

Adani court ruling 'green light for protests'

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Environmental groups have put Adani on notice that the expected granting of a mining lease on the \$16 billion Carmichael coalmine is facing more legal challenges.

After several years of delays to the project through legal challenges, Queensland's Environmental Defender's Office issued the warning as it secured a land-

mark victory sparing a green group from having to pay Adani's costs over a failed court challenge to the mega-mine last year.

Adani could be granted a mining lease by the Palaszczuk Labor government within weeks.

The Indian energy giant had sought a court order for green group Coast and Country — represented by the Environmental Defenders Office — to pay its legal costs.

But Queensland's Land Court yesterday ruled that it did not have the jurisdiction to award costs on an administrative appeal.

Queensland's Resources Council chief executive Michael Roche said he feared the decision would motivate green groups to launch further legal action to delay mining projects like the Carmichael mine, which is set to export up to 60 million tonnes a year.

"The Queensland Resources Council has been appealing to the

state government to urgently overhaul the flawed system and today's judgment in the Adani case, adds yet another piece of evidence to back that argument," he said.

"I have no doubt that after the decision, the green activists and the Environmental Defenders Office will be rubbing their hands together believing they have been granted a licence to rack up costs

for resources companies using the Land Court, with no deterrent that if their case is ruled against, they could be liable for the other party's costs."

EDO spokesman Sean Ryan confirmed the office would be considering legal action if the state government, as expected, soon issues mining leases on the project.

"All government decisions in respect of this project will need to comply with the law and may be

subject to judicial review where they fail to comply with the law," he said.

Mr Ryan said the decision yesterday was important for the green movement.

"The Land Court's decision sends a clear message that well-resourced companies can no longer use threats of costs to intimidate community groups into remaining silent with their objections," he said.

State Development Minister Anthony Lynham last week said

the final hurdles for him to consider issuing a mining lease had been overcome with the settlement of landholder agreements on the proposed site, in the Galilee Basin in central Queensland.

The Land Court decision last year found mining leases for the Carmichael project should be granted albeit with tightened environmental conditions.

An Adani spokesman said the decision only reflected the court's determination that it does not have jurisdiction to award costs in objection matters.

"The court (yesterday) made no findings on the merits of the application itself," the spokesman said.

"It is important to note that the substantive decision of the Land Court last year clearly found in favour of Adani."