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MEDIA RELEASE

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NQCC sea dumping challenge deferred

The first legal conference related to North Queensland Conservation Council's Administrative Appeals Tribunal legal challenge to the permit to allow the dumping of dredge spoil into the Great Barrier Reef Marine Park at Abbot Point was held earlier today in Brisbane. But the process was deferred pending decisions on North Queensland Bulk Ports Corporation's late application to join the proceedings, and the request by the Minister to hold back documents that had previously been provided to NQCC.

In documents presented to the Conference, the Port Corporation also opposed an NQCC request to defer a full hearing of the challenge until such time as the exact location of any alternative dump site to be used had been approved by the Minister.

NQCC had sought the deferral on evidence that a new site was a strong possibility, and the belief that a deferral at this stage would avoid wasting both the Tribunal's time and participants' funds on a case based on a dump site that may never be used.

NQCC's request had already been agreed to by the Minister for the Environment. However, a decision on any such delay was deferred pending the Tribunal's decision on the Ports Corporation joining the proceeding.

Senior Counsel for NQCC, Stephen Keim, told the Conference that NQCC was unlikely to oppose the Port Corporation's inclusion in the proceedings.

NQCC's senior legal campaigner, Jeremy Tager, later commented "We understand that the Port Corporation's opposition to the proposed delay agreed to by the Minister is based on the need for additional port capacity and their intimate understanding of the assessment documents, permit application and permit conditions.

"However, we note that the Port Corporation is suggesting there is a commercial imperative to expedite the process far faster than is possible or normal, but they haven't managed to submit these claims until yesterday evening – more than 6 weeks after NQCC filed."

"In addition there is still plenty of spare capacity at Abbot Point, and the additional mines and the rail-lines needed to bring the coal to the port have not even been built yet.

"We look forward to these issues being debated and decided at the Administrative Appeals Tribunal."

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