



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

JUDGE: Justice Kennett

DATE OF ORDER: 3 October 2024

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Orders 4 and 5 of the orders made by Justice Kennett on 2 October 2024 be vacated.
2. The first and second respondent be granted leave to amend the Notice to Produce addressed to the applicant and filed 17 September 2024 to the form of Attachment A.
3. The interlocutory application filed 2 October 2024 otherwise be dismissed.
4. Costs of the interlocutory application filed 2 October 2024 be costs in the cause.

Date orders authenticated: 3 October 2024


Registrar

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



Schedule

No: NSD1056/2024

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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



ATTACHMENT A

Notice to produce

No. NSD 1056 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

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

Respondents

To the Applicant

The First Respondent and Second Respondent requires you to produce the following documents or things before a Registrar of the Court by 9:30am on 16 October 2024:

1. The original or one copy of all documents created during the period 1 December 2022 and 25 July 2024, recording or summarising meetings or telephone calls attended by any Custodian, with:
 - a. the First Respondent
 - b. the office of the First Respondent
 - c. the Commonwealth Department of Industry, Science and Resources
 - d. the Fifth and/or Sixth Respondents or
 - e. the Mirarr Traditional Owners and/or their representatives.in relation to the Application for renewal of MLN1, Advice Decision and the Renewal Decision.
2. The original or one copy of all documents created during the period 1 December 2022 and 25 July 2024 recording the knowledge or opinion of any Custodian in relation to:
 - a. the possibility of the Jabiluka MLN1 area being absorbed into the Kakadu National Park upon the expiry of Jabiluka MLN1
 - b. the views of the Northern Land Council, the Mirarr Traditional Owners or the local landowners as to the proposed mining of the Jabiluka MLN1 area or the renewal of the Jabiluka MLN1



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- c. the prospect or likelihood of the Jabiluka MLN1 area being developed or mined within the ten year renewal period sought by the applicant, including because of the likelihood (or otherwise) that local landowners would not consent to mining during the renewal period, or
 - d. the relevance of the matters in sub-paragraphs (a)-(c) to either or of the Advice Decision or the Renewal Decision.

In this Notice to Produce, the word "Custodian" means:

- The ERA Board
- Brad Welsh

Defined terms otherwise have the same meaning as in the Originating Application of 6 August 2024. The First and Second Respondents use of those defined terms is not an admission that those definitions accurately characterise the matters they seek to define.