



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: B34/2020  
File Title: Oakey Coal Action Alliance Inc v. New Acland Coal Pty Ltd  
Registry: Brisbane  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
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#### Important Information

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BETWEEN:

**OAKLEY COAL ACTION ALLIANCE INC**  
Appellant

**NEW ACLAND COAL PTY LTD (ACN 081 022 280)**  
First Respondent

10 **CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND SCIENCE**  
Second Respondent

**PAUL ANTHONY SMITH, MEMBER OF THE LAND COURT OF QUEENSLAND**  
Third Respondent

## APPELLANT'S CHRONOLOGY

### PART I: CERTIFICATION

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1. This chronology is in a form suitable for publication on the internet.

### PART II: LIST OF PRINCIPAL EVENTS LEADING TO THE APPEAL

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Date	Event	Reference
25 May 2007	The First Respondent (NAC) lodges mining lease application (MLA) 50232 under the <i>Mineral Resources Act 1989</i> (Qld) (MRA), being the MLA for three expanded mine pits for Stage 3 of the New Acland Mine.	Core appeal book (CAB), Vol 1, p. 465.
March 2012	Queensland Government rejects the initial Stage 3 project. NAC subsequently reduces the proposed scale of Stage 3 of the project.	CAB, Vol 1, p. 21 [58].
2013-2014	Environmental impact statement process under the <i>State Development and Public Works Organisation 1971</i> (Qld) for the revised Stage 3 project.	CAB, Vol 1, p. 465.
16 January 2015	NAC lodges the application for MLA 700002, being the MLA for a private rail spur for Stage 3.	CAB, Vol 1, p. 466.
13 April 2015	NAC lodges an application to amend its existing environmental authority (EA Amendment Application) under the <i>Environmental Protection Act 1994</i> (Qld) (EPA).	CAB, Vol 1, p. 466.

14 October 2015	MLA 50232 and 70002 are referred under s 265 of the MRA to the Land Court for an objections hearing.	CAB, Vol 1, p. 466.
19 October 2015	The EA Amendment Application is referred under s 185 of the EPA to the Land Court for an objections hearing.	CAB, Vol 1, p. 466.
Late 2015 – 2017	Hearing of objections to the mining lease applications and the EA Amendment Application in the Land Court before Member Smith (~100 sitting days)	CAB, Vol 1, p. 6.
31 May 2017	Land Court (Member Smith) delivers decisions under s 269 of the MRA recommending MLA applications be rejected and under s 190 of the EPA recommending EA Amendment Application be refused: <i>New Acland Coal Pty Ltd v Ashman &amp; Ors (No. 4)</i> [2017] QLC 24.	CAB, Vol 1, pp. 5-467.
15 June 2017	NAC files an Application for Statutory Order for Review and Order for Review of Member Smith's decisions, principally under the <i>Judicial Review Act 1991</i> (Qld). Further Amended Application for Statutory Order for Review and Order for Review made 28 May 2018.	CAB, Vol 2, pp. 681-707.
2 May 2018	First decision of the primary judge, Bowskill J, allowing the judicial review application in relation to Groundwater Issues but rejecting other grounds, including on the Bias Issue: <i>New Acland Coal Pty Ltd v Smith &amp; Ors</i> [2018] QSC 88.	CAB, Vol 2, pp. 557-679.
28 May 2018	Second decision of Bowskill J remitting the MLA applications and EA Amendment Application to the Land Court for rehearing on a limited basis: <i>New Acland Coal Pty Ltd v Smith &amp; Ors (No 2)</i> [2018] QSC 119.	CAB, Vol 2, pp. 708-729.
30 May 2018	Appellant ( <b>OCAA</b> ) files a Notice of Appeal in the Court of Appeal challenging Bowskill J's decision on the Groundwater Issues.	CAB, Vol 2, pp. 730-736.
13 June 2018	NAC files a Notice of Contention and Notice of Cross Appeal challenging Bowskill J's decision on the Bias Issue.	CAB, Vol 2, pp. 737-751
20 June 2018	Decision of Kingham P of the Land Court declining to adjourn the rehearing pending the outcome of the appeal to the Court of Appeal and making directions for the limited nature of the rehearing pursuant to the orders made by Bowskill J: <i>New Acland Coal Pty Ltd v Ashman &amp; Ors (No 6)</i> [2018] QLC 17.	CAB, Vol 2, pp. 473-488.
7 November 2018	Decision of Kingham P in the Land Court after rehearing of the objections pursuant to the orders made by Bowskill J, recommending approval of applications on the condition that the noise conditions are changed: <i>New</i>	CAB, Vol 2, pp. 489-556.

	<i>Acland Coal Pty Ltd v Ashman &amp; Ors (No 7)</i> [2018] QLC 41.	
27-28 February & 1 March 2018	Hearing of appeal in Court of Appeal.	CAB, Vol 2, pp. 753.
12 March 2019	Pursuant to the recommendations made by Kingham P, a delegate of the Second Respondent grants NAC's EA Amendment Application, which was subject to the grant of the MLA applications for Stage 3. (Such approvals have not yet been granted and the EA amendments have therefore not yet taken effect).	Appellant's Further Material, pp. 66 and 95-168.
10 September 2019	First decision of the Court of Appeal finding Member Smith's decision was affected by apprehended bias and proposing orders that the matter be remitted to the Land Court for a full rehearing: <i>Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd &amp; Ors</i> [2019] QCA 184.	CAB, Vol 2, pp. 752-787
1 November 2019	Second decision of Court of Appeal declaring Member Smith's decision was affected by apprehended bias but declining to set it aside and order a rehearing: <i>Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd &amp; Ors</i> [2019] QCA 238.	CAB, Vol 2, pp 788-796
29 November 2019	Application for Special Leave to Appeal filed.	CAB, Vol 2, p. 806.
5 June 2020	Special leave to appeal granted.	CAB, Vol 2, p. 804-806
19 June 2020	Notice of Appeal filed.	CAB, Vol 2, p. 807-810

Dated: 24 July 2020

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