



**tasmanian conservation trust inc**

## **Media Release**

1 July 2011

### **Federal Court challenge to Tamar Valley pulp mill set to proceed to next stage**

The Federal Court of Australia today made an order in relation to legal costs and the timeframes for the Tasmanian Conservation Trust's case against the Australian Government Minister for the Environment, Tony Burke, in relation to approvals for the proposed Tamar Valley pulp mill.

The order establishes the following key dates for the court proceedings:

- By 19 August 2011 the Applicant (TCT) shall file and serve any affidavits on which it intends to rely in respect of its application dated 6 June 2011.
- By 19 September 2011 the Respondent (Minister for the Environment) shall file and serve affidavits on which it intends to rely in respect of the application.
- The proceedings is to be listed for further directions on a date convenient to the Court not before 7 October 2011.

"In taking this case, the TCT wants the court to over-turn the Minister's approval of a new freshwater pipeline route and strike-out a new condition (Condition No.49) that would allow fast-tracking of future changes to the environment management plan for the pulp mill," TCT Director Peter McGlone said today.

If the TCT succeeds in over-turning the approval of the new pipeline route the previously approved route is re-instated. The previous pipeline route goes through properties whose owners did not allow the pipeline through their land.

"It is possible that this case will not be completed until the end of this year and the proponent will not know until then which pipeline route it will have approval for," Mr McGlone added.

The Court order also establishes that the maximum costs that may be recovered by either party is \$30,000.

"It is very significant that this protective costs order was agreed upon by the consent of both parties", Mr McGlone continued. "This decision opens the door for environment protective public interest litigation if the federal government has set its own precedent that it will agree to a capping of costs that an applicant must pay if its case is not successful," Mr McGlone concluded.

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**Further comments:**

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For further details regarding the reasons for the TCT taking this case, refer to 7 June 2011 Media Release 7 June 2011:  
[http://www.tct.org.au/media/media\\_11.htm](http://www.tct.org.au/media/media_11.htm)