

**WIDE BAY BURNETT CONSERVATION  
COUNCIL INC.**

Applicant

**BURNETT WATER PTY LTD  
(ACN 097 206 614)**

Respondent

**NOTICE OF MOTION  
(Order 19 rule 2)**

The abovenamed Respondent will at 9.30 am on 5 December 2008 at Commonwealth Law Courts, 119 North Quay, Brisbane QLD move the Court for orders:

1. That these proceedings be stayed, or stood out of the list, until the Commonwealth Department of Environment, Water, Heritage and the Arts (*DEWHA*):
  - (a) completes its investigation under Chapter 6 Part 17 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) in respect of the Respondent's compliance with condition 3 of the Approval; and
  - (b) confirms to the Respondent in writing whether or not condition 3 of the Approval will be varied or amended.
2. Alternatively, these proceedings be stayed, or stood out of the list, until DEWAH confirms in writing to the Respondent that no criminal proceedings will be instituted against the Respondent or its officers which proceedings would rely on conduct substantially the same as that alleged by the Applicant in these proceedings.
3. Such further or other order as the Court deems fit.
4. Costs.

---


NOTICE OF MOTION  
Filed on behalf of: the Respondent

**Allens Arthur Robinson**  
Lawyers  
Riverside Centre  
123 Eagle Street  
Brisbane QLD 4000

DX 210 Brisbane  
Tel 07 3334 3000 Fax 07 3334 3444  
Ref RLM:

**To: Wide Bay Burnett Conservation Council Inc.**  
c/- Environmental Defenders Office  
30 Hardgrave Road  
West End

Dated 2.12.08



---

**Allens Arthur Robinson**  
Solicitor for the Respondent