

## NOTICE OF FILING

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
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File Number: NSD1056/2024  
File Title: ENERGY RESOURCES OF AUSTRALIA LTD ABN 71 008 550 865 v  
MINISTER FOR RESOURCES AND MINISTER FOR NORTHERN  
AUSTRALIA (COMMONWEALTH) &ORS  
Registry: NEW SOUTH WALES 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.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD1056 of 2024

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

**Energy Resources of Australia Ltd ABN 71 008550 865**

Applicant

**Minister for Resources and Minister for Northern Australia (Commonwealth) and others named in the Schedule**

Respondents

Affidavit of: **Richard Anthony Magides**  
Address: C/-Zentree Investments Management Pty Ltd, 18 Robinson Road #15-01 Singapore  
0488547  
Occupation: Fund Management  
Date: 4 October 2024

I, Richard Anthony Magides, affirm

1. I am a director of Zentree Investments Limited (**Zentree**) and am authorised to make this affidavit on its behalf.
2. I make this affidavit in support of the interlocutory application dated 4 October 2024 made by Zentree and Packer & Co Ltd (**Packer**) for a grant of leave to intervene in these proceedings, pursuant to sections 236 and 237(1) of *Corporations Act 2001* (Cth) (**Corporations Act**) and rule 9.12(1) of the *Federal Court Rules 2011* (Cth). I believe that Zentree is a person entitled to be registered as a member of the applicant in these proceedings, Energy Resources of Australia Limited (**ERA**).
3. I make this affidavit based on matters within my own knowledge, information and belief except where otherwise stated. Where I depose to matters from information and belief, I believe those matters to be true and correct.

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Filed on behalf of (name & role of party) Zentree Investments Limited and Packer & Co Pty Ltd  
Prepared by (name of person/lawyer) Gordon Grieve  
Law firm (if applicable) Piper Alderman  
Tel (02) 9253 9999 Fax (09) 9932 9999  
Email ggrieve@piperalderman.com.au  
Address for service Level 23, Governor Macquarie Tower, 1 Farrer Place Sydney NSW 2000  
(include state and postcode)

4. Nothing contained in this affidavit is intended to waive any privilege that is attached to communications referred to in this affidavit and I am not authorised by Zentree or Packer to waive any such privilege.

5. On 6 August 2024, ERA published an ASX Announcement entitled "ERA commences legal proceedings" which related to these proceedings. Among other things, the ASX Announcement stated:

*"...On 6 August 2024, ERA commenced proceedings in the Federal Court of Australia (Court) against the Minister for Resources and Minister for Northern Australia (Commonwealth), the Commonwealth of Australia, the Minister for Mining and Minister for Agribusiness and Fisheries (Northern Territory), the Northern Territory and Jabiluka Aboriginal Land Trust, seeking judicial review of the Renewal Decision, including of the Commonwealth government's advice to the Northern Territory government to refuse the renewal of the Jabiluka Mineral Lease. ERA believes it had a right to have its renewal application lawfully determined and considers it was denied procedural fairness and natural justice in the decision-making process. ERA also considers that the decisions were subject to a number of other defects including because they were unreasonable."*


~~A copy of ERA's 6 August 2024 ASX announcement is annexed to this affidavit and marked "WP-4".~~

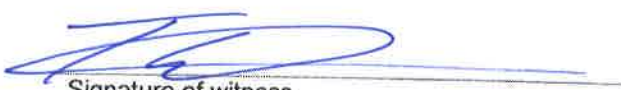
6. Following ERA's commencement of legal proceedings on 6 August 2024, I instructed Piper Alderman, on behalf of Zentree, to provide advice in relation to the proceedings commenced by ERA.

7. I have read the affidavit of William Packer dated 4 October 2024 made on behalf of Packer and I agree with its contents.

Affirmed by the deponent  
at Castelbuono  
in Sicily, Italy  
on 4 October 2024  
Before me:

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\_\_\_\_\_  
Signature of deponent

  
\_\_\_\_\_  
Signature of witness  
THOMAS JOSEPH WOOLKORD  
PIPER ALDERMAN

\*This document was signed and witnessed over audio-visual link in accordance with section 14G of the Electronic Transactions Act 2000 (NSW).

**Schedule**

No. NSD 1056 of 2024

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

**Respondents**

<b>Second Respondent:</b>	Commonwealth of Australia
<b>Third Respondent:</b>	Minister for Mining and Minister for Agribusiness and Fisheries (Northern Territory)
<b>Fourth Respondent:</b>	Northern Territory
<b>Fifth Respondent:</b>	Jabiluka Aboriginal Land Trust
<b>Sixth Respondent:</b>	Northern Land Council
<b>Seventh Respondent:</b>	Yvonne Margarula