

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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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.



Notice of **amended** cross-claim

No. VID420 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 and another named in schedule 1

Plaintiffs

WHYALLA PORTS PTY LTD (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 153 225 364

First Defendant

GOLDING CONTRACTORS PTY LTD ACN 009 732 794

Second Defendant

WHYALLA PORTS PTY LTD (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 153 225 364

Cross-claimant

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 and another named in schedule 1

Cross-respondents

To 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 and ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325, the Cross-respondents.

The cross-claimant, WHYALLA PORTS PTY LTD (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 153 225 364, the first defendant in the proceeding, applies for the relief set out in this cross-claim.

Filed on behalf of (name & role of party)	<u>Whyalla Ports Pty Ltd (administrators appointed) (receivers and managers appointed), the first defendant and cross-claimant</u>		
Prepared by (name of person/lawyer)	<u>Samuel James Dundas</u>		
Law firm (if applicable)	<u>King & Wood Mallesons</u>		
Tel	<u>+61 8 9269 7097</u>	Fax	<u>+61 8 9269 7999</u>
Email	<u>sam.dundas@au.kwm.com</u>		
Address for service (include state and postcode)	<u>Level 30, 250 St Georges Terrace, Perth, WA, 6000</u> <u>Ref: SJD: 608-0100297</u>		



The court will hear this cross-claim, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the court may make orders in your absence.

If you have not already done so, you must file a notice of address for service (Form 10) in the Registry before attending court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Owen Dixon Commonwealth Law Courts Building
305 William Street
Melbourne VIC 3000

The court ordered that the time for serving this application be abridged to:

Date:

Signed by an officer acting with the authority
of the District Registrar

Details of cross-claim

On the grounds stated in the accompanying affidavits, the cross-claimant, Whyalla Ports Pty Ltd (Administrators appointed) (Receivers and Managers appointed) ACN 153 225 364 (WP) claims:

1. Leave under s 440D of the *Corporations Act 2001* (Cth) (**Corporations Act**) to commence and proceed with this cross-claim against the second cross-respondent (**OSM**).
- ~~2. A direction pursuant to s 90-15 of the *Insolvency Practice Schedule (Corporations) (IPS)*, being Schedule 2 to the *Corporations Act*, alternatively a declaration under s 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), to the effect that:

 - ~~(a) the lease entered into by the cross-claimant (**Whyalla Ports**) and OSM and dated 29 June 2018 (**Lease**) is valid and binds the parties to it according to its terms; alternatively~~
 - ~~(b) OSM is estopped from denying that the Lease is valid and binds it according to its terms, and the first cross-respondents (the **Administrators**) are bound to act accordingly.~~~~
- ~~3. A direction pursuant to s 90-15 of the *IPS*, alternatively a declaration under s 21 of the *FCA Act*, that on the proper construction of the Lease, and in the present circumstances where Whyalla Ports is holding over under the Lease (alternatively, where OSM is~~



~~estopped from denying as much), OSM cannot terminate the Lease (alternatively, the estoppel) without giving Whyalla Ports:~~

~~(a) two years' written notice; alternatively~~

~~(b) six months' written notice.~~

~~2. 4. A direction pursuant to s 90-15 of the *Insolvency Practice Schedule (Corporations) (IPS)*, being Schedule 2 to the *Corporations Act 2001 (Cth)*, alternatively a declaration under s 21 of the *Federal Court of Australia Act 1976 (Cth) (FCA Act)*, to the effect that:~~

~~(a) the **Assets** (as defined in Schedule 2 attached) are the property of WP. Whyalla Ports; and~~

~~(b) on the proper construction of the Lease, the Assets are each '**Lessee's Improvements**' as defined in cl 1 of the Lease.~~

~~2. An order under s 90-15 of the IPS, alternatively a declaration under s 21 of the FCA Act, that by causing employees of OSM to enter the land the subject of the Lease (the **Premises**) on and after 28 March 2025, the Administrators trespassed on the Premises.~~

~~3. 6. An order under s 90-15 of the IPS, alternatively a declaration under s 21 of the FCA Act, that:~~

~~(a) by causing employees of OSM to use the Assets on and after 28 March 2025, the first cross-respondents (**Administrators**) are wrongfully in possession of the Assets and converted the Assets to their own use; and~~

~~(b) OSM is also wrongfully in possession of the Assets and converted the Assets to its own use.~~

~~4. 7. Damages for trespass and conversion including exemplary damages (with the question of damages to be referred for assessment or tried separately following the determination of questions of liability).~~

~~8. If the court grants the relief sought by the plaintiffs in the originating process, a direction pursuant to s 90-15 of the IPS that the cross-respondents must permit Whyalla Ports to access and enter the Premises and remove the Assets for a period of six months commencing on the date of the order (or, if the Lease is terminated by disclaimer, commencing from the date that the disclaimer takes effect).~~

~~3. Costs.~~

Cross-claimant's address

The Cross-claimant's address for service is:



Place: ~~Level 5, 60 Martin Place, Sydney NSW 2000~~ Level 30, 250 St Georges Terrace

Email: ~~laura.johns@nortonrosefulbright.com~~ sam.dundas@au.kwm.com

The Cross-claimant's address is C/- ~~Norton Rose Fulbright, Level 5, 60 Martin Place, Sydney NSW 2000~~ King & Wood Malesons, Level 30, 250 St Georges Terrace, Perth WA 6000

Service on the Cross-respondents

Whyalla Ports intends to serve this cross-claim on all cross-respondents.

Date: 12 June 2025

King & Wood Malesons

Signed by Samuel James Dundas
Solicitor for the first defendant and cross-
claimant



Schedule 1

No. VID420 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Commercial and Corporations List

Second Plaintiff: **ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325**

Second Cross-respondent: **ONESTEEL MANUFACTURING PTY LIMITED
(ADMINISTRATORS APPOINTED) ACN 004 651 325**

Date: ~~23 April 2024~~ 12 June 2025



Schedule 2

Assets

	Description	Ownership	Location
1	Site Services Buildings (10113386 / 10100685), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Transferred to WP for value after WP was incorporated on 14 September 2011.	
2	Shed 1 (otherwise known as 'Ore Storage Shed 1') (10113394 / 10100689), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Erected and constructed for WP by Kerman Contracting Limited under an agreement dated 30 November 2011 (Kerman Contract).	prescribed land (CT5603/813 , CT5582/363)
3	Shed 2 (otherwise known as 'Ore Storage Shed 1') (10113395 / 10100690), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Erected and constructed for WP under the Kerman Contract.	Non-prescribed land (CT6144/964)
4	Tip Pocket (including all equipment and machinery within) (10113382 / 10100682), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Erected and constructed for WP under the Kerman Contract.	Non-prescribed land (CL6213/636)
5	Fire Fighting System (10113383 / 10100683), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Erected and constructed for WP under the Kerman Contract and by Leighton Contractors Pty Ltd (Leighton) under an agreement dated 25 June 2012 (Leighton Bulk Berth Contract).	
6	Dust Collection System (10113384 / 10100684), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Erected and constructed for WP under the Kerman Contract.	
7	Water Spray System (10113388 / 10100686), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	Erected and constructed for WP under the Kerman Contract.	
8	Sampler Equipment (10113390 / 10100687), including all mechanical, electrical and	Erected and constructed for WP under the Kerman Contract.	



	<u>instrumentation plant & equipment contained within and attached thereto</u>		
9	Conveyor 1 - from Tip Pocket to Transfer Tower 1 (10113392 / 10100688), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	<u>Erected and constructed for WP under the Kerman Contract.</u>	<u>prescribed land</u> (CT5463/457) and Non- <u>prescribed land</u> (CT6144/964, CL6213/636)
10	Inloading Conveyors and Transfer Towers (10113397 / 10100691), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	<u>Erected and constructed for WP under the Kerman Contract.</u>	<u>prescribed land</u> (CT5463/457) and Non- <u>prescribed land</u> (CL6213/636, CT6144/964)
11	Outloading Conveyors and Transfer Towers (10113399 / 10100692), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	<u>Erected and constructed for WP under the Kerman Contract.</u>	<u>prescribed land</u> (CT5603/813, CT5582/363, CT5463/457) and Non- <u>prescribed land</u> (CT6144/964, CT6144/965)
12	<u>Standard Gauge Rail Network</u>		
13	<u>Narrow Gauge Rail Network</u>		
14	<u>Products Berth Upgrade</u>		
15	Rolls Royce Mooring Winches (10100697), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto	<u>Erected and constructed for WP by Leighton under an agreement dated 19 April 2012 (Leighton Temporary Berth Contract).</u>	
16	<u>B&W Shiploader</u>		
17	<u>Permanent Berth</u>		



18	<u>Permanent Shiploader (Inner Harbour) (10113396 / 10100700), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed for WP under the Leighton Bulk Berth Contract.</u>	<u>Non-prescribed land (CT6144/965)</u>
19	<u>Wharf Front Power Supply-Generator</u>		
20	<u>IHEF Shiploader Exclusion Zone</u>		
21	<u>Rail Infrastructure</u>		
22	<u>Material Handling Facility</u>		
23	<u>Permanent Berth / Shiploader 2</u>		
24	<u>Temporary Berth</u>		
25	<u>Transshipment</u>		
26	<u>Permanent Utilities</u>		
27	<u>Bulk Berth Timber Wharf</u>		
28	<u>Wharf Front Power Supply-Generator</u>		
29	<u>Shiploader (Outer Harbour) (10116005), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed in about 2006. Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	<u>Non-prescribed land</u>
30	<u>Building Structure Etc.</u>		
31	<u>Bypass Conveyor & Other Conveyor (Feed Out) (10115987), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed in about 2006. Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	
32	<u>Incoming Conveyors & Support Structure & Gantry (10115983), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed in about 2006. Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	
33	<u>The Shed (Incl. Foundation, Walkway, Drainage)</u>		
34	<u>Inner Harbour Control System (10113406 / 10109905), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed for WP under the Kerman Contract.</u>	
35	<u>Inner Harbour 3 Navigation Beacons</u>		



36	<u>Ih2 Navigation Beacon</u>		
37	<u>Ih6 Navigation Beacon</u>		
38	<u>Ih12 Navigation Beacon</u>		
39	<u>J2 Navigation Beacon</u>		
40	<u>J3 Navigation Beacon</u>		
41	<u>J9 Navigation Beacon</u>		
42	<u>Mobile Solution For Sampling (80022468), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	
43	<u>9 Navigation Beacons Jet 1,4,5,7,9,11,Ih 1,16,14</u>		
44	<u>Replace Inner Harbour Pilot Steps</u>		
45	<u>Mobile Harbour Crane - Mobile Hopper (10117149), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	
46	<u>Ihef Tip Pocket Remediation</u>		
47	<u>Development Of Tug Berth</u>		
48	<u>Whyalla Port Lan Connection</u>		
49	<u>Installation Electromagnetic Brake On Boom Hoist</u>		
50	<u>Canopy From Shear Legs Over Walkways-- Nos.1 & 2</u>		
51	<u>Safety Handrails-Inside Girder Platform & Cantil.</u>		
52	<u>Stockbridge Unloader With Two Grabs - 26t Cap.</u>		
53	<u>No.2 Stockbridge Electrical Upgrade</u>		
54	<u>Stockbridge Concrete Platform And Support Brackets</u>		
55	<u>Excavations + Concrete Foundations</u>		
56	<u>Building Structure</u>		
57	<u>Plumbing Fixtures + Fittings Sanitary Ware</u>		



58	<u>Foundations</u>		
59	<u>Concrete Floor</u>		
60	<u>Foundations</u>		
61	<u>Building</u>		
62	<u>Concrete Foundations</u>		
63	<u>Building Structure</u>		
64	<u>Plumbing Fixtures + Fittings</u>		
65	<u>IRON CLAD 8M X 13M EXT.TO INST.WORKSHOP</u>		
66	<u>Foundations</u>		
67	<u>Concrete Floor</u>		
68	<u>Channel Beacon</u>		
69	<u>Safety Barrier & Alterations To Corner Of Road</u>		
70	<u>Concrete Storage Pad At Blast Furnace Wharf</u>		
71	<u>Monorail</u>		
72	<u>Front Lead Light - Tower</u>		
73	<u>Rear Lead Light - Tower.</u>		
74	<u>Rebuilding-106 Metres Of Sheet Piled Wharf</u>		
75	<u>Piling + Peine Piling For Wharf Rebuilding</u>		
76	<u>Rubber Fenders</u>		
77	<u>Ext.Of Dolphin Platform - No.4 B/Fnce Wharf</u>		
78	<u>Upgrade Sheet Piling At West End Of Bulk Wharf</u>		
79	<u>Stonework On North Side Of Harbour</u>		
80	<u>Extending South Protection Bank By 700 Feet</u>		
81	<u>Boat Harbour Extensions</u>		
82	<u>Bollards</u>		



83	<u>Retaining Wall Ext. Tie Rods And Beams Etc.)</u>		
84	<u>Wharf Decking</u>		
85	<u>Timber Piles For Wharf Fenders</u>		
86	<u>Tracks And Wharf Anchorage</u>		
87	<u>Sheet Piling Incl. False Work</u>		
88	<u>Timber Work Decking And Rubber Fenders</u>		
89	<u>Misc. Concrete Work Inc. Concrete Anchors</u>		
90	<u>Piling</u>		
91	<u>Rubber Fenders</u>		
92	<u>Bollards And Mooring Cleats</u>		
93	<u>25 Ton Capacity Lifting Beam</u>		
94	<u>Ret Walls And Stockbridge Front Track Foundations</u>		
95	<u>Stockbridge Back Track Incl. Foundations</u>		
96	<u>Trackwork Inc. Buffers Etc. For Stockbridge</u>		
97	<u>Piling</u>		
98	<u>Foundations</u>		
99	<u>Piling</u>		
100	<u>Foundations</u>		
101	<u>Trackwork</u>		
102	<u>Luffing Crane Collector Trench</u>		
103	<u>Piling</u>		
104	<u>Concrete Foundations</u>		
105	<u>Inner Harbour Additional Beacon 8a</u>		
106	<u>14 Sola - Chan Marine Navigation Beacons</u>		
107	<u>Shore Beacons</u>		
108	<u>Front Lead Light - Piling</u>		
109	<u>Front Lead Light - Concrete Foundations</u>		



110	<u>Rear Lead Light - Concrete Foundations</u>		
111	<u>Piling And Structural Steelwork</u>		
112	<u>Sealing Of Wharf Stacking Area</u>		
113	<u>Harbour Lead Lights (Located In Shipyard Area)</u>		
114	<u>Plumbing Fixtures - Fittings - Sanitary Ware</u>		
115	<u>Toilet Cisterns And Urinals</u>		
116	<u>Structural Supports For 3 Lights</u>		
117	<u>Lights - P/Bar Shop - No.3 Crane Track Tailing Dam</u>		
118	<u>Lighting Towers For Bulk Stock Wharf Area</u>		
119	<u>Floodlighting (9 Off) On Wharf</u>		
120	<u>Upgrade Lights & Wiring In Gear Shed</u>		
121	<u>Upgrade Lighting Wharf Material Handling Area</u>		
122	<u>Timber Wharf</u>		
123	<u>Dredging</u>		
124	<u>Dredging Basin And Channel Reclamation</u>		
125	<u>Harbour Dredging (Re Wharf Extension)</u>		
126	<u>Outside Cyclone Fencing (Compound)</u>		
127	<u>Sewers And Sumps</u>		
128	<u>Storage Area - Tar Paving</u>		
129	<u>Septic Tank</u>		
130	<u>Sewerage</u>		
131	<u>Concrete Paths</u>		
132	<u>Safety Fence - Areas Around Shipping Office</u>		
133	<u>Wharf Stockbridge Upgrade</u>		
134	<u>Install Ship Loading Material Deflectors At Wharf</u>		
135	<u>No.2 Stockbridge Cabin Air Conditioner</u>		



136	<u>Stage 3 Seawall Rock Armour</u>		
137	<u>Security Fence To BF Wharf Area</u>		
138	<u>Coke Shipping Wharf Pier</u>		
139	<u>Coke Wharf Rem</u>		
140	<u>Csl Compound Potable Water Filtration Skid (10119238), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	
141	<u>Csl Potable Water Project</u>		
142	<u>Jetty Conveyor Motor Upgrade</u>		
143	<u>Boarding Platforms</u>		
144	<u>Jetty Conveyor – Shiploader (10116006), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed in about 2006. Transferred to WP for value after WP was incorporated on 14 September 2011.</u>	
145	<u>Bis Equipment Transition (otherwise known as 'port loader') (80022746), including all mechanical, electrical and instrumentation plant & equipment contained within and attached thereto</u>	<u>Erected and constructed in about 2024. Transferred to WP for value.</u>	<u>Located in 1 of the sheds – see item 2 and 3 above.</u>
146	<u>Ohel Control System Upgrade1</u>		