

HUMANE SOCIETY INTERNATIONAL INC

Applicant

KYODO SENPAKU KAISHA LTD

Respondent

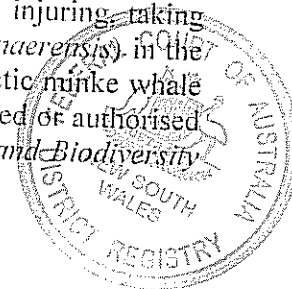
APPLICATION
(Order 4, rule 1)

The applicant applies for a declaration under section 21 of the *Federal Court of Australia Act 1976* and a prohibitory injunction under section 475 of the *Environment Protection and Biodiversity Conservation Act 1999* in relation to conduct of the respondent constituting an offence or other contravention of the *Environment Protection and Biodiversity Conservation Act 1999*.

A. DETAILS OF CLAIM

On the grounds stated in the accompanying Statement of Claim, the applicant claims:

1. A declaration that the killing, injuring, taking or interfering with any Antarctic minke whale (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary by the respondent contravenes sections 229, 229A, 229B and 229C of the *Environment Protection and Biodiversity Conservation Act 1999*, and that the treating or possessing by the respondent of any Antarctic minke whale killed or taken in the Australian Whale Sanctuary contravenes sections 229D and 230 of the Act, unless permitted or authorised under sections 231, 232 or 238 of the Act.
2. A prohibitory injunction restraining the respondent from killing, injuring, taking or interfering with any Antarctic minke whale (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary, or treating or possessing any Antarctic minke whale killed or taken in the Australian Whale Sanctuary, unless permitted or authorised under sections 231, 232 or 238 of the *Environment Protection and Biodiversity Conservation Act 1999*.



APPLICATION
Filed on behalf of the applicant
Form 5, Order 4, rule 1

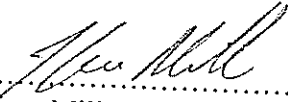
Environmental Defenders Office (NSW) Ltd
Level 9, 89 York Street
Sydney NSW 2000
Tel: (02) 9262 6989
Fax: (02) 9262 6998
Email: edonsw@edo.org.au

B. CLAIM FOR INTERLOCUTORY RELIEF

AND the applicant claims by way of interlocutory relief:

1. A prohibitory injunction restraining the respondent from killing, injuring, taking or interfering with any Antarctic minke whale (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary, or treating or possessing any Antarctic minke whale killed or taken in the Australian Whale Sanctuary:
 - (a) unless permitted or authorised under sections 231, 232 or 238 of the *Environment Protection and Biodiversity Conservation Act 1999*; or
 - (b) until the hearing of the application or further order.

Date: 19 October 2004


 Iona Millar (Principal Solicitor)

C. NOTICE TO RESPONDENT

TO the respondent, Kyodo Senpaku Kaisha Ltd of 4-5, Toyomi-cho, Chuo-ku, Tokyo, Japan:

This application has been set down for the time and place stated below. If you or your legal representatives do not attend the Court at that time, the application may be dealt with and judgement may be given, or an order made, in your absence. As soon after the time mentioned as the business of the Court will allow, any of the following may happen:

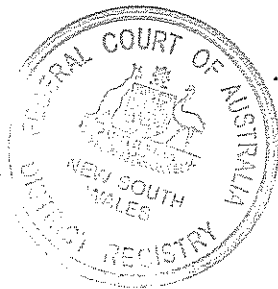
- (a) the application may be heard;
- (b) directions may be given for the further conduct of the proceeding;
- (c) any application for interlocutory relief may be heard.

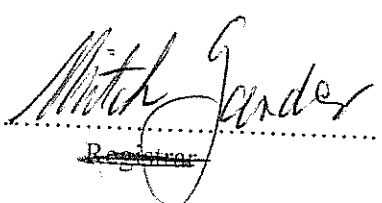
Before attendance at Court, you must file an appearance in the Registry.

Time and date for hearing: 9-30AM 9 NOVEMBER 2004

Place: New South Wales District Registry
 Level 16, Law Courts Building
 Queens Square
 Sydney NSW 2000
 Australia

Date: 19 October 2004




 Registrar
 an officer acting with the
 authority of the District Registrar

D. ABRIDGEMENT OF SERVICE

The time by which this application is to be served has been abridged by order made on 2004 to 2004.

Date: 2004

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Registrar

E. FILING AND SERVICE

This application is filed by Ilona Millar (Principal Solicitor), whose address for service is c/- Environmental Defenders Office (NSW) Ltd, Level 9, 89 York Street, Sydney in the State of New South Wales, Australia.

The applicant's address is Suite 5A, Level 1 of 27 Old Barrenjoey Road, Avalon in the State of New South Wales, Australia.

It is intended to serve this application on each person listed below:

Kyodo Senpaku Kaisha Ltd of 4-5, Toyomi-cho, Chuo-ku, Tokyo, Japan c/- Attorney-General of Australia, Attorney-General's Department (International Civil Procedures Section), Robert Garran Offices, National Circuit, BARTON ACT 2600, Australia.

Date: 19 October 2004

Ilona Millar
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Ilona Millar (Principal Solicitor)

