

IN THE PLANNING AND ENVIRONMENT COURT  
AT BRISBANE

No. BD 2845 of 2006

BETWEEN: **CAROL JEANETTE BOOTH**

Applicant

AND: **RICHARD GEORGE YARDLEY**

First Respondent

**ANTJE GESINA YARDLEY**

Second Respondent

**APPLICATION IN A PROCEEDING**

Filed on: 2 October 2007

Filed by: Environmental Defenders Office (Qld) Inc

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Brisbane QLD 4000

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**THE APPLICANT** applies to the Planning and Environment Court at Brisbane for the following orders under section 4.1.5 of the *Integrated Planning Act 1997* and rule 926 of the *Uniform Civil Procedure Rules 1999*:

1. That the first respondent and the second respondent be punished for contempt of the Court by contravening an order of the Court, particulars of which are provided in the grounds set out below.

**The grounds** relied on are:

1. Judge Wilson SC DCJ made the following orders on 30 November 2006 in proceedings No. BD 2845 of 2006:

- 1. Unless and until the respondents have obtained an authority under the Nature Conservation Act 1992 to take flying-foxes (Genus Pteropus) by the use of the electric grids on their property at Hosking Road, Mirriwinni (the land described as Lot 1 on RP 712412, County of Nares, Parish of Bellenden Ker) the respondents stop and/or not start electrocuting flying-foxes by use of the grid system on that property;*

- 2. Within three months of the date of this order the First Respondent and the Second Respondent dismantle or cause to be dismantled any electric grid system constructed for the purpose of electrocuting flying-foxes (Genus Pteropus) on that property unless the taking of flying-foxes by electrocution using such an*

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APPLICATION IN A PROCEEDING

Filed on behalf of the Applicant

PEC-4

Section 4.1.5 IPA; Rule 926 UCPR

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*electric grid is specifically authorised under s 88 of the Nature Conservation Act 1992.*

2. The first respondent and the second respondent contravened order 2 made by Judge Wilson SC DCJ on 30 November 2006 by:
  - (a) failing to dismantle or cause to be dismantled the electric grid system constructed for the purpose of electrocuting flying-foxes (Genus *Pteropus*) on their property at Hosking Road, Mirriwinni (the land described as Lot 1 on RP 712412, County of Nares, Parish of Bellenden Ker) within three months of the date of the order; and
  - (b) in circumstances where the taking of flying-foxes by electrocution using such an electric grid was not specifically authorised under section 88 of the *Nature Conservation Act 1992*.
3. The respondents' electric grids had not been dismantled as at 12 July 2007, being a date exceeding three months of the date of order 2 made by Judge Wilson SC DCJ on 30 November 2006.
4. At the date of filing this application the applicant believes the respondents' electric grids have not been dismantled and the taking of flying-foxes by electrocution using such an electric grid is not specifically authorised under section 88 of the *Nature Conservation Act 1992*.

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Anita O'Hart  
Environmental Defenders Office (Qld) Inc  
Solicitor for the applicant

**This application is to be heard for directions by the Court at Supreme and District Court Complex, George Street, Brisbane on Thursday 25 October 2007 at 9.15 am.**

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Registrar

**If you wish to oppose the application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer or agent and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.**

**FURTHER, TAKE NOTICE THAT, should you not attend the Court in person or by your lawyer or agent on the date specified above the Court may issue a warrant for your arrest and detention in custody until the Court hears the charge.**