

Form 35  
Rule 17.01(1)

## **Applicant's interlocutory application for interim suppression orders**

No. 1201 of 2023

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Murry Lower Darling Rivers Indigenous Nations (ABN 118 364 079)**

Applicant

**Commonwealth of Australia** and others named in the schedule

Respondent

To the First to Third Respondents

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, 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.

**Time and date for hearing:** 10 February 2025 at 10:15 am

**Place:** 184 Phillip St, Sydney NSW 2000

On 3 February 2025 the Court ordered by order (6) that the time for serving this application be abridged to 12:00pm on 9 February 2025.

Filed on behalf of (name & role of party) Murray Lower Darline Rivers Indigenous Nations (Applicant)

Prepared by (name of person/lawyer) Emily Long

Law firm (if applicable) Environmental Defender's Office Ltd

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**Address for service** 8.02, 6 O'Connell St, Sydney, NSW 2000  
(include state and postcode)

### **Interim orders sought**

1. Pursuant to s 17(4) of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**), the hearing of this Interlocutory Application, and any parts of the hearing of the principal Application in which the information the subject of Order (2), below, is disclosed be conducted in the absence of the public.
2. Pursuant to ss 37AI(1) and 37AF(1)(b)(iv) of the Federal Court Act, throughout the Commonwealth of Australia the disclosure or publication of:
  - a. the Nation Reports, as defined in the Commonwealth Submissions at [32] and comprising Attachments A to EE of Schedule C of the NSW Murray Darling Basin Fractured Rock Water Resource Plan at Court Book Vol 2, Part 4, Tab 8;
  - b. the Interlocutory Application itself, including:
    - i. this Interlocutory Application,
    - ii. the Applicant submissions filed on 9 February 2025, and
    - iii. the affidavit of Emily Jane Long affirmed and filed on 9 February 2025

is prohibited until further order of the Court.
3. The disclosure or publication of the information referred to in these orders to and between the following persons is expressly permitted between:
  - a. the Federal Court judge presiding in the matter;
  - b. essential court staff; and
  - c. the Parties and their legal representatives.
4. By Tuesday 25 February, the Applicant and the Commonwealth Respondents are to confer, and agree:
  - a. whether the Nation Reports are tendered in whole or part, and if the latter,
  - b. a schedule identifying those parts of the Nation Reports that will form part of the record and in relation to which final suppression orders are sought.
5. This Interlocutory Application be listed for directions on a date convenient to the Court.

### **Service on the Respondents**

It is intended to serve this application on all Respondents.

Date: 9 February 2025



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Signed by Emily Long  
Employed Solicitor for the Applicant  
Environmental Defenders Officer Ltd

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Respondents**

Second Respondent: Minister for the Environment and Water  
Third Respondent: Murray Darling Basin Authority  
Fourth Respondent: State of New South Wales

Date: 9 FEBRUARY 2025

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 9/02/2025 4:38:37 PM AEDT  
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File Number: NSD1201/2023  
File Title: MURRAY LOWER DARLING RIVERS INDIGENOUS NATIONS v  
COMMONWEALTH OF AUSTRALIA & ORS  
Registry: NEW SOUTH WALES 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.