

Here is the chain of arguments used by GAGELER CJ, GORDON, STEWARD, GLEESON AND JAGOT JJ, reconstructed into a formal modus ponens structure with references to specific paragraphs:

1. If the standard of proof for engaging Article 3(8) of the Australian Hague Rules is the ordinary civil standard of proof (the balance of probabilities) and not some lesser standard [22-32], and Carmichael has not proved on the balance of probabilities that clause 4 of the bill of lading relieves BBC from liability or lessens such liability [33-54], then Carmichael's appeal fails. Carmichael has not proved on the balance of probabilities that clause 4 relieves or lessens BBC's liability [8, 55-69].

Therefore, Carmichael's appeal fails [8, 70].

2. If Carmichael's appeal fails, then the orders which should be made are: (1) The appeal be dismissed, and (2) The appellant pay the respondents' costs of the appeal.

Carmichael's appeal fails [70].

Therefore, the orders which should be made are: (1) The appeal be dismissed, and (2) The appellant pay the respondents' costs of the appeal [71].

The key premises and conclusions, with their paragraph references, are:

Premise 1: The standard of proof for engaging Article 3(8) is the ordinary civil standard of proof (balance of probabilities) and not some lesser standard [22-32].

Premise 2: Carmichael has not proved on the balance of probabilities that clause 4 relieves or lessens BBC's liability [8, 55-69].

Conclusion 1: Carmichael's appeal fails [8, 70].

Conclusion 2 (Final Conclusion): The orders which should be made are: (1) The appeal be dismissed, and (2) The appellant pay the respondents' costs of the appeal [71].

This argument chain logically flows from the premises to the final conclusion, which precisely reflects the culmination of the reasoning without overreaching. The final conclusion includes the disposition of the case, which is that the appeal was dismissed.