



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: S137/2025  
File Title: CSL Australia Pty Ltd ACN 080 378 614 v. Tasmanian Ports C  
Registry: Sydney  
Document filed: Appellant's chronology  
Filing party: Appellant  
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#### Important Information

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**Form 27B – Appellant’s chronology**

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Note: see rule 44.02.3.

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

BETWEEN: **CSL AUSTRALIA PTY LTD ACN 080 378 614**  
Appellant  
and  
**TASMANIAN PORTS CORPORATION PTY LTD ACN 114 161 938**  
First Respondent  
**INCITEC PIVOT LTD ACN 004 080 264**  
Second Respondent  
**INCITEC FERTILIZERS PTY LTD ACN 103 709 155**  
Third Respondent  
**VIVA ENERGY AUSTRALIA LTD ACN 004 610 459**  
Fourth Respondent  
**PERSONS WHO MAY HAVE A CLAIM WITHIN THE MEANING OF ARTICLE  
2 OF CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME  
CLAIMS 1976 (AS AMENDED BY THE 1996 PROTOCOL TO AMEND  
CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS  
1976)**  
Fifth Respondent

**APPELLANT’S CHRONOLOGY**

**Part I:** This chronology is in a form suitable for publication on the internet.

**Part II:**

Date	Event	Citation <sup>1</sup> /Reference <sup>2</sup>
28 Jan 2022	At about 11:45am, the Appellant (CSL)'s vessel 'Goliath' allided with the tug 'York Cove' causing damage to 'York Cove' and the tug 'Campbell Cove' and the wharf alongside which they were berthed ( <b>the Allision</b> )	PJ [1] CAB 12 AJ [8] CAB 74

<sup>1</sup> *CSL Australia Pty Ltd v Tasmanian Ports Corporation Pty Ltd (The Goliath)* [2024] FCA 824 (**PJ**); *Tasmanian Ports Corporation Pty Ltd v CSL Australia Pty Ltd (The Goliath)* [2025] FCAFC 53 (**AJ**).

<sup>2</sup> Core Appeal Book (**CAB**); Appellants’ Book of Further Materials (**ABFM**).

28 Jan 2022	At about 2:00pm, following the Allision, 'York Cove' and 'Campbell Cove' sank in the Mersey River.	PJ [1] CAB 12 AJ [8] CAB 74
28 Jan 2022	Following the Allision, hydrocarbons escaped from 'York Cove' and 'Campbell Cove' and entered the marine environment.	PJ [1] CAB 12 AJ [8] CAB 74
4 Feb 2022	TasPorts received two letters from Marine and Safety Tasmania enclosing a notice directing it to either to relocate each of the tugs or to put the tugs in a seaworthy condition	CAB 121
<b>The Federal Court of Australia</b>		
17 May 2022	TasPorts commenced Federal Court proceeding NSD363/2022 ( <b>TasPorts Proceeding</b> ) against CSL claiming ( <i>inter alia</i> ) damages for loss and damage suffered as a result of the Allision, including " <i>costs of and associated with the containment, removal and disposal of hydrocarbons, and the removal and disposal of the Tugs</i> " ( <b>para 22(e) claims</b> ).	PJ [2]-[4] CAB 12 AJ [9] CAB 75
19 Sep 2022	CSL commenced a <b>Limitation Proceeding</b> (NSD789/2022) in the Federal Court of Australia against TasPorts (as the first respondent to that proceeding) and the second to fifth respondents seeking ( <i>inter alia</i> ): <ul style="list-style-type: none"> <li>a declaration that it is entitled to limit its liability, if any, for all claims arising out of the Allision within the meaning of Art 2 of the <i>Convention on Limitation of Liability for Maritime Claims (1976) as amended by the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (1996) and further amended by Resolution LEG.5(99) (2012) of the Legal Committee of the International Maritime Organization</i> (collectively, the <b>1976 Convention</b>); and</li> <li>to establish a limitation fund pursuant to Art 11 of the 1976 Convention in the amount of 7,401,416 SDRs (special drawing rights of the International Monetary Fund) based on the gross tonnage of the Goliath.</li> </ul>	PJ [6] CAB 13
10 Mar 2023	TasPorts filed a defence in the Limitation Proceeding pleading that its <i>para 22(e) claims</i> are not subject to limitation under the 1976 Convention because they are claims within Art 2(1)(d) of the 1976 Convention which is not given the force of law in Australia.	PJ [7]-[8] CAB 13
11 May 2023	CSL applied by interlocutory application in the Limitation Proceeding to establish a limitation fund by way of a letter of undertaking ( <b>LOU</b> ).	CAB 115

21 Jun 2023	Justice Rares made orders in the Limitation Proceeding permitting CSL to constitute a limitation fund by the provision of a LOU.	PJ [9] CAB 13 ABFM 4
28 Jun 2023	CSL constituted a limitation fund in accordance with Article 11 of the 1976 Convention by the provision of a LOU signed on behalf of the Standard Club UK Ltd.	PJ [9] CAB 13-14 ABFM 9-11
25 Sep 2023	Justice Rares made orders in the Limitation Proceeding ( <i>inter alia</i> ): <ul style="list-style-type: none"> <li>• declaring that CSL is entitled to limit its liability (if any) for all claims within the meaning of Article 2 of the 1976 Convention as given the force of law in Australia by s 6 of the Limitation of <i>Liability for Maritime Claims Act 1989</i> (Cth) (<b>LLMCA</b>) for loss and damage arising out of the Allision;</li> <li>• that the declaration made be without prejudice to TasPorts' right to file a cross-claim to determine whether CSL is entitled to limit its liability to TasPorts in respect of TasPorts' claims for the raising, removal, destruction or the rendering harmless of the Tugs; and</li> <li>• allowing CSL to continue to constitute the limitation fund by way of the LOU given on 28 June 2023.</li> </ul>	PJ [10] CAB 14 ABFM 12-14
18 Oct 2023	TasPorts filed a Notice of Cross-Claim in the Limitation Proceeding and Statement of Cross-Claim, seeking ( <i>inter alia</i> ) a declaration that CSL is not entitled to limit its liability to TasPorts pursuant to the LLMCA for its claims in respect of the raising, removal, destruction or the rendering harmless of 'Campbell Cove' and 'York Cove' (its claimed wreck removal costs).	PJ [11] CAB 14 AJ [10] CAB 76 ABFM 16-19
15 Dec 2023	TasPorts files an Amended Statement of Cross-Claim in the Limitation Proceeding.	ABFM 20-23
15 Dec 2023	CSL files its Defence to TasPorts' Amended Statement of Cross-Claim in the Limitation Proceeding.	ABFM 24-28
1 Mar 2024	The Fourth Respondent ( <b>Viva</b> ) files a Notice of Cross-Claim and Statement of Cross-Claim in the Limitation Proceeding.	CAB 115-116
12 Apr 2024	CSL files its Defence to Viva's Statement of Cross-Claim in the Limitation Proceeding.	CAB 116
8 Dec 2023	Justice Stewart ordered that the determination of prayers 1 and 3 of TasPorts' Cross-Claim take place separately from the balance of the proceeding ( <b>the separated declaratory relief</b> ).	PJ [12] CAB 14

4-6 Jun 2024	Justice Stewart heard TasPorts' claim for the separated declaratory relief.	CAB 9
26 Jul 2024	Justice Stewart delivered judgment, dismissing TasPorts' claim for the separate relief ( <i>CSL Australia Pty Ltd v Tasmania Ports Corporation Pty Ltd (The Goliath)</i> [2024] FCA 824).	CAB 5-60
<b>The Full Court of the Federal Court of Australia</b>		
9 Aug 2024	TasPorts files an application for leave to appeal to the Full Court of the Federal Court of Australia from the judgement and orders given by the Justice Stewart on 26 July 2024.	-
1 Nov 2024	Justice Burley made orders granting TasPorts' leave to appeal.	CAB 116
5 Nov 2024	TasPorts filed a notice of appeal.	CAB 61-67
26 Nov 2024	CSL filed a notice of contention.	ABFM 29
6-7 Mar 2025	The Full Court heard the appeal and the notice of contention.	CAB 71
29 April 2025	The Full Court delivered judgment, allowing TasPorts' appeal and dismissing CSL's notice of contention ( <i>Tasmanian Ports Corporation Pty Ltd v CSL Australia Pty Ltd (The Goliath)</i> [2025] FCAFC 53).	CAB 68-112
<b>The High Court of Australia</b>		
28 May 2025	CSL applied for special leave to appeal.	
4 Sep 2025	Special leave to appeal was granted ( <i>CSL Australia Pty Ltd ACN 080 378 614 v Tasmanian Ports Corporation Pty Ltd ACN 114 161 938</i> [2025] HCADisp 200).	CAB 126-128
17 Sep 2025	CSL filed a notice of appeal.	CAB 129-132

Dated: 23 October 2025



Gregory Nell SC  
New Chambers  
(02) 9221 3639  
nell@newchambers.com.au

Martin Scott KC  
Owen Dixon Chambers West  
(03) 9225 8798  
mrscott@vicbar.com.au

Nicholas Wallwork  
Quayside Chambers  
(08) 9460 5274  
nwallwork@quaysidechambers.com