



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID345/2022

AUSTRALIAN CONSERVATION FOUNDATION INCORPORATED

Applicant

WOODSIDE ENERGY LTD and another named in the schedule

Respondents

ORDER

JUDGE: JUSTICE MOSHINSKY

DATE OF ORDER: 18 October 2023

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

Evidence

1. Any lay evidence be by witness statement.
2. If a party seeks to rely on any documents, a list of these documents (and copies, if not already provided) be filed and served by the applicable date for filing and service of the party's evidence.
3. Paragraph 3 of the orders dated 10 August 2023 be amended to read:

Subject to further order, by 4.00 pm (AEST) on 6 May 2024, the applicant file and serve any evidence in reply.

Joint expert reports

4. By 4.00 pm (AEST) on 13 May 2024:
 - a. the applicant file an agreed list of questions; or
 - b. failing agreement, the applicant and respondents file separate lists of proposed questions,

for any experts of the applicant and respondents with the same or sufficiently similar expertise and giving evidence on the same or sufficiently similar matters in dispute (**counterpart experts**) to answer for the purpose of preparing a joint report.



5. On a date or dates to be fixed in the week commencing 13 May 2024, the counterpart experts attend a conference of experts to be convened by a Judicial Registrar of the Court for the purpose of:
 - a. identifying the relevant issues arising from the applicant's and respondents' respective expert reports filed in the proceeding to date;
 - b. discussing the nature and extent of their agreement and disagreement about those issues, including reasons for any disagreement about those issues; and
 - c. addressing the list or lists of questions and the nature and extent of their agreement and disagreement about the answers to such questions, including reasons for any disagreement about those answers.
6. The participants in the experts' conference are limited to each grouping of counterpart experts and the Judicial Registrar.
7. The Judicial Registrar is to set the agenda for the experts' conference, including the form of any questions or propositions the experts are to discuss.
8. Following the conclusion of the conference of experts, the Judicial Registrar will assist each grouping of counterpart experts to produce a report (the **joint report**) to be settled and signed by the counterpart experts and provided to the parties and placed on the Court file identifying:
 - a. the matters and issues upon which the opinions of the counterpart experts agree;
 - b. the matters and issues upon which the opinions of the counterpart experts disagree, including reasons for any disagreement; and
 - c. the counterpart experts' joint or separate answers to the questions.
9. Any joint reports are to be finalised and placed on the Court file by 4.00 pm (AEST) on 7 June 2024.

Court book

10. By 4.00 pm (AEST) on 17 May 2024, the applicant provide the respondents and Intervener with a draft court book index.
11. By 4.00 pm (AEST) on 31 May 2024, the respondents and Intervener provide any amendments to the draft court book index.
12. By 4.00 pm (AEST) on 14 June 2024, the parties are to confer and prepare, and the applicant file and serve, a Court Book in electronic form in accordance with the indexes referred to in paragraphs 9 and 10 of these orders, which complies with Format 1 of Part 4 of the *eBooks Practice Note*.



13. If any uncertainty arises as to the appropriate preparation of the Court Book, the parties shall jointly approach the Court to seek further direction.

Submissions

14. By 4.00 pm (AEST) on 21 June 2024, the applicant file and serve its written submissions, limited to 50 pages.
15. By 4.00 pm (AEST) on 19 July 2024, the respondents file and serve their written submissions, limited to 50 pages.
16. By 4.00 pm (AEST) on 26 July 2024, the Intervener file and serve her written submissions, limited to 50 pages.
17. By 4.00 pm (AEST) on 9 August 2024, the applicant file and serve any written submissions in reply, limited to 10 pages.

Case management hearing

18. The matter be listed for a case management hearing at 4.30 pm (AEST) on 5 July 2024.

Cross-examination

19. By 4.00 pm (AEST) on 12 August 2024, the parties and Intervener inform each other and the Court of any witnesses who are required for cross-examination. The parties shall confer as soon as practicable thereafter as to whether any witnesses are proposed to give evidence by video-conference, rather than in-person.

Objections to evidence

20. By 4.00 pm (AEST) on 16 August 2024, the parties and Intervener exchange any objections to evidence.
21. By 4.00 pm (AEST) on 23 August 2024, the parties are to discuss any objections to evidence, and the applicant is to provide to the Court a table containing any unresolved objections, with a brief statement identifying the basis for these objections and any responses to the objections.

List of authorities

22. By 4.00 pm (AEST) on 23 August 2024, the applicant file and serve a combined list of authorities in compliance with Format 1 of Part 4 of the *eBooks Practice Note*.

Trial

23. The proceeding be listed for trial commencing at 10.15 am (AEST) on 2 September 2024, on an estimate of three weeks.



Other

24. There be liberty to apply.

25. Costs be reserved.

Date that entry is stamped: 18 October 2023

Sia Lagos
Registrar



Schedule

No: VID345/2022

Federal Court of Australia

District Registry: Victoria

Division: General

Second Respondent WOODSIDE ENERGY SCARBOROUGH PTY LTD