

APPLICATION IN A PROCEEDING

Please print clearly, preferably using a black pen. If insufficient space, use separate numbered sheets.
(This form is to be used for any application in a proceeding that has already been started)

Applicant: XSTRATA COAL QUEENSLAND PTY LTD & ORS

AND

Respondents: QUEENSLAND CONSERVATION COUNCIL INC & ANOR

AND

Statutory Party: ENVIRONMENTAL PROTECTION AGENCY

Name of party applying

Queensland Conservation Council Inc

Orders sought

(Briefly describe the orders that you want)

The Queensland Conservation Council Inc (QCC) applies for a direction that it be permitted to amend the further and better particulars filed on 11 December 2006 pursuant to the directions of the Tribunal on 27 November 2006 by substituting the following for the conditions originally particularised as being sought by QCC:

1. The conditions the Queensland Conservation Council Inc (QCC) seeks to have imposed pursuant to grounds 1 to 6 of the objection are:
 - (a) ~~That the applicant avoid, reduce or offset the likely greenhouse gas emissions from the mining, transport and use of the coal from the mine of an amount totaling the current maximum estimated production of greenhouse gas emissions of 96.44 million tonnes of carbon dioxide equivalent (MtCO₂-e).~~
 - (b) ~~That annually from the date the mining lease is granted until the end of the use of coal from the mine, the applicant file a report that is not false or misleading setting out how condition 1(a) has been complied with by:~~
 - (i) ~~serving a copy of the report on the Environmental Protection Agency; and~~
 - (ii) ~~posting a copy of the report on a publicly available page of the applicant's website at <http://www.xstrata.com>.~~
 - (a) That the holders of the mining lease and the environmental authority, whether by themselves or their agents, avoid, reduce or offset greenhouse gas emissions in an amount totaling 1.363 million tonnes of carbon dioxide equivalent (MtCO₂-e), being the amount of emissions estimated to occur in carrying out the mining operations to which the mining lease and environmental authority apply.

- (b) That the holders of the mining lease and the environmental authority, whether by themselves or their agents, avoid, reduce or offset greenhouse gas emissions in an amount totaling 8.258 MtCO₂-e, being an amount equivalent to 10% of the estimated greenhouse gas emissions from the transport and use of the coal anticipated to be mined pursuant to the mining lease and environmental authority.
- (c) That annually from the date the mining lease is granted until the end of the use of coal from the mine, the holders of the mining lease and the environmental authority file a report that is not false or misleading setting out how conditions 1(a) and 1(b) have been complied with by:
- (i) serving a copy of the report on the Environmental Protection Agency; and
- (ii) posting a copy of the report on a publicly available website.

Signature of party applying / lawyer / agent

Filed by: Environmental Defenders Office (Qld) Inc

Signature:

Date: 24 January 2007

The party applying estimates the hearing should be allocated 5 minutes. The party applying does not request the hearing of this application be by teleconference.

Hearing & filing details

This application will be heard by the Tribunal on:

Date: 31 January 2007

Time: 10am

Place: Brisbane

Filed in the Brisbane Registry on 24 January 2007

Registrar's signature

Seal



Important notices

This application has been set down for the time and place stated above. If you wish to oppose this application or to argue that any different order should be made, you must appear or attend by teleconference (as specified above) before the Tribunal in person or by lawyer or agent and you will be heard. If you do not appear at the hearing, the orders sought, or other orders, may be made without further notice to you.