

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 3/06/2019 8:03:13 AM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

| | |
|----------------------------|--|
| Document Lodged: | Originating Application - Form 15 - Rule 8.01(1) |
| File Number: | VID1228/2017 |
| File Title: | FRIENDS OF LEADBEATER'S POSSUM INC v VICFORESTS |
| Registry: | VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA |
| Reason for Listing: | To Be Advised |
| Time and date for hearing: | To Be Advised |
| Place: | To Be Advised |



Dated: 3/06/2019 10:57:42 AM AEST

A handwritten signature in blue ink, reading 'Warwick Soden'.

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

AMENDED ORIGINATING APPLICATION



No. VID 1228 of 2017

Federal Court of Australia
District Registry: Victoria
Division: ACLHR

FRIENDS OF LEADBEATER’S POSSUM INC

Applicant

and

VICFORESTS

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 305 William Street, Melbourne VIC.

The Court ordered that the time for serving this application be abridged to .

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Date of document: 29 May 2019

Filed on behalf of

.....
The Applicant

Prepared by

.....
Danya Jacobs

Law firm

.....
Environmental Justice Australia

Tel (03) 8341 3100

..... Fax (03) 8341 3111

Email danya.jacobs@envirojustice.org.au

Address for service

.....
Level 3, 60 Leicester Street, Carlton Vic 3053



Details of claim

1. An injunction pursuant to s 475(2) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) restraining the Respondent from:
 - a. undertaking; or
 - b. authorising;any forestry operations in the scheduled coupes in contravention of s 18 of the EPBC Act.
2. An order pursuant to s 475(3) of the EPBC Act that the Respondent set aside an area of forest that is protected from logging in order to mitigate the significant impact on the Leadbeater's Possum caused by the Respondent's contraventions of s 18 of the EPBC Act.
3. An order pursuant to s 475(3) of the EPBC Act that the Respondent set aside an area of forest that is protected from logging in order to mitigate the significant impact on the Greater Glider caused by the Respondent's contraventions of s 18 of the EPBC Act.
- 3A. A declaration of right pursuant to s 21 of the *Federal Court of Australia Act 1976* (Cth) that:
 - a. the Respondent has breached s 18(2) of the EPBC Act by reason of its forestry operations in the Logged Leadbeater's Possum Coupes (as defined in the Third Further Amended Statement of Clam); and
 - b. the Respondent has breached s 18(4) of the EPBC Act by reason of its forestry operations in the Logged Glider Coupes (as defined in the Third Further Amended Statement of Clam).
4. Costs.
5. Such further or other relief as the Court considers just.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.



1. An interim injunction pursuant to s 475(5) of the EPBC Act restraining the Respondent from undertaking or authorising any forestry operations in the scheduled coupes until further order.

Applicant's address

The Applicant's address for service is:

Place: Environmental Justice Australia, Level 3, 60 Leicester Street, Carlton VIC 3053.

Email: danya.jacobs@envirojustice.org.au

The Applicant's address is PO Box 1175 Healesville VIC 3777.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: ~~13 November 2017~~ 29 May 2019

A handwritten signature in blue ink that reads 'Danya Jacobs'.

Signed by Danya Jacobs
Environmental Justice Australia
Lawyer for the Applicant