

*Caroona Coal Action Group Inc v Coal Mines Australia Pty Ltd and
Minister for Mineral Resources*

The Land and Environment Court today dismissed an appeal brought by the Caroona Coal Action Group Inc against the grant of the exploration licence to Coal Mines Australia Pty Ltd, by the Minister for Mineral Resources, finding that the licence was validly granted.

On 12 April 2006, the Minister granted an exploration licence to Coal Mines Australia Pty Ltd, allowing them to prospect for coal on the Liverpool Plains around the village of Caroona, an area which comprises some of the most productive agricultural land in Australia. Coal Mines Australia Pty Ltd have proceeded to explore for coal and prepare for a large scale coal mining operation.

In the proceedings, Caroona Coal Action Group Inc argued that the licence was invalid on three (3) grounds. The first ground was that the licence, which was transferred from the Director-General of the Department of Mineral Resources to Coal Mines Australia Pty Ltd, was not validly renewed in the past, such that there was no valid licence in place to transfer. The second ground was that the procedure, as laid out in the Mining Act, was not followed by the Minister when the licence was transferred to Coal Mines Australia Pty Ltd. Finally, the Caroona Coal Action Group Inc argued that the Minister exceeded his power when granting the licence to Coal Mines Australia Pty Ltd because it was granted for a period exceeding 5 years, the maximum term for an exploration licence allowed by the Mining Act.

The Court found that the first 2 grounds were not established by the applicant and that the third ground, although established, was not significant enough to render the grant of the licence void.

Thanks to Bruce McClintock and Jackie Gleeson, who appeared as counsel for Caroona Coal Action Group Inc in these proceedings.

Environmental Defender's Office