

## NOTICE OF APPEAL

### COURT DETAILS

Court Supreme Court of New South Wales, Court of Appeal  
Registry Sydney  
Case number 2010/28363

### TITLE OF PROCEEDINGS

Appellant **Caroona Coal Action Group Inc**  
First Respondent **Coal Mines Australia Pty Limited**  
Second Respondent **Minister for Mineral Resources**

### PROCEEDINGS IN THE COURT BELOW

Title below Caroona Coal Action Group Inc v Coal Mines Australia Pty Ltd (formerly known as Coal Mines Australia Limited) and Minister for Mineral Resources  
Court below Land and Environment Court  
Case number below 80003 of 2009  
Dates of hearing 26 October 2009 and 27 October 2009  
Material date 6 January 2010  
Decision of Preston CJ



### FILING DETAILS

Filed for **Appellant**  
Legal representative Kirsty Ruddock, Environmental Defender's Office  
Legal representative reference FM12097  
Contact name and telephone Felicity Millner, 9262 6989

### HEARING DETAILS

This notice of appeal is listed for directions at

### TYPE OF APPEAL

Statutory Interpretation

### DETAILS OF APPEAL

- 1 This appeal is brought under section 57(1) of the *Land and Environment Court Act 1979*.
- 2 This notice of appeal is not filed pursuant to leave to appeal.

3 The appellant has filed and served a notice of intention to appeal, which was  
served on the first and second prospective respondents on 4 February 2010.

4 The appellant appeals from the whole of the decision below.

### APPEAL GROUNDS

1 His Honour erred in failing to find that the second respondent exceeded his power  
under the *Mining Act 1992* in granting Exploration Licence EL6505 to the first  
respondent.

2 His Honour erred in failing to find that the partial transfer of Coal Authorisation A216  
to the first respondent pursuant to Part 7, Division 2 of the *Mining Act 1992* was  
invalid.

3 His Honour erred in finding that there was evidence to support a conclusion that the  
second respondent was satisfied in accordance with s. 114(6) of the *Mining Act  
1992* prior to the renewal of Coal Authorisation of A216 in 2006.

### ORDERS SOUGHT

1 Appeal allowed.

2 Order 1 of the court below be set aside.

3 A declaration that the grant of Exploration Licence EL 6505 was invalid.

4 An order setting aside Exploration Licence EL6505.

5 A declaration that the partial transfer of Coal Authorisation 216 to the first  
respondent was invalid.

6 An order setting aside the partial transfer of Coal Authorisation 216 to the first  
respondent.

7 A declaration that the registration of the partial transfer of Coal Authorisation 216 to  
the first respondent is invalid.

8 A declaration that the renewal of Coal Authorisation 216 in 2006 was invalid.

9 An order that the first respondent be restrained from prospecting for coal and oil  
shale on the Caroon Exploration Area.

10 The first and second respondents pay the appellant's costs of this appeal and the  
proceedings below.

11 Such further or other orders as the nature of the case may require.

**SIGNATURE OF LEGAL REPRESENTATIVE**


This notice of appeal does not require a certificate under section 347 of the Legal Profession Act 2004.

I have advised the appellants that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

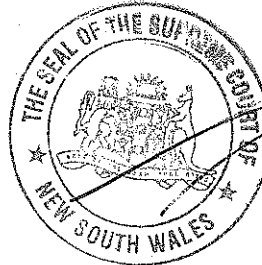
Signature

Capacity

Date of signature

  
Solicitor on the Record

6/4/10



06 APR 2010

**NOTICE TO RESPONDENT**

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

**HOW TO RESPOND**

**Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

**REGISTRY ADDRESS**

|                |  |
|----------------|--|
| Street address | Supreme Court of New South Wales, Court of Appeal<br>Law Courts Building<br>Queen's Square<br>Level 5, 184 Phillip Street<br>Sydney NSW 2000 |
| Postal address | GPO Box 3<br>Sydney NSW 2001   |
| Telephone      | (02) 9230 8665   |

**PARTY DETAILS**

A list of parties must be filed and served with this notice of appeal.

**FURTHER DETAILS ABOUT APPELLANT****Appellant**

|         |                               |     |      |
|---------|-------------------------------|-----|------|
| Name    | Caroona Coal Action Group Inc |     |      |
| Address | PO Box 119                    |     |      |
|         | Caroona                       | NSW | 2343 |

**Legal representative for appellant**

|                               |                                 |     |      |
|-------------------------------|---------------------------------|-----|------|
| Name                          | Kirsty Ruddock                  |     |      |
| Practising certificate number | 27704                           |     |      |
| Firm                          | Environmental Defender's Office |     |      |
| Contact solicitor             | Felicity Millner                |     |      |
| Address                       | 1/89 York Street                |     |      |
|                               | Sydney                          | NSW | 2000 |
| Telephone                     | (02) 9262 6989                  |     |      |
| Fax                           | (02) 9262 6998                  |     |      |
| Email                         | felicity.millner@edo.org.au     |     |      |
| Electronic service address    | Not applicable                  |     |      |

**DETAILS ABOUT RESPONDENTS****First respondent**

Name

Address

Coal Mines Australia Pty Ltd  
(formerly known as Coal Mines  
Australia Limited)

ACN 062855270

Level 29      Rialto Towers  
525            Collins      Street  
Melbourne   Victoria   3000

**Second respondent**

Name

Address

Minister for Mineral Resources

Level 33            Governor Macquarie Tower

1 Farrer Place

Sydney NSW      2000