

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 4/10/2024 7:38:26 PM AEST
Date Accepted for Filing: 9/10/2024 10:05:22 AM AEDT
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
Reason for Listing: Interlocutory Hearing
Time and date for hearing: 22/10/2024, 10:15 AM
Place: Please check Daily Court List for details



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.

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Form 35
Rule 17.01(1)



Interlocutory application

No. NSD1056 of 2024

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

Energy Resources of Australia Limited ABN 71 008550 865

Applicant

Minister for Resources and Minister for Northern Australia (Commonwealth) and others

Respondents

To the Applicant and the Respondents

Zentree Investments Limited and Packer & Co Pty Ltd apply for the interlocutory orders 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.

Time and date for hearing:

Place: Law Courts Building Queens Square, 184 Phillip Street, Sydney NSW 2000

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

Date: 4 October 2024

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

Filed on behalf of (name & role of party) Zentree Investments Limited and Packer & Co Pty Ltd

Prepared by (name of person/lawyer) Gordon Grieve

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[Form approved 01/08/2011]



Interlocutory orders sought

1. Zentree Investments Limited (**Zentree**) and Packer & Co Pty Ltd (**Packer**) be granted leave to intervene in the proceedings pursuant to sections 236 and 237(1) of *Corporations Act 2001* (Cth) for the purpose of taking the following steps in the proceedings on behalf of the applicant:
 - a. pursuing and seeking relief in respect of a cause of action that the first and third respondent permitted and/or engaged in conduct that wrongfully derogated from the grant of interests conferred by mineral lease MLN1 on the applicant;
 - b. submitting that the seventh respondent is estopped, whether by reason of *res judicata* (including the principle arising from *Port of Melbourne Authority v Anshun Pty Ltd* (1981) 147 CLR 589), issue estoppel or estoppel by deed from defending the proceedings on the basis of her contention that clause 2 of MLN1 is invalid; and
 - c. submitting that, to the extent that any respondent seeks relief to the effect that clause 2 of MLN1 is invalid, the Court should, in the exercise of its discretion, refuse that relief on the grounds of delay.
2. In the alternative, Zentree and Packer be granted leave to intervene in the proceedings pursuant to r 9.12(1) of the *Federal Court Rules 2011*(Cth).
3. Zentree Investments Limited and Packer & Co Pty Ltd be awarded costs of the interlocutory application.
4. Such further or other orders as the Court sees fit.

Service on the Applicant and Respondents

It is intended to serve this application on the Applicant and all Respondents.

Date: 4 October 2024

A handwritten signature in cursive script, appearing to read 'G Grieve', written over a horizontal line.

Signed by Gordon Grieve
Lawyer for Zentree Investments Limited and
Packer & Co Pty Ltd