



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD1056/2024

ENERGY RESOURCES OF AUSTRALIA LTD ABN 71 008 550 865

Applicant

**MINISTER FOR RESOURCES AND MINISTER FOR NORTHERN AUSTRALIA
(COMMONWEALTH)** and others named in the schedule

Respondent

ORDER

REGISTRAR: Registrar Lee

DATE OF ORDER: 25 September 2024

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Until further order of the Court, compliance with r 30.28(3) of the *Federal Court Rules 2011* (Cth) (**Rules**) be dispensed with in relation to:
 - a. The Notice to Produce served by the Applicant on the First Respondent dated 16 September 2024, and
 - b. The Notice to Produce served by the Applicant on the Second Respondent dated 16 September 2024.
(together, the **Notices**)
2. Not less than 2 business days prior to the hearing referred to in Order 3, the parties have leave to file and serve an outline of written submissions of not more than 5 pages outlining their position in respect of the **Interlocutory Application** filed on 25 September 2024 to set aside the Notices.
3. The hearing of the following be listed in the Case Management Hearing before Justice Kennett at **9:30 am on Wednesday, 2 October 2024:**
 - a. The Interlocutory Application filed by the First Respondent and Second Respondent on 25 September 2024; and



- b. The Notice to Produce filed by the First and Second Respondents and addressed to the Applicant.
4. The following Notices to Produce be adjourned to the Return of Subpoena List before a Registrar at **9:30 am on Wednesday, 2 October 2024** at Law Courts Building, Queens Square, Sydney, to be heard remotely by MS Teams:
 - a. The Notice to Produce filed by the Applicant and addressed to the Sixth Respondent; and
 - b. The Notice to Produce filed by the Fifth and Sixth Respondents and addressed to the Third and Fourth Respondents.
5. The subpoena filed on 16 September 2024 addressed to Gundjeihmi Aboriginal Corporation be adjourned to the Return of Subpoena List before a Registrar at **9:30 am on Wednesday, 2 October 2024** at Law Courts Building, Queens Square, Sydney, to be heard remotely by MS Teams.
6. The Applicant to notify the subpoena and Notice to Produce recipients of these orders.

THE COURT NOTES THAT:

- A. Orders 1-3 are made by consent.
- B. The parties are in correspondence regarding the Notice to Produce issued to the Applicant from the First and Second Respondents.

Date orders authenticated: 25 September 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.



Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule 1.34).



Schedule

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Second Respondent	COMMONWEALTH OF AUSTRALIA
Third Respondent	MINISTER FOR MINING AND MINSTER FOR AGRIBUSINESS AND FISHERIES (NORTHERN TERRITORY)
Fourth Respondent	NORTHERN TERRITORY
Fifth Respondent	JABILUKA ABORIGINAL LAND TRUST
Sixth Respondent	NORTHERN LAND COUNCIL
Seventh Respondent	YVONNE MARGARULA