

SUPREME COURT SETS ASIDE RULING ON GROUNDWATER THREAT

Coalmine project given lifeline

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One of Australia's most contentious coalmining ventures has been thrown a lifeline by Queensland's Supreme Court, frustrating activists' efforts to block the \$900 million project.

The Queensland government in February refused to allow the expansion of New Hope Group's New Acland coalmine, 130km west of Brisbane, following the Land Court's recommendation to block the project over a potential threat to groundwater.

But Supreme Court judge Helen Bowskill yesterday set aside the Land Court's reasoning, finding court member Paul Smith overstepped his jurisdiction when considering the groundwater issue. Mr Smith had also failed to properly consider issues around noise, she said.

The Land Court will reconsider the extension, which, if approved by the government, would help the coalmine remain operating beyond 2020 and retain its workforce of about 700.

Janelle Lotz, whose husband Mark has worked at the mine for 10 years, said its expansion was opposed by a vocal minority supported by activists from outside the region. She feared the mine's closure would force families to compete for fewer jobs or move away.

"We would love to stay here and continue our small agricultural project but obviously we need other stable income," Ms Lotz said from her hay and cattle farm at Douglas, 20 minutes' drive from the mine.

"One of our friends has already put his farm up for sale after the last environmental authority didn't go ahead. He understands it's just not viable to continue (farming) if the mine doesn't go ahead."

Sydney broadcaster Alan Jones repeatedly attacked Campbell Newman's Liberal National government during the 2015 state

election campaign over its support for the mine's expansion, which has been under government consideration since April 2007.

Paul King, president of the Oakey Coal Action Alliance, the activist group challenging the project, said the Supreme Court ruling was only a "technical win" for the coalminer as the court rejected the firm's broader claim that Mr Smith appeared to be biased.

"The Land Court found in evidence major deficiencies in New Acland Coal's case (to expand the mine). Those deficiencies have not been overruled, only whether the Land Court had the power (to find them)," Mr King said.

Mr King, whose group is represented by the taxpayer-funded Environmental Defenders Office, would not rule out applying to the Court of Appeal. Justice Bowskill

rejected New Hope's bias argument, although she noted Mr Smith's 408-page written reasons were "at times blunt and colloquial" and appeared to "unnecessarily and undesirably" share many of his personal thoughts and feelings.

Justice Bowskill said the 99 days of hearings were clearly "onerous" for Mr Smith and his extraordinary four-page epilogue — which quoted Mark Twain, recounted his own upbringing and enthused about nurturing plants — amounted to "uncomfortable reading".

Mr Smith had described the company as "dismissive and disrespectful" to its critics, treating them as "bigoted individuals who are not interested in facts".

Queensland Minister for Mines Anthony Lynham said the government was considering the judgment's implications.

Opposition Leader Deb Frecklington welcomed the judgment and criticised the government for rejecting the environmental authority before the legal process had

been exhausted. Queensland Resources Council chief Ian Macfarlane hoped the Supreme Court's "insightful" ruling would see analysis of groundwater issues "delivered back to the experts".



Mark and Janelle Lotz with children Louisa, 6, Isla, 8, and Beau, 1, at their farm in Douglas, 35km northwest of Toowoomba

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