-1 of the First Collins Affidavit, Tab 14, p 701).

13. Sections 2.4 and 2.5 of the Project Definition Statement (Annexure NJC-1 of the First Collins Affidavit, Tab 14, pp 701 – 702) also state that “*two new storage buildings shall be constructed ... [which] shall be totally enclosed ... clad in painted sheet steel – colour dark grey*” and that conveyor CV01 will “*transfer iron ore from ... within the [Tip Pocket]*” to conveyor CV02, which will then “*feed Storage Building #1, Storage Building #2 or bypass to ship loader*”.
14. The plaintiffs in paragraph 16 of their Points of Claim dated 8 May 2025 refer to OSF#2 as the “*Outer Storage Facility*”.
15. In the Aerial Image, two similar grey rectangular objects located side-by-side to the south of conveyor CV01 are depicted. To the north of the two grey rectangular objects is a long and narrow structure (which I believe to be conveyor CV01) that links the two grey rectangular objects to the Tip Pocket.
16. I believe that the two grey rectangular objects located side-by-side in the Aerial Image are the Ore Storage Sheds.

#### *The shiploader*

17. In Annexure NJC-1 of the First Collins Affidavit, Tab 17, p 947, there is a true copy of an agreement between WP and Leighton Contracting Pty Ltd (**Leighton**) dated 25 June 2012 (**Leighton Bulk Products Berth Contract**). Under the Leighton Bulk Products Berth Contract, Leighton was obliged to install for WP a shiploader, which was to be located on “*the multi-products berth*” and fed from a “*conveyor*”: section 2.8.3 of the Project Definition Statement in the Leighton Bulk Products Berth Contract (Annexure NJC-1 to the First Collins Affidavit, Tab 17, pp 1093 – 1094).
18. In the Aerial Image, an object is visible on a berth (next to which a ship is located). The white object is located to the left of the Ore Storage Sheds and appears to be connected to the Ore Storage Sheds by several long, narrow structures, which resemble the general shape of Conveyor CV01. They are conveyors.
19. I believe that the white object described in paragraph 18 is the crane comprising the shiploader system referred to in paragraph 17 above.

#### *Ore Storage Sheds Reclaim System*

20. Under the Kerman EPC Contract, Kerman agreed to construct for WP an “**Ore Storage Sheds Reclaim System**” for the Ore Storage Sheds. Section 2.5 of the Project



Definition Statement in the Kerman EPC Contract (Annexure NJC-1 of the First Collins Affidavit, Tab 14, p 702) states that “*both [Ore Storage Sheds] shall be equipped with identical reclaim systems*” and refers to “*reclaim conveyor[s] CV07 ... and CV09*”.

Section 2.4 of the Project Definition Statement in the Kerman EPC Contract (Annexure NJC-1 of the First Collins Affidavit, Tab 14, p 701) also states that conveyor CV08 is supported “*in the apex of [one of the Ore Storage Sheds]*”.

21. The table in section 7 (Asset Listing) of the valuation conducted by AON as at November 2018 contains a line entry that states “*Ore Storage Sheds Reclaim System Comprising*”: Annexure NJC-1 of the First Collins Affidavit, Tab 43, p 2515. Below that line entry are rows which set out the constituent components, being “*CV07*” (reclaim conveyor), “*CV08*” (tripper conveyor), “*CV09*” (reclaim conveyor), “*TT4*”, “*TT5*” and “*TT6*” (all of which are transfer towers): Annexure NJC-1 of the First Collins Affidavit, Tab 43, pp 2515 – 2516.
22. It follows that:
  - (a) conveyors CV07, CV08 and CV09, and transfer towers TT4, TT5 and TT6, comprise the Ore Storage Sheds Reclaim System referred to in paragraph 20 above; and
  - (b) conveyors CV07, CV08 and CV09, and transfer towers TT4, TT5 and TT6 are all located within the Ore Storage Sheds referred to in paragraph 12 above.

#### **D. Tenure Maps**

23. I used SAPP Atlas to identify the tenures in or around the Whyalla Port and I prepared two maps (**Tenure Maps**) which show:
  - (a) the tenures in or around the Whyalla Port; and
  - (b) the location of different assets that are on different tenures.
24. The Tenure Maps are at **Tabs 2 and 3, pp 10 – 11 of Annexure SKS-1**. The Tenure Map at Tab 2 depicts the whole of the relevant area around the Whyalla Port. The Tenure Map at Tab 3 is a close-up portion of the Tenure Map at Tab 2. The Tenure Map at Tab 3 depicts the location of the Tip Pocket (referred to in paragraph 9 above), the Outer Storage Facility (which includes the Ore Storage Sheds and part of the Ore Storage Sheds Reclaim System) (referred to in paragraphs 12 and 20 above), and the inner harbour shiploader crane (referred to in paragraph 17 above).
25. The Tenure Maps show:


- (a) the Tip Pocket is located on Crown Lease 6213/636, where the Crown is the “Owner” and OneSteel is the “Crown Lessee”;
- (b) one of the Ore Storage Sheds and part of the Ore Storage Sheds Reclaim System that is within that Ore Storage Shed is located on Certificate of Title 6144/964, which is freehold land owned by OneSteel. This land is not the “*prescribed land*” referred to in Schedule 4 of the Amended Act; and
- (c) the crane comprising the shiploader system is located on Certificate of Title 6144/965, which is freehold land owned by the Minister for Transport and Infrastructure. This land is not the “*prescribed land*” referred to in Schedule 4 of the Amended Act.

26. At **Tab 4, pp 12 – 18 of Annexure SKS-1** is a bundle of Crown Lease 6213/636 and Certificates of Title 6144/964 and 6144/965.

**E. Correspondence**

27. On 23 May 2025, KWM sent a letter to the solicitors for the plaintiffs, Arnold Black Leibler (**ABL**), regarding this proceeding. At **Tab 5, p 19 of Annexure SKS-1** is a true copy of the letter sent by KWM to ABL dated 23 May 2025.

Sworn by Stacie Khuan Starcevich  
 at Perth  
 in Western Australia  
 on 26 May 2025  
 Before me: Samuel Michael Landro

)  
 )  
 )   
 ) \_\_\_\_\_  
 ) Signature of deponent  
 )

  
 \_\_\_\_\_  
 Signature of witness

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

**No. VID 420 of 2025**

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 LTD (ADMINISTRATORS  
 APPOINTED) ACN 004 651 325**

First Plaintiff

**ONESTEEL MANUFACTURING PTY LTD (ADMINISTRATORS APPOINTED) ACN 004 651  
 325**

Second Plaintiff

**WHYALLA PORTS PTY LTD ACN 153 225 364**

First Defendant

**GOLDING CONTRACTORS PTY LTD ACN 009 732 794**

Second Defendant

**Annexure "SKS-1"**

This is the annexure referred to as "SKS-1" in the affidavit of Stacie Khuan Starcevich affirmed 26 May 2025.

Before me: Samuel Michael Landro

Signature:



Filed on behalf of (name & role of party)	Second Defendant
Prepared by (name of person/lawyer)	Samuel James Dundas
Law firm (if applicable)	King & Wood Mallesons
Tel	+61 8 9269 7097
Fax	+61 8 9269 7999
Email	Sam.Dundas@au.kwm.com
<b>Address for service</b> (include state and postcode)	Level 30, QV.1 Building, 250 St Georges Terrace Perth WA 6000

**Contents of Annexure “SKS-1”**

<b>Tab</b>	<b>Document</b>	<b>Para</b>	<b>Page</b>
1	A true copy of the Aerial Image.	[8]	9
2	A true copy of the Tenure Map (Whyalla Port).	[24]	10
3	A true copy of the Tenure Map (being a close up of Tab 2).	[24]	11
4	A true copy of a bundle of Crown Lease 6213/636 and Certificates of Title 6144/964 and 6144/965.	[26]	12 – 18
5	A true copy of the letter sent by KWM to ABL dated 23 May 2025.	[27]	19

## 20250526 - Aerial Image



Government  
of South Australia

Land Services Group

**Tab 2**



- Standard gauge line (marked in brown) (red and blue land). Predominantly located on OneSteel freehold (C, D, G, H); small portion located on Crown land (Perpetual Licence 319A) (A).
- Narrow gauge line (marked in purple) (red and blue land). Predominantly located on OneSteel freehold (C, G, H); small portion located on Crown land (Perpetual Licence 319A) (A).
- Realigned standard gauge line (marked in yellow) (blue land). Located on OneSteel freehold (F, G, H).
- Tip Pocket (red land). Located on Crown land (Perpetual Licence 319A) (A).
- Ore Storage Sheds Infeed System (red and blue land). Predominantly on Crown land (Perpetual Licence 319A) (A); small portion on OneSteel freehold (E, H).
- Outer Storage Facility (OSF#2) (blue land). The Ore Storage Sheds Reclaim System is situated within the Outer Storage Facility (OSF#2). Both are located on OneSteel freehold (E, G, H). E is not mentioned in Item 3 of the Reference Schedule of the Lease.
- Majority of the Transfer Conveyor System (blue land). Transfer Conveyor System is predominantly located on OneSteel freehold (E, F, G, H).
- The crane comprising the shiploader system and a portion of the Transfer Conveyor System (hatched orange land). Small portion of the Transfer Conveyor System and the whole of the shiploader crane is located on Minister's freehold (I) (hatched orange land).

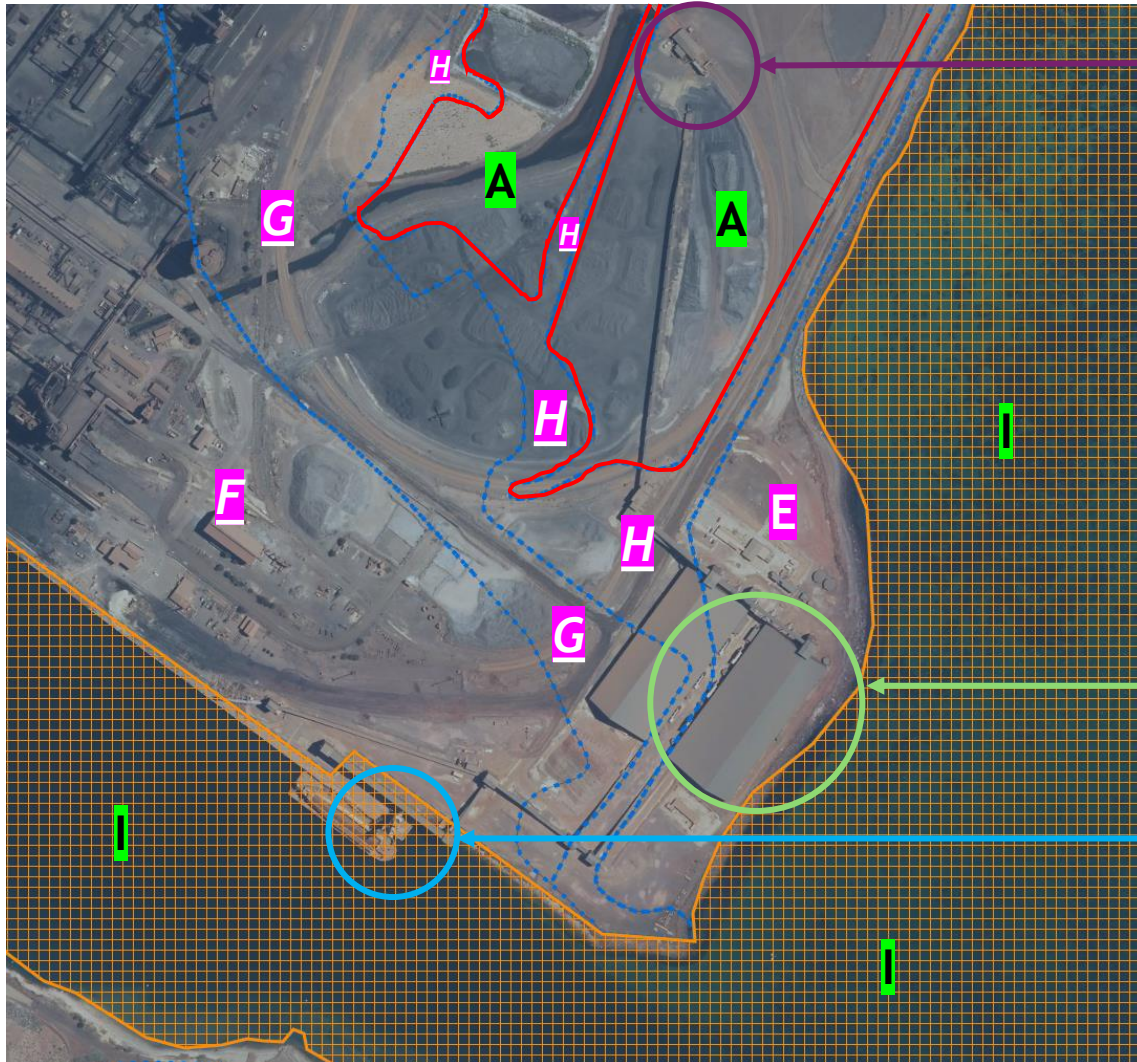
Italicised and underlined CTs represent CTs listed in Item 3 of the Reference Schedule of the Lease.

Tenure	Colour	Title details	Relevant asset
Crown land (Perpetual Licence 319A)	Red	CL6213/636 (A)	<ol style="list-style-type: none"> <li>1. Tip Pocket</li> <li>2. Ore Storage Sheds Infeed System (partial)</li> <li>3. Standard and narrow gauge lines (partial)</li> </ol>
Crown land (Perpetual Licence 319)	Green	CL6189/771 (B)	Not relevant
Freehold held by OneSteel	Blue	<u>CT6141/526 (C)</u> , <u>CT6105/304 (D)</u> , CT6144/964 (E), <u>CT5603/813 (F)</u> , <u>CT5582/363 (G)</u> , <u>CT5463/457 (H)</u>	<ol style="list-style-type: none"> <li>1. Outer Storage Facility (OSF#2) (1 out of 2) (G, H)</li> <li>2. Outer Storage Facility (OSF#2) (1 out of 2) (E)</li> <li>3. Ore Storage Sheds Infeed System (partial) (E, H)</li> <li>4. Transfer Conveyor System (partial) (E, F, G, H)</li> <li>5. Standard gauge line (partial) (C, D, G, H)</li> <li>6. Narrow gauge line (partial) (C, G, H)</li> <li>7. Realigned standard gauge line (F, G, H)</li> </ol>
Freehold held by Minister for Transport, Infrastructure and Local Government	Hatched orange	CT6144/965 (I)	<ol style="list-style-type: none"> <li>1. Shiploader crane</li> <li>2. Transfer Conveyor System (partial)</li> </ol>
Crown land (subject to Crown Lease 8518 granted on 6 December 1900)	Black	CL6268/422 (K)	Not relevant

**Red:** Crown Land (CL6213/636) (A). Not part of “prescribed land”.

**Blue:** Freehold held by OneSteel (E, F, G, H). Part of “prescribed land” *except for* E.

**Hatched orange:** Freehold held by Minister for Transport, Infrastructure and Local Government (I). Not part of “prescribed land”.



Tip Pocket

Outer Storage Facility and part of Ore Storage Sheds Reclaim System (to the extent it is located within this shed)

Inner Harbour Shiploader Crane

REAL PROPERTY ACT, 1886



South Australia

This Crown Lease Register Search is a true and correct extract of the Register of Crown Leases maintained by the Registrar-General.



## Crown Lease - Volume 6213 Folio 636

Parent Title(s) CL 1013/20  
Creating Dealing(s) RT 12975502  
Title Issued 18/09/2018 Edition 2 Edition Issued 03/07/2020

## Estate Type

CROWN LESSEE

## Owner

THE CROWN

## Crown Lessee

ONESTEEL MANUFACTURING PTY. LTD. (ACN: 004 651 325)  
OF L 10 121 KING WILLIAM STREET ADELAIDE SA 5000

## Description of Land

SECTIONS 59, 60, 61 AND 62  
HUNDRED OF CULTANA  
IN THE AREA NAMED WHYALLA BARSON

SECTIONS 495, 496, 497 AND 498  
HUNDRED OF RANDELL  
IN THE AREA NAMED WHYALLA BARSON

TOTAL AREA: 166HA (APPROXIMATE)

DIAGRAM BOOK PAGE 385 HUNDRED OF RANDALL

## Lease Details

Lease Number OL000319A  
Lease Type PERPETUAL  
Commencing On 02/12/1937

IN PERPETUITY

## Conditions

CROWN LEASE CONDITIONS VIDE CL 1013/20

## Easements

NIL

## Schedule of Dealings

Dealing Number	Description
14315962	CHARGE UNDER SECTION 41A OF DOG FENCE ACT 1946

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## Notations

<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL

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## Additional Information

This additional information is provided by the Department for Environment and Water and does not constitute part of the Crown Leases Register maintained by the Registrar-General. Contact the Department for Environment and Water to verify the currency of this information and to obtain further details.

### Annual Rent

Annual Rent:

Rent Review:

## Crown Lease

**Title Reference:** CL 6213/636  
**Status:** CURRENT  
**Parent Title(s):** CL 1013/20  
**Dealing(s) Creating Title:** RT 12975502  
**Title Issued:** 18/09/2018  
**Edition:** 2

## Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
09/07/2024	19/07/2024	14315962	NOTICE OF CHARGE	REGISTERED	DOG FENCE BOARD
21/01/2020	03/07/2020	13242935	CHANGE OF ADDRESS	REGISTERED	ONESTEEL MANUFACTURING PTY. LTD. (ACN: 004 651 325)

## Certificate of Title

**Title Reference** CT 6144/964  
**Status** CURRENT  
**Easement** NO  
**Owner Number** 70573509  
**Address for Notices** L 27, 8-12 CHIFLEY SQ SYDNEY, NSW 2000  
**Area** 48.9ha (APPROXIMATE)

## Estate Type

FEE SIMPLE

## Registered Proprietor

ONESTEEL MANUFACTURING PTY. LTD. (ACN: 004 651 325)  
OF L 10 121 KING WILLIAM STREET ADELAIDE SA 5000

## Description of Land

ALLOTMENT 1 DEPOSITED PLAN 93175  
IN THE AREA NAMED WHYALLA BARSON  
OUT OF HUNDREDS (WHYALLA)

## Last Sale Details

**Dealing Reference** TRANSFER (T) 12196129  
**Dealing Date** 20/08/2014  
**Sale Price** \$0  
**Sale Type** CHANGE OF OWNERSHIP FOR NO MONETARY CONSIDERATION OR UNDISCLOSED CONSIDERATION

## Constraints

### Encumbrances

NIL

### Stoppers

Dealing Type	Dealing Number	Beneficiary
NOTICE OF CHARGE	14315962	DOG FENCE BOARD

## Valuation Numbers

Valuation Number	Status	Property Location Address
6810328953	CURRENT	26806 LINCOLN HIGHWAY, WHYALLA BARSON, SA 5601

## Notations

### Dealings Affecting Title

NIL

**Notations on Plan**

NIL

**Registrar-General's Notes**

NIL

**Administrative Interests**

NIL

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 6144 Folio 965

**Parent Title(s)** CL 1013/20  
**Creating Dealing(s)** V 12122177, RTD 12178440  
**Title Issued** 17/09/2014      **Edition** 2      **Edition Issued** 26/06/2020

### Estate Type

FEE SIMPLE

### Registered Proprietor

MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT  
OF ADELAIDE SA 5000

### Description of Land

ALLOTMENT 2 DEPOSITED PLAN 93175  
IN THE AREA NAMED WHYALLA BARSON  
OUT OF HUNDREDS (WHYALLA)

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Notations on Plan</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL

## Certificate of Title

**Title Reference:** CT 6144/965  
**Status:** CURRENT  
**Parent Title(s):** CL 1013/20  
**Dealing(s) Creating Title:** V 12122177, RTD 12178440  
**Title Issued:** 17/09/2014  
**Edition:** 2

## Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
24/06/2020	26/06/2020	13322577	VESTING (GLOBAL PROPRIETORS HIP UPDATE)	REGISTERED	MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT

TO Leon Zwier | Partner  
Arnold Bloch Leibler  
Email: [lzwier@able.com.au](mailto:lzwier@able.com.au)

23 May 2025

Dear Colleagues

**URGENT: VID420/2025 | OneSteel Manufacturing Pty Limited (Administrators Appointed) & Ors v Whyalla Ports Pty Limited & Golding Contractors Pty Ltd (Proceeding)**

- 1 We refer to our letter sent 15 May 2025, the Federal Court of Australia's orders dated 29 April 2025 and the urgent case management hearing held on 16 May 2025.
- 2 During the case management hearing, his Honour required the parties to adhere to the deadlines ordered by the Court in the 29 April orders until such a time as the parties could return for a further case management hearing on Friday, 23 May 2025, which has been adjourned (at the request of your clients) to Tuesday, 27 May 2025.
- 3 At the previous case management hearing, your clients' Counsel stated that the *Whyalla Steel Works (Port of Whyalla) Amendment Bill (Bill)* would, if given Royal assent, render your clients' claims otiose. Our client's Counsel requested that this position should be made clear in your clients' points of reply. Despite this request, on 19 May 2025, your clients served their points of reply and simply reserved their rights with respect to this Proceeding upon the enactment of the Bill.
- 4 As you would be aware, the Bill received Royal assent yesterday, 22 May 2025. Your clients have still failed to explain, either in an updated points of reply or otherwise in written correspondence, how they say the Bill affects the current Proceeding and, in particular, whether they maintain that the Bill renders your clients' claims otiose.
- 5 Further on 19 May 2025, pursuant to order 6 of the 29 April orders, your clients were required to give discovery of the documents requested in the First and Second Defendants' list of essential documents served on you on 15 May 2025. They have not done so.
- 6 Given the lack of clarity about your clients' position and your clients' failure to comply with the existing Court orders, our client is not in a position to file its further evidence (due today) nor come to an informed view on its position for the purposes of Tuesday's case management hearing.
- 7 Please urgently confirm whether your clients will be filing and serving an updated points of reply and/or its discovery and, if so, by when. Our client reserves all of its rights, including its rights to seek to adjourn any trial in the Proceeding until a later date.

Yours sincerely



Sam Dundas | Partner  
King & Wood Mallesons

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Partner profile