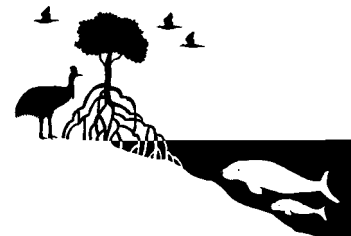


# Environmental Defender's Office Of Northern Queensland Inc.



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## EDO Alert! Update on Climate Change Case

19<sup>th</sup> August 2005

### Wildlife Whitsunday v The Minister for Environment & Heritage- Update on Directions hearing before the Federal Court.

EDO -NQ and barrister Stephen Keim SC and Chris McGrath are representing the Wildlife Preservation Society of Queensland- Proserpine/Whitsunday Branch Inc (Wildlife Whitsunday) in a new Federal Court test case. The case is the first legal challenge against the Australian Government for failing to consider the effects of global warming on the environment.

#### What is the Environmental Significance of this Case?

As indicated in the last EDO-Alert, Wildlife Whitsunday will argue that the Minister failed to consider the environmental impacts of greenhouse gases and global warming. The coal from the coal mines will largely be burnt in coal-fired power stations producing greenhouse gases contributing to global warming. Global warming is expected to cause severe impacts to the Australian environment, including to the iconic Great Barrier Reef and Wet Tropics Rainforests.

#### Update on Court hearings to date

This matter came before His Honour Justice Dowsett of the Federal Court on **19<sup>th</sup> August 2005** for a directions hearing. Wildlife Whitsunday was granted leave to amend their application. Their application now includes not just the effects of the burning of the coal from the mines but the effects of the mining, transport and use of the coal from the mines on the matters of national environmental significance protected under the *Environmental Protection and Biodiversity Conservation Act 1999*.

At the directions hearing both QCoal Pty Ltd (Sonoma mine) and Bowen Central Coal Management Pty Ltd (Isaac Plains mine) were joined as parties to the proceedings. Wildlife Whitsunday sought an order that the mining companies bear their own costs on the basis that their submissions would not add to those made by the Minister in defence of his decision. His Honour deferred a decision on costs until the hearing of these matters. All of the parties agreed to expedite the hearing. The matter has been set down for hearing on **20<sup>th</sup> October 2005** in the Federal Court in Brisbane.

Stay tuned...

*For more information, contact Kirsty Ruddock at EDO-NQ on (07) 4031 4766. Why not join or donate to EDO so we can continue to run test cases like this? See our memberships-donations form on our website [www.edo.org.au/edonq](http://www.edo.org.au/edonq).*

