

**IN THE LAND COURT
OF QUEENSLAND**

MRA082-13 & EPA083-13

BETWEEN

Hancock Coal Pty Ltd

Applicant

AND

**Kathryn Kelly, Paul and Janeice Anderson,
Coast and Country Association of Queensland Inc,
Mackay Conservation Group, Fiorella Paola Cassoni,
Bruce and Annette Currie, Allan and Rhondda Coyne
and Maurice and Judith O'Dell**

Respondents

AND

Chief Executive, Department of Environment and Heritage Protection

Statutory Party

Before: Member PA Smith

Brisbane

The Thirteenth day of March 2013

It is **ORDERED** by the Court that:

1. By **4pm on 22 March 2013**, the Applicant file and serve any requests for further and better particulars of the grounds of the Objectors' objections.
2. By **4pm on 22 April 2013**, each Objector served with a request pursuant to Order 1, file and serve a response to the Applicant's request for further and better particulars.
3. By **4pm on 29 April 2013**, each of the Applicant, the Statutory Party and Level 3 Objectors file and serve a list of the party's proposed expert and lay witnesses, together with a brief description of each witness's area of knowledge or expertise.
4. By **4pm on 1 May 2013**, each of the Applicant, the Statutory Party and Level 3 Objectors file and serve any further list of the party's proposed expert and lay witnesses, together with a brief description of each witness's area of knowledge or expertise.
5. By **4pm on 20 May 2013**, the Applicant provide to the Court and serve any reports, statements or other material upon which the party intends to rely,

including in the case of any expert witnesses, a statement complying with rule 23 of the Land Court Rules 2000 (Qld).

6. By 4pm on 17 June 2013:

- (a) Coast and Country Association of Queensland Inc provide to the Court and serve any reports, statements or other material upon which the party intends to rely, including in the case of any expert witnesses, a statement complying with rule 23 of the Land Court Rules 2000 (Qld)
- (b) Each of the other Level 3 Objectors provide to the Court and serve any expert reports or statements upon which the party intends to rely, including a statement complying with rule 23 of the Land Court Rules 2000 (Qld);

7. By 4pm on 1 July 2013:

- (a) The Statutory Party provide to the Court and serve any reports, statements or other material upon which the party intends to rely, including in the case of any expert witnesses, a statement complying with rule 23 of the Land Court Rules 2000 (Qld).
- (b) Each of the Level 3 Objectors (other than Coast and Country Association of Queensland Inc) provide to the Court and serve any non-expert statements or other material upon which the party intends to rely.

8. By 8 July 2013, there shall be a meeting or meetings of experts where:

- (a) the experts in each area of expertise meet and attempt to reach agreement on the issues addressed in their reports;
- (b) the parties and their legal representatives do not participate in the meeting;
- (c) the parties, or their legal representatives, give the experts instructions to meet as directed by the Court, and may assist the experts, prior to the meeting, for example, by identifying the issues in dispute and providing relevant documents and information, but no person gives and no expert accepts instructions to adopt, or reject, any particular opinion in relation to the issues addressed in their reports;
- (d) the experts produce a joint report or statement, identifying where they are in agreement, and where they disagree in relation to the issues addressed in their reports. The reasons for any disagreement are to be stated. The joint report or statement is to be prepared by the experts at the meeting, or as soon as practicable thereafter, without instruction from the parties or

their legal representatives;

- (e) save for the joint report or statement, evidence of anything done or said, or an admission made, at the meeting, is not admissible at the hearing of the proceeding except with the agreement of all relevant parties.

9. **By 4pm on 22 July 2013:**

- (a) any joint reports or statements of meetings of experts shall be provide to the Court and served on the other parties, including a statement complying with rule 23 of the Land Court Rules 2000 (Qld);
- (b) any party who has provide to the Court and served a relevant expert report or statement provide to the Court and serve any supplementary expert reports or statements upon which that party intends to rely directed toward the areas of disagreement identified in the joint reports or statements, including a statement complying with rule 23 of the Land Court Rules 2000 (Qld);
- (c) the Applicant provide to the Court and serve any non-expert statement or other material upon which it intends to rely in reply.

10. Subject to the leave of the Court, no party may lead testimony from a witness which is not fairly disclosed in the reports, statements or other material provided under Orders 5 to 9 for that witness.

11. The matter be set down for a two week **hearing commencing 2 September 2013 with the hearing to be conducted in Emerald and Brisbane.**

12. The matter be listed for **further directions at 10am on Wednesday, 26 June 2013 in Court 40, Level 8, 363 George Street, Brisbane.**

13. The parties have liberty to apply on 2 business days' notice.

14. Costs of this hearing be reserved.

By the Court
THE LAND COURT OF QUEENSLAND
Registrar