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## Court challenge launched over minister's 'flawed' decision on Adani water trigger

**Melissa Price made an error of law in assessing pipeline plan, Australian Conservation Foundation will argue**

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The Australian Conservation Foundation has launched a federal court challenge to the environment minister Melissa Price's decision not to apply the water trigger in assessing water infrastructure for Adani's Carmichael coalmine.

The court action, lodged on Tuesday, relates to the federal government's assessment of Adani's north Galilee water scheme, which would see a 100km pipeline constructed to transport 12.5bn litres of water a year from the Suttor River and Burdekin basin. The project would also expand an existing 2.2bn-litre dam to 10bn litres.

In September the federal government ruled that the water infrastructure project did not require a full environmental assessment that included an assessment under the water trigger, which examines the impacts on water resources of large coal or coal seam gas developments.

It followed advice from the environment department that the north Galilee water scheme did not activate the water trigger because it considered the project separate to the mine.

Price decided it would be assessed for impacts on threatened species and ecological communities.

ACF, which is being represented by the Environmental Defenders Office Queensland, will argue that the minister made an error in law in deciding not to apply the water trigger.

It will argue that the definition of coalmining activity extends to actions that are directly connected with a large coalmining project, including water pipelines like the north Galilee water scheme.

The organisation said the pipeline would not be built at all were it not for the mine and that therefore the water trigger should be applied.

“ACF is taking the federal government to court over its flawed process for assessing Adani’s plan for a water-guzzling pipeline to service its climate-wrecking mine,” says ACF’s chief executive, Kelly O’Shanassy.

“Water is precious on our dry continent, yet Adani wants to take billions of litres of river water every year – nearly as much as all local farmers combined.

“The water trigger requires the federal government to comprehensively assess all large coalmines and coal seam gas developments to determine if they will have a significant impact on our water.”

An EDO Queensland solicitor, Jo-Anne Bragg, said the sheer scale of the project made it important to get the process right.

“We will be arguing that the minister made an error of law in not applying the water trigger to Adani’s north Galilee water scheme proposal under the Environment Protection and Biodiversity Conservation Act,” she said. “That means the impact of this massive project on our water resources will not be federally assessed, and our considered advice is that is unlawful.”

When the project was approved in September, Adani said it had no input into the government’s decision. It said the water trigger had already been applied to coal extraction and related activities under its other project approvals.

A spokesman for environment minister Melissa Price said the minister was aware of the challenge but could not comment on proceedings before the courts.

In a statement issued on Tuesday evening, a spokesperson for Adani said they had not been served with any new proceedings by the EDO.

“This legal action will not stop the Carmichael Project proceeding because we do not need the North Galilee water scheme finalised in order to commence work on the project,” the statement said.

Adani accused the ACF and EDO of “wasting the court’s time and resources”.

“Adani will continue to deliver the Carmichael project, and we will do so in line with our approvals, along with the strict regulations and legislation that govern our Australian resources industry.”

“Adani’s approvals have already been backed by the courts nine times over and still anti-mining activists reject the process.”

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