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*Using the law to protect  
our environment.*

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# Impact Litigation CLCQld Conference 2017





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**#SWIMFOR THEREEF**



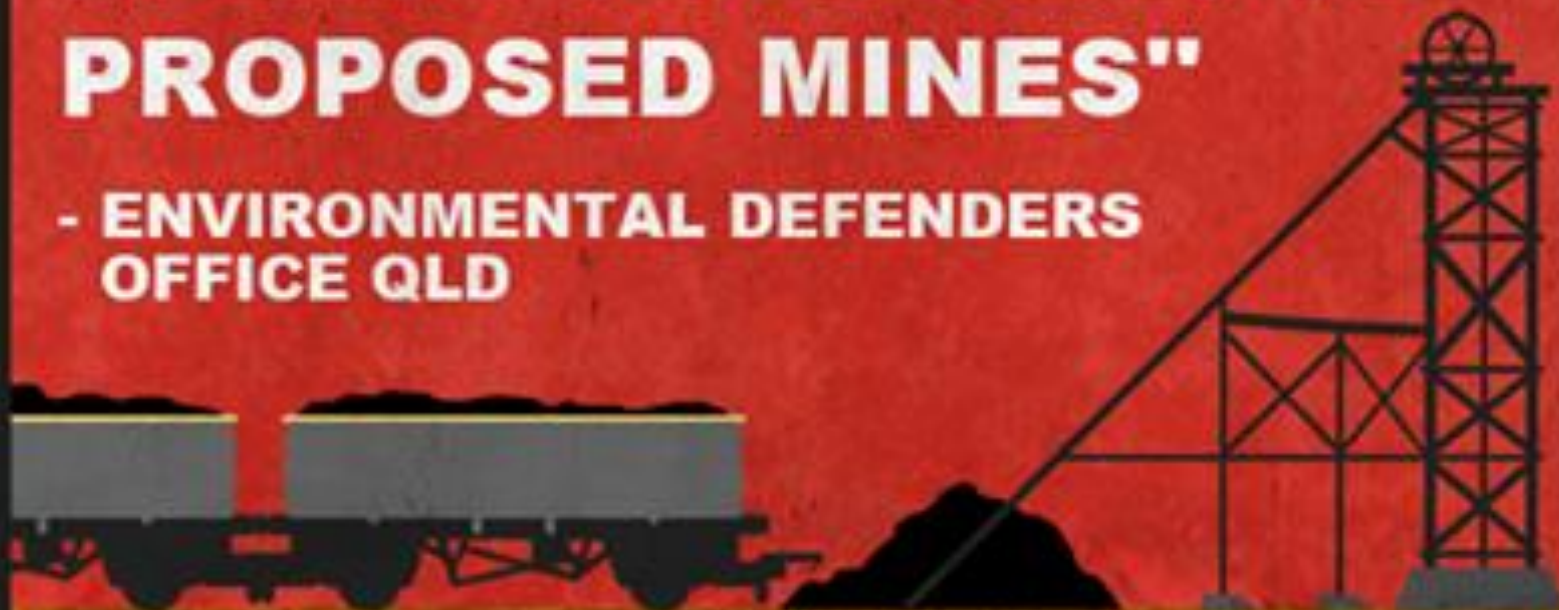
# Elements of successful Public Interest Environmental Litigation

1. Client
2. Legal standing
3. Suitable costs rules
4. Public interest environmental case
5. Good prospects of success
6. Resources to run the case
7. Lawyers
8. Case is part of broader reforms
9. Communication strategy



**"IT IS OUTRAGEOUS  
TO EXCLUDE GROUPS  
AND INDIVIDUALS FROM  
LONG-STANDING LEGAL  
RIGHTS TO OBJECT TO  
PROPOSED MINES"**

**- ENVIRONMENTAL DEFENDERS  
OFFICE QLD**



# Carmichael Land Court & Supreme Court cases





# Adani Carmichael

## Jobs and Fast-tracking

- 1464 net jobs not 10,000 jobs, Dr Jerome Fahrer
- Constant misinformation
- Need more rigorous EIS process
- Critical infrastructure designation Friday 7 October 2016 under the State Development and Public Works organisation Act 1971 (Qld) enables the Coordinator General to then “step in” and decide associated groundwater licences for Adani without public appeals and with restricted judicial

review



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# Federal Court Challenge to Adani Carmichael



## Orders Office



# New Acland Coal Expansion Land Court case



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# Alpha Land Court, Supreme Court & Court of Appeal & High Court



Alpha coal mine





# Dumping and dredging cases





# The future challenges of Public Interest Environmental Litigation

1. Clients
2. Legal standing
3. Suitable costs rules
4. Public interest environmental case
5. Good prospects of success
6. Resources to run the case
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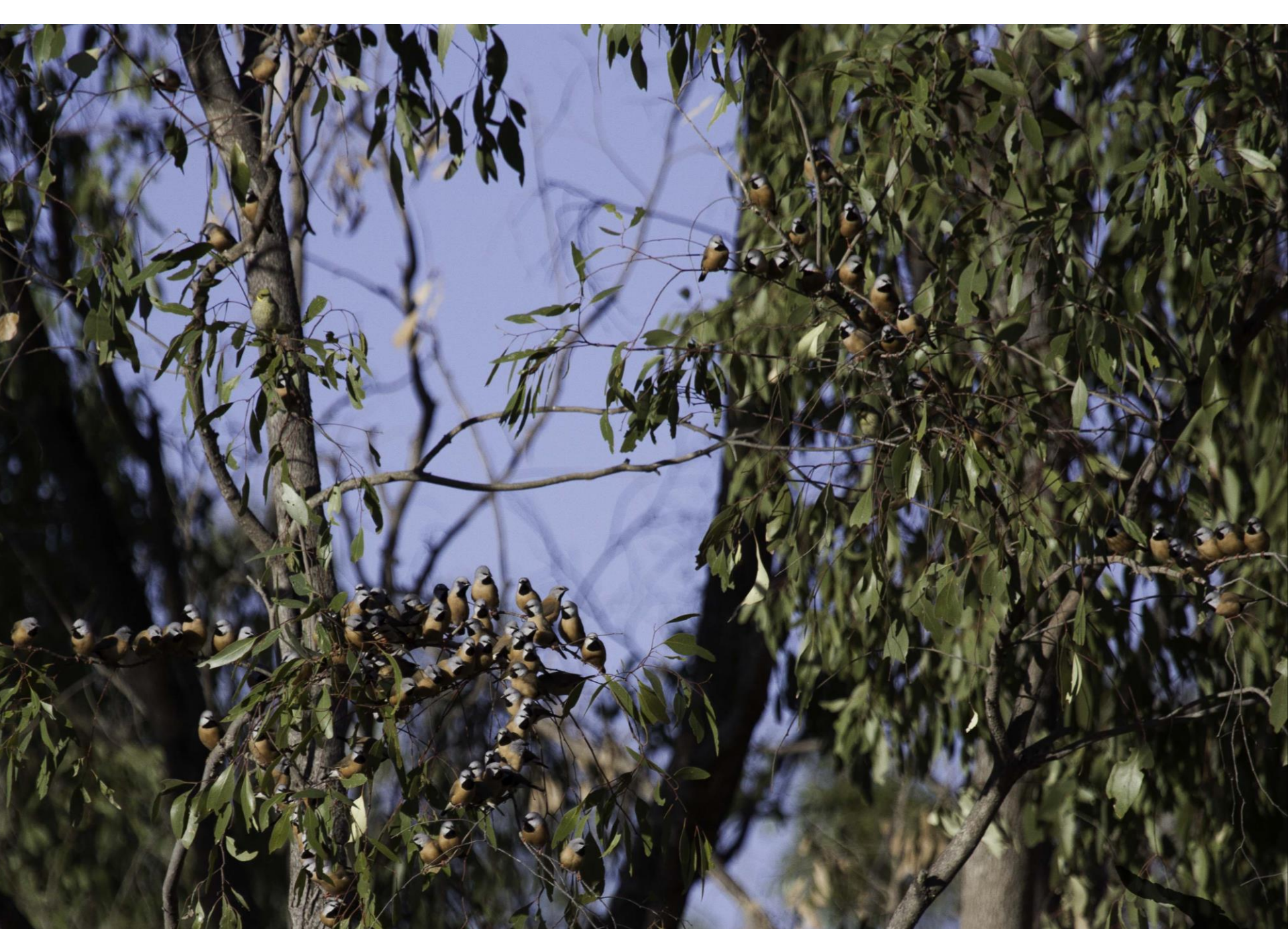
# The Future Challenges of Law Reform

- Communicating the value to the whole community of good quality environmental laws and the need for urgency in addressing environmental threats;
- Access to justice
- Challenges of fast tracking and reducing judicial scrutiny





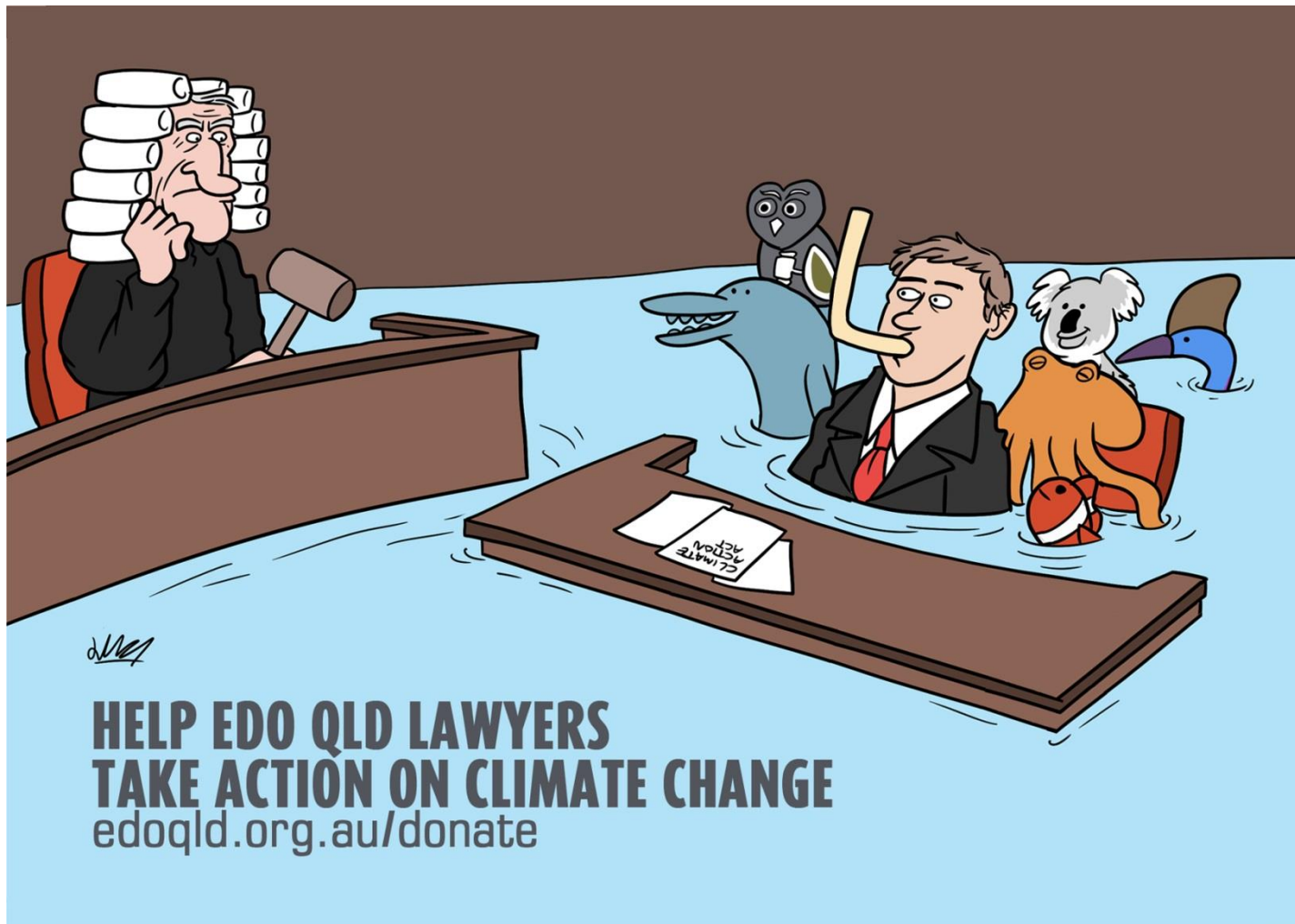




# Licence to Kill Report 2016 and Economic Guidelines 2017

- ACF and EDOs of Australia
- Key recommendations: more rigorous evidence based and precautionary approach to threatened species, threatened communities World Heritage and climate change and transparency and accountability





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TAKE ACTION ON CLIMATE CHANGE**  
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# THANK YOU

To all our friends at CLC Queensland for  
organising such a wonderful conference



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