

Form 69
Rule 31.11(1)

Originating application for relief under section 39B Judiciary Act 1903

No. _____ of 2023

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

MURRAY LOWER DARLING RIVERS INDIGENOUS NATIONS (ACN 118 364 079)

Applicant

COMMONWEALTH of AUSTRALIA and others named in the schedule

First Respondents

To the Respondents

The Applicant applies for the relief 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.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to

Filed on behalf of (name & role of party)	<u>Murray Lower Darling Rivers Indigenous Nations (Applicant)</u>
Prepared by (name of person/lawyer)	<u>Emily Long</u>
Law firm (if applicable)	<u>Environmental Defenders Office Ltd</u>
Tel	<u>(02) 7229 0049</u> Fax _____
Email	<u>Nadja.Zimmermann@edo.org.au; Emily.Long@edo.org.au</u>
Address for service (include state and postcode)	<u>8.02, 6 O'Connell St Sydney, NSW 2000</u>

Date:

Signed by an officer acting with the authority
of the District Registrar



Details of claim

On the grounds stated in the statement of claim and accompanying affidavit, the Applicant applies for the following relief under section 39B of the *Judiciary Act 1903*:

1. A declaration that the Water (Accredited Water Resource Plan – NSW Murray Darling Basin Fractured Rock) Instrument 2022 (**Instrument**) is invalid and of no effect.
2. The decision of the Third Respondent to recommend to the Second Respondent that she accredit the proposed water resource plan, being the NSW Fractured Rock Water Resource Plan (**PWRP**), be quashed.
3. The decision of the Second Respondent to accredit the PWRP be quashed.
4. In the alternative, an order to prohibit or restrain:
 - a. The Third Respondent from acting on the decision to recommend to the Second Respondent that she accredit the PWRP;
 - b. The Second Respondent from acting on the decision to accredit the PWRP or on the recommendation of the Third Respondent; and
 - c. The Respondents, their servants or agents, from acting in reliance on the Instrument.
5. Costs.
6. Any further or other order.

Applicant's address

The Applicant's address for service is:

Place: Emily Long, Environmental Defenders Office, 8.02, 6 O'Connell St Sydney, NSW 2000

Email: Nadja.Zimmermann@edo.org.au; Emily.Long@edo.org.au

The Applicant's address is Providence Building, Abbotsford Convent 1-3 St Heliers Street

Abbotsford VIC 3067

Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 20 October 2023



Signed by Emily Long
Lawyer for the Applicant



Schedule

No. of 2023

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: 20 October 2023

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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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.