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EDO Alert! Climate Change Case

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New Case – Wildlife Whitsunday v The Minister for Environment & Heritage

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.

Background to the Case

The legal challenge, launched in Brisbane on 22nd July 2005 in the Federal Court of Australia, concerns the failure of the Australian Government to consider the emission of the large amount of greenhouse gases that will result from the burning of coal from two large coal mines when assessing the impacts of the mines under federal environmental laws (EPBC Act). The Minister's delegate determined that these two mines, the Isaac Plains Coal project near Moranbah and Sonoma Coal Project near Collinsville were not controlled actions and did not need to be assessed under the EPBC Act by the Australian Government.

The mines concerned, the Isaac Plains Coal Project and Sonoma Coal Project, are expected to produce 18 million tonnes and 30 million tonnes of coal, respectively, for domestic and overseas markets, including China.

Wildlife Whitsunday wrote extensive submissions on the referral of these mines to the Commonwealth Minister. These submissions, outlining the impacts of greenhouse gases from these mines, were not considered by the Minister's delegate in making his decision.

What is the Environmental Significance of this Case?

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.

What has Happened So Far?

A Directions Hearing is set down for the Federal Court in Brisbane on 19th August 2005 before Justice Dowsett. We will keep you updated on this exciting test case.

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.

