



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 25 Aug 2023 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: B32/2023
File Title: Carmichael Rail Network Pty Ltd as Trustee for the Carmichael
Registry: Brisbane
Document filed: Form 27D - Respondent's submissions
Filing party: Respondents
Date filed: 25 Aug 2023

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.

Form 27D - Respondent's submissions

Note: see rule 44.03.3

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

FILE NUMBER: B32/2023

BETWEEN: CARMICHAEL RAIL NETWORK PTY LTD AS TRUSTEE FOR THE
CARMICHAEL RAIL NETWORK TRUST
Appellant

and

BBC CHARTERING CARRIERS GMBH & CO. KG
First RespondentONESTEEL MANUFACTURING PTY LTD
Second Respondent**SECOND RESPONDENT'S SUBMISSIONS****PART I - Certification:**

1. I certify that this submission is in a form suitable for publication on the internet.

PART II - Statement of Issues:

1. Paragraph 2 of the Appellant's submissions identifies the issues raised by the Appellant's ground of appeal. The Second Respondent does not make any submissions in relation to the issues the appeal presents, as advanced by the Appellant.

PART III - Section 78B notices and intervention:

1. The Second Respondent considers that no notice under s 78B of the *Judiciary Act* 1903 (Cth) is required.

PART IV - Material facts:

1. For the purposes of the present appeal as advanced, the Second Respondent does not make any submissions on the factual issues in contention.

PART V - Statement of argument:

1. The judgment of the Full Court of the Federal Court of Australia given on 12 October 2022 concerned two interrelated interlocutory applications filed by the Applicant and First Respondent respectively (see CAB 28 [1]-[2]). As set out in CAB 28 [2], the Second Respondent appeared on the hearing of the applications before the Full Court of the Federal Court of Australia but took no active role.

2. Likewise, the Second Respondent does not make any submissions in the present appeal as advanced by the Appellant.
3. No order for costs should be made against the Second Respondent.

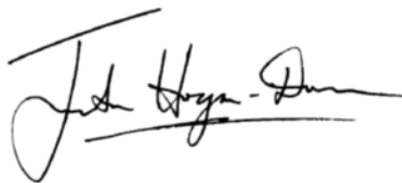
PART VI - Notice of contention or notice of cross-appeal:

1. There is no notice of contention or notice of cross-appeal filed by the Second Respondent.

PART VII - Estimate of time required for oral argument:

1. The Second Respondent does not presently seek to make any oral argument.

Dated: 25 August 2023



Justin Hogan-Doran

7 Wentworth Selborne Chambers

T: (02) 8224 3000

M: +1 (867) 332 9539 (GMT-7)

jhd@7thfloor.com.au