

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: 6/08/2024 2:54:07 PM AEST
Date Accepted for Filing: 6/08/2024 3:02:58 PM AEST
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: 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.



Interlocutory application

No.

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 Respondents

The Applicant applies 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: [Registry will insert time and date]

Place: [address of Court]

Filed on behalf of Energy Resources of Australia Ltd ABN 71 008 550 865, Applicant

Prepared by Leon Chung

Law firm Herbert Smith Freehills

Tel 02 9225 5716 Fax _____

Email leon.chung@hsf.com

Address for service Level 34
161 Castlereagh St
Sydney NSW 2000



The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable]

Date:

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



Interlocutory orders sought

Immediate Duty Judge Relief

1. Upon the undertaking of the Applicant's solicitor to pay the filing fee as soon as practicable, the Applicant has leave to file in Court:
 - (a) this Interlocutory Application;
 - (b) the Originating Application dated 6 August 2024;
 - (c) the Affidavit of Leon Chung dated 6 August 2024 and Exhibit LC-1; and
 - (d) the Confidential Affidavit of Leon Chung dated 6 August 2024 and Confidential Exhibit LC-2.
2. Prayers 1, 2, 3, 4 and 5 be heard *instanter*.
3. The time for service of the Interlocutory Application, Originating Application and Affidavit be abridged to 6pm on 5 August 2024.
4. Service of the Interlocutory Application, Originating Application, Affidavit and a copy of any orders made be effected by email on the:
 - (a) First Respondent at minister.king@industry.gov.au; laurence.coleman@industry.gov.au; and Kym.Moore@industry.gov.au;
 - (b) Second Respondent at processservice@ags.gov.au;
 - (c) Third Respondent at minister.monaghan@nt.gov.au, Anne.Tan@nt.gov.au and kylie.nelson@nt.gov.au;
 - (d) Fourth Respondent at LegalServices.SFNT@nt.gov.au; and
 - (e) Fifth Respondent at Gomezdz@nlc.org.au.
5. The matter is stood over to the Duty Judge at _____ on _____.
6. These orders are to be entered forthwith,

Interim Duty Judge Relief (on the return date pursuant to order 5)

7. Upon the giving by the Applicant of the usual undertaking as to damages, until the earlier of further order or 5pm on the date referred to in order 9, the Renewal Decision, the effect of the Renewal Decision and enforcement or execution of the Renewal Decision, be stayed.
8. Such further or other order as the Court considers appropriate.



9. The matter be listed for hearing of prayer 10 on

Interlocutory Relief (on the hearing date pursuant to order 9)

10. Upon the giving by the Applicant of the usual undertaking as to damages, until further order, the Renewal Decision, the effect of the Renewal Decision and enforcement or execution of the Renewal Decision, be stayed.

11. Such further or other order as the Court considers appropriate.

The **Renewal Decision** is the decision of the Third Respondent dated 26 July 2024 to refuse the application of the Applicant for the renewal of Jabiluka Mineral Lease 1.

Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 6 August 2024

A handwritten signature in blue ink, appearing to read 'Leon Chung'.

Signed by Leon Chung
Lawyer for the Applicant



Schedule

No. of 20

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

Respondents

- Second Respondent:** Commonwealth of Australia
- Third Respondent:** Minister for Mining and Minister for Agribusiness and Fisheries
(Northern Territory)
- Fourth Respondent:** Northern Territory
- Fifth Respondent:** Jabiluka Aboriginal Land Trust