

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 28/02/2025 1:59:57 PM AEDT
Date Accepted for Filing: 28/02/2025 2:00:10 PM AEDT
File Number: VID214/2025
File Title: IN THE MATTER OF ONESTEEL MANUFACTURING PTY LTD
(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.



AFFIDAVIT

No. VID214 of 2025

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

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

**MARK FRANCIS XAVIER MENTHA, SEBASTIAN DAVID HAMS, LARA LUISA WIGGINS and
MICHAEL ANTHONY KORDA IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS
OF ONESTEEL MANUFACTURING PTY LTD (ADMINISTRATORS APPOINTED) ACN 004 651 833**

First Plaintiffs

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

Second Plaintiff

Affidavit of: **Raphael Yehudah Leibler**
Address: Level 31, 525 Collins Street, Melbourne VIC 3000, Australia
Occupation: Solicitor
Date: 28 February 2025

Contents of Annexure "RYL-1"

Document number	Details	Paragraph	Page
1	Email from Raphael Leibler to Tom O'Shea		1-3
2	Email from Raphael Leibler to Lipman Karas, solicitors for the State of South Australia		4-5
3	Email from Raphael Leibler to Henry Carr, for the Commonwealth Department of Employment and Workplace Relations		6-7
4	Email from Raphael Leibler to certain Unions		8-9

Filed on behalf of: the First Plaintiffs
Prepared by: Leon Zwier
Law firm: **ARNOLD BLOCH LEIBLER**
Tel: 9229 9999 Fax: 9229 9900
Email: lzwier@abl.com.au
Address for service: Level 21, 333 Collins Street, Melbourne, VIC 3000

Ref: 011929197

MS *Raphael Leibler*

I Raphael Yehudah Leibler of Level 21, 333 Collins Street, Melbourne, Victoria, 3000, solicitor, affirm:

- 1 I am a Partner at Arnold Bloch Leibler (**ABL**), the solicitors for the First Plaintiffs (**Administrators**). I have the care and conduct of this matter, together with Leon Zwier and Genevieve Sexton.
- 2 Except where I otherwise indicate, I make this affidavit from my own knowledge. Where I depose to matters from information and belief, I believe those matters to be true.
- 3 I am not authorised to waive legal professional privilege. Nothing in this affidavit should be construed as a waiver of privilege. To the extent that anything in this affidavit may be so construed, I withdraw and do not rely on that part of this affidavit.
- 4 Exhibited and shown to me at the time of affirming this affidavit is a bundle of documents to which I refer in this affidavit that are paginated and marked "**RYL-1**." Where I refer to a document within Annexure RYL-1, I do so by referring to the page number within the bundle.

Service and Notice of Originating Process

- 5 On 27 February 2025, the Originating Process and affidavit of Sebastian David Hams sworn 26 February 2025 (**Hams Affidavit**) were uploaded to:
 - (a) the OneSteel Manufacturing Pty Limited (Administrators Appointed) ACN 004 651 325 (**OneSteel**) portal on the website of KordaMentha: <https://kordamentha.com/creditors/onesteel-manufacturing-pty-limited>
 - (b) the OneSteel portal on the website of Arnold Bloch Leibler: <https://www.abl.com.au/insolvency-administrations/onesteel-manufacturing/>

Australian Securities and Investments Commission (ASIC)

- 6 On 27 February 2025 (2:25 pm), I served a sealed copy of the Originating Process and Hams Affidavit on ASIC by email to Tom O'Shea, the Regional Commissioner (Victoria) and Senior Executive Leader, Enforcement Inquiries and Compliance. A copy of my email to Mr O'Shea on 27 February 2025 is at **page 1 of Annexure RYL-1** (excluding attachments).
- 7 I am told by Leon Zwier that Mr O'Shea spoke to Mr Zwier by telephone later that afternoon and informed him that ASIC will not take a position in relation to this matter.

Other Interested Parties

- 8 On 27 February 2025, I also sent emails attaching sealed copies of the Originating Process and Hams Affidavit and providing details of the hearing on 28 February 2025 to:
 - (a) Lipman Karas, solicitors for the State of South Australia (2:28 pm);

MS
Raphael

- (b) Henry Carr, for the Commonwealth Department of Employment and Workplace Relations (2:30 pm); and
- (c) the Unions on behalf of whom the relief is sought (2:35 pm).

9 None of these interested parties has provided a substantive response to my email. Copies of my emails on 27 February 2025 are at **pages 4-9 of Annexure RYL-1** (excluding attachments).

First Meeting of Creditors

10 I am told by Mr Hams and believe that:

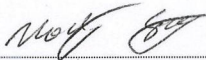
- (a) the Administrators are not aware of any intention, notice or proposal by any creditor to seek the removal and replacement of the Administrators at the first meeting of creditors on 3 March 2025; and
- (b) the Administrators have not received notice from a proposed alternative administrator or written consent to act as administrator of OneSteel, or a Declaration of Independence, Relevant Relationships and Indemnities.

AFFIRMED by the deponent
 at Melbourne
 in Victoria
 on 28 February 2025
 Before me:

)
)
)
)
)



Signature of deponent



Signature of witness

Molly Alexandra Scott
 Arnold Bloch Leibler
 Level 21, 333 Collins Street, Melbourne 3000
 An Australian Legal Practitioner
 within the meaning of the
 Legal Profession Uniform Law (Victoria)

CERTIFICATE IDENTIFYING ANNEXURE "RYL-1"

No. VID214 of 2025

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

**IN THE MATTER OF ONESTEEL MANUFACTURING PTY LTD (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**

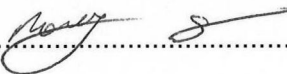
First Plaintiff

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

Second Plaintiff

Affidavit of: **Raphael Yehudah Leibler**
Address: Level 31, 525 Collins Street, Melbourne VIC 3000, Australia
Occupation: Solicitor
Date: 28 February 2025

This is the annexure marked "RYL-1" referred to in the affidavit of **RAPHAEL YEHUDAH
LEIBLER** sworn before me on 28 February 2025


.....

Molly Alexandra Scott
Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne 3000
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

Filed on behalf of: the First Plaintiff
Prepared by: Leon Zwier
Law firm: **ARNOLD BLOCH LEIBLER**
Tel: 9229 9999 Fax: 9229 9900
Email: lzwier@abl.com.au
Address for service: Level 21, 333 Collins Street, Melbourne, VIC 3000

Ref: 011929197

Kalinda Scheef

From: Raphael Leibler
Sent: Thursday, 27 February 2025 2:25 PM
To: Tom O'Shea
Cc: Leon Zwier; OneSteel
Subject: RE: OneSteel Manufacturing Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]
Attachments: Originating Process - 26 February 2025 (signed) (3).pdf; Affidavit of Sebastian Hams - 26 February 2025 (sworn) (2).pdf; Annexure SDH-1 (signed).pdf

Dear Tom,

Further to our email below, please see attached, by way of service, originating process and affidavit of Sebastian Hams filed 27 February 2025.

The matter is listed for hearing before the Honourable Justice Moshinsky at 1 pm tomorrow.

The Originating Process and affidavit of Sebastian Hams will be uploaded to the website of Arnold Bloch Leibler and KordaMentha.

Regards

Raphael

Raphael Leibler | Partner

Arnold Bloch Leibler
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E: RLeibler@abl.com.au | T: +61 3 9229 9693 | M: +61 402 611 908

Wurundjeri Country

Arnold Bloch Leibler

Lawyers and Advisers

From: Tom O'Shea <Tom.OShea@asic.gov.au>
Sent: Thursday, 27 February 2025 10:30 AM
To: Raphael Leibler <RLeibler@abl.com.au>
Cc: Leon Zwier <LZwier@abl.com.au>; OneSteel <osm@abl.com.au>
Subject: RE: OneSteel Manufacturing Pty Ltd (Administrators Appointed) [SEC=OFFICIAL]

Thanks Raphael

Tom O'Shea
Regional Commissioner, Victoria
Senior Executive Leader, Enforcement Inquiries and Compliance

Australian Securities and Investments Commission
Level 7, 120 Collins Street, Melbourne, 3000
Mob: +61 401672 702
Tom.OShea@asic.gov.au



ASIC

EA: Winnie [West | Winnie.west@ASIC.gov.au](mailto:Winnie.west@ASIC.gov.au)

From: Raphael Leibler <RLeibler@abl.com.au>
Sent: Wednesday, 26 February 2025 7:11 PM
To: Tom O'Shea <Tom.OShea@asic.gov.au>
Cc: Leon Zwier <LZwier@abl.com.au>; OneSteel <osm@abl.com.au>
Subject: OneSteel Manufacturing Pty Ltd (Administrators Appointed)

You don't often get email from rleibler@abl.com.au. [Learn why this is important](#)

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Tom

As you know, we act for the Administrators of OneSteel Manufacturing Pty Ltd (Administrators Appointed).

We are writing to provide ASIC with notice of an application that the Administrators will imminently file in the Federal Court of Australia. We attach drafts of the Originating Process and unsworn affidavit of Sebastian Hams.

In summary, the application seeks orders permitting certain unions to vote on behalf of their members who are employed by OneSteel at meetings of OneSteel's creditors (save for those creditors who attend the meetings or appoint other proxies).

The Administrators have asked the Court to list the matter for hearing on Friday, 28 February 2025. We will provide you with further details once received.

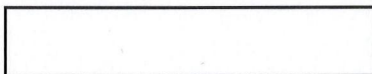
Please let us know if ASIC wishes to raise any issues in relation to the application.

Regards

Raphael Leibler | Partner

Arnold Bloch Leibler
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Kalinda Scheef

From: Raphael Leibler
Sent: Thursday, 27 February 2025 2:28 PM
To: Skip Lipman; Patrick Leeson
Cc: Leon Zwier; OneSteel
Subject: RE: OneSteel Manufacturing Pty Ltd (Administrators Appointed)
Attachments: Originating Process - 26 February 2025 (signed) (3).pdf; Affidavit of Sebastian Hams - 26 February 2025 (sworn) (2).pdf; Annexure SDH-1 (signed).pdf

Dear Skip and Patrick,

Further to our email below, please see attached originating process and affidavit of Sebastian Hams filed 27 February 2025.

The matter is listed for hearing before the Honourable Justice Moshinsky at 1 pm tomorrow.

Regards

Raphael

Raphael Leibler | Partner

Arnold Bloch Leibler
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Wurundjeri Country

Arnold Bloch Leibler

Lawyers and Advisers

From: Raphael Leibler
Sent: Wednesday, 26 February 2025 7:08 PM
To: Skip Lipman <slipman@lk.law>; Patrick Leeson <pleeson@lk.law>
Cc: Leon Zwier <LZwier@abl.com.au>; OneSteel <osm@abl.com.au>
Subject: OneSteel Manufacturing Pty Ltd (Administrators Appointed)

Dear Skip and Patrick

As you know, we act for the Administrators of OneSteel Manufacturing Pty Ltd (Administrators Appointed).

We are writing to provide your client with notice of an application that the Administrators will imminently file in the Federal Court of Australia. We attach drafts of the Originating Process and unsworn affidavit of Sebastian Hams.

In summary, the application seeks orders permitting certain unions to vote on behalf of their members who are employed by OneSteel at meetings of OneSteel's creditors (save for those creditors who attend the meetings or appoint other proxies).

The Administrators have asked the Court to list the matter for hearing on Friday, 28 February 2025. We will provide you with further details once received.

Please let us know if your client wishes to raise any issues in relation to the application.

Regards

Raphael Leibler | Partner

Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne Victoria 3000
E: RLeibler@abl.com.au | T: +61 3 9229 9693 | M: +61 402 611 906

Wurundjeri Country

Arnold Bloch Leibler
Lawyers and Advisers

Kalinda Scheef

From: Raphael Leibler
Sent: Thursday, 27 February 2025 2:30 PM
To: Henry.Carr@ag.gov.au
Cc: Leon Zwier; OneSteel
Subject: RE: OneSteel Manufacturing Pty Ltd (Administrators Appointed)
Attachments: Originating Process - 26 February 2025 (signed) (3).pdf; Affidavit of Sebastian Hams - 26 February 2025 (sworn) (2).pdf; Annexure SDH-1 (signed).pdf

Dear Henry

Further to our email below, please see attached originating process and affidavit of Sebastian Hams filed 27 February 2025.

The matter is listed for hearing before the Honourable Justice Moshinsky at 1 pm tomorrow.

The originating process and affidavit of Sebastian Hams will be uploaded to the website of Arnold Bloch Leibler and KordaMentha.

Regards

Raphael

Raphael Leibler | Partner

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Arnold Bloch Leibler
Lawyers and Advisers

From: Raphael Leibler
Sent: Wednesday, 26 February 2025 7:14 PM
To: Henry.Carr@ag.gov.au
Cc: Leon Zwier <LZwier@abl.com.au>; OneSteel <osm@abl.com.au>
Subject: OneSteel Manufacturing Pty Ltd (Administrators Appointed)

Dear Henry

As you know, we act for the Administrators of OneSteel Manufacturing Pty Ltd (Administrators Appointed).

We are writing to provide the Department with notice of an application that the Administrators will imminently file in the Federal Court of Australia. We attach drafts of the Originating Process and unsworn affidavit of Sebastian Hams.

In summary, the application seeks orders permitting certain unions to vote on behalf of their members who are employed by OneSteel at meetings of OneSteel's creditors (save for those creditors who attend the meetings or appoint other proxies).

The Administrators have asked the Court to list the matter for hearing on Friday, 28 February 2025. We will provide you with further details once received.

Please let us know if the Department wishes to raise any issues in relation to the application.

Regards

Raphael Leibler | Partner

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Wurundjeri Country

Arnold Bloch Leibler
Lawyers and Advisers

Kalinda Scheef

From: Raphael Leibler
Sent: Thursday, 27 February 2025 2:32 PM
To: zach.dun-calfe@nat.awu.net.au; kathryn.presdee@amwu.org.au; jliley@cfmeu.org; JohnA@cepusa.com.au; brett.larkin@mua.org.au
Cc: OneSteel; Leon Zwier
Subject: RE: OneSteel Manufacturing Pty Limited (Administrators Appointed)
Attachments: Originating Process - 26 February 2025 (signed) (3).pdf; Affidavit of Sebastian Hams - 26 February 2025 (sworn) (2).pdf; Annexure SDH-1 (signed).pdf

Dear All

Further to our email below, please see attached originating process and affidavit of Sebastian Hams filed 27 February 2025.

The matter is listed for hearing before the Honourable Justice Moshinsky at 1 pm tomorrow.

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Regards

Raphael

Raphael Leibler | Partner

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Arnold Bloch Leibler

Lawyers and Advisers

From: Raphael Leibler
Sent: Wednesday, 26 February 2025 7:26 PM
To: zach.dun-calfe@nat.awu.net.au; kathryn.presdee@amwu.org.au; jliley@cfmeu.org; JohnA@cepusa.com.au; brett.larkin@mua.org.au
Cc: OneSteel <osm@abl.com.au>; Leon Zwier <LZwier@abl.com.au>
Subject: RE: OneSteel Manufacturing Pty Limited (Administrators Appointed)

Dear All

Further to our letter sent earlier today, we attach drafts of the Originating Process and unsworn affidavit of Sebastian Hams which the Administrators will imminently file in the Federal Court of Australia.

The Administrators have asked the Court to list the matter for hearing on Friday, 28 February 2025. We will provide you with further details once received.

Please let us know if you wish to raise any issues in relation to the application.

Regards

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Wurundjeri Country

Arnold Bloch Leibler

Lawyers and Advisers

From: Jacqui Lee <JLee@abl.com.au> **On Behalf Of** Raphael Leibler

Sent: Wednesday, 26 February 2025 3:00 PM

To: zach.duncalfe@nat.awu.net.au; kathryn.presdee@amwu.org.au; jliley@cfmeu.org; JohnA@cepusa.com.au

Cc: brett.larkin@mua.org.au; Leon Zwier <LZwier@abl.com.au>; Raphael Leibler <RLeibler@abl.com.au>

Subject: OneSteel Manufacturing Pty Limited (Administrators Appointed)

Dear Mr Duncalfe, Ms Presdee, Mr Liley and Mr Adley

Please see attached correspondence.

Regards

Raphael Leibler | Partner

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Level 21, 333 Collins Street, Melbourne Victoria 3000
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Wurundjeri Country

Arnold Bloch Leibler

Lawyers and Advisers