

**IN THE LAND COURT
OF QUEENSLAND**

MRA026-21
MRA027-21
EPA028-21

BETWEEN

New Acland Coal Pty Ltd

Appellant

AND

Oakey Coal Action Alliance Inc & Ors

Respondents

Before President FY Kingham

BRISBANE

The Twelfth Day of February 2021

The Court **ORDERS** that:

Representation and contact details

1. **By 4:00pm on Monday, 15 February 2021**, the Principal Registrar must provide all self-represented parties with a Form 21 – Notice of Representation and/or Address for Service.
2. **By 4:00pm on Wednesday, 24 February 2021**, all active parties must file and serve on the applicant a notice of representation.
3. **By 4:00pm on Thursday, 25 February 2021**, the lawyers for the Applicant must collate and distribute to all active parties and the Court a list of the active parties' email addresses for service.

Validity of applications

4. **By 4:00pm on Monday, 1 March 2021**, if Darling Downs Environment Council Inc seeks declarations about the validity of the applications referred to the Court for rehearing, it must file and serve on all other active parties a General Application setting out the orders it seeks and the grounds upon which it seeks them.

Clarifying the issues

5. **By 4:00pm on Monday, 15 February 2021**, the Applicant must file and serve on all other active parties:
 - a. notice of the documents that form part of its application for ML700002 and ML50232 that identify the activities to be authorised by those mining leases and the areas of those leases; and



- b. the terms of a draft environmental authority (**Applicant Draft EA**) which it presently contends adequately addresses the objections.
6. **By 4:00pm on Monday, 1 March 2021**, the Statutory Party must file and serve on all other active parties an Outline of Submissions (limited to 10 pages) addressing:
 - a. the effect of the High Court Orders of 3 February 2021 upon, and the current legal status of:
 - i. the decisions of the Coordinator-General of 12 February 2019, 17 September 2020 and 29 September 2020;
 - ii. the environmental authority referred to this Court on 14 October 2015 (being the amended Environmental Authority issued by the Administering Authority on 28 August 2015); and
 - b. the material effect of the statutory framework under *Environmental Protection Act 1994* which it submits applies to this Objections Hearing, including by reason of the Applicant's draft environmental authority to be provided on 15 February 2021 and any legal consequences arising from it for the conduct of this Objections Hearing.
7. **By 4:00pm on Monday, 8 March 2021**, an affidavit in accordance with paragraph 34 of Practice Direction 4 of 2018, which must also address the matters in paragraph 34(c) of the Practice Direction with reference to the Applicant Draft EA.
8. **By 4:00pm on Monday, 8 March 2021**, each active objector must file and serve on all other parties a document that contains:
 - a. a list of any grounds of objection they no longer rely on, if any; and
 - b. for any grounds of objection on which they do rely:
 - i. particulars of the respects in which it is contended the Applicant Draft EA does not adequately address the objection; and
 - ii. if they wish to, any proposed amendments which they contend would adequately address the objection.

Filing and service

9. The rehearing of the applications for ML700002, ML50232, and EPML00335713 will proceed as digital cases and will be case managed and heard together. Unless otherwise arranged with the Principal Registrar, all documents must be filed electronically in compliance with PD 5 of 2020 Digital Procedures in the Land Court.
10. Subject to order 10 any material that must be served during the rehearing may be served by email:



- a. if the material is less than 5 megabytes, as an attachment to the email;
or
 - b. if it is 5 megabytes or greater, by including a hyperlink in the email to the material.
11. Unless otherwise arranged in advance with Mr Beutel, if any party is required to serve material on him they must do so under cover of a letter describing the material and upon whose behalf it is served, sent by ordinary or express post addressed to 19 Allen St, Acland or, if a large parcel of material, by leaving it at the front door at that address.

Hearing arrangements

12. All active parties have leave to participate in all pre-hearing processes, by prior arrangement with the Court, by video or teleconference.
13. The rehearing will proceed as an eTrial in accordance with PD 5 of 2020 Digital Procedures in the Land Court.
14. The Court will reserve 4 weeks commencing at **Monday, 1 November 2021 in Brisbane** as tentative dates for the rehearing.
15. The order made by Member Smith for the original hearing of EPA495-15 that Ms Mason be joined as a party pursuant to s 186(d) of the *Environmental Protection Act 1994* continues to apply for the rehearing.

Review

16. The rehearing is listed for review at **10:00am on Thursday, 11 March 2021 in Brisbane**.
17. Any party may apply for further review by giving at least two (2) business days' written notice to the Land Court Registry and to the other active parties of:
- a. The proposed date for the review;
 - b. The reasons for the request; and
 - c. The proposed directions or orders.
18. Costs of and incidental to the directions hearing are reserved.

By the Court



Registrar