



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 Rubinstein

DATE OF ORDER: 16 October 2024

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Leave be granted to the parties to inspect and copy in the Registry, the documents produced in accordance with the Notice to Produce addressed to the Applicant (**Packet S6**).
2. Leave be granted to the solicitors for the parties to uplift these documents, physically and/or electronically, for the purposes of inspection and copying, on the following conditions:
 - a) If original documents rather than copies have been produced, the solicitor provides to the Registry a letter of consent from the person to whom the Notice to Produce is addressed;
 - b) Documents not leave the custody of the solicitor, or counsel instructed by the solicitor;
 - c) Documents be returned to the Registry in the same condition, order and packaging as when uplifted; and
 - d) Documents be returned promptly and, in any event, when an officer of the Registry so requests.



3. Until further order, there is to be no access to the material produced in response to the Notice to Produce addressed to the Applicant and marked 'Privileged' (**Packet S7**).
4. On completion of this matter, the Registrar may return to the addressee of the Notice of Produce any document without giving the issuing party any further notice.
5. The following Notices to Produce be adjourned to the Interlocutory Hearing before Justice Kennett at 10.15 am on Tuesday, 22 October 2024:
 - a) the Notice to Produce dated 3 October 2024 and addressed to the First Respondent;
 - b) the Notice to Produce dated 8 October 2024 and addressed to the Second Respondent.
6. Liberty to apply on 3 days' notice to relist the matter in the Return of Subpoena list before a Registrar.
7. Leave be granted for the parties to approach the Registrar for consent access orders to be made on the papers in Chambers.

THE COURT NOTES THAT:

- A. The solicitor for the Applicant will provide to the solicitor for the Respondents, and the Court, an Objection Schedule in relation to the documents contained in Packet S7 by close of business today.

Date orders authenticated: 16 October 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