

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 14/12/2020 4:49:39 PM AEDT 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:	VID607/2020
File Title:	ANJALI SHARMA & ORS (BY THEIR LITIGATION REPRESENTATIVE SISTER MARIE BRIGID ARTHUR) v MINISTER FOR THE ENVIRONMENT (COMMONWEALTH)
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



*Sia Lagos*

Dated: 15/12/2020 9:34:00 AM AEDT

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 607** of 2020

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Anjali Sharma** and others named in the Schedule (by their litigation representative, Sister Marie Brigid Arthur)

Applicants

**Minister for the Environment**

Respondent

To the Respondent

The Applicants apply 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:**

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

Filed on behalf of Anjali Sharma & others (by their litigation representative, Sister Marie Brigid Arthur), Applicants  
Prepared by David Barnden  
Law firm Equity Generation Lawyers  
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Address for service Level 40, 140 William Street, Melbourne VIC 3000



### **Details of claim**

This Originating Application uses terms defined in the accompanying Concise Statement.

On the grounds stated in the Concise Statement, the Applicants, on their own behalf and on behalf of the Australian Represented Children and the other Represented Children, claim against the Minister:

1. an injunction under s 75(v) of the Constitution, or s 23 of the *Federal Court of Australia Act 1976* (Cth) (the **FCA Act**), or both, to restrain the Minister from exercising power under ss 130 and 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the **statutory power**) in a manner likely to cause them harm in breach of the duty owed to them by the Minister; and
2. a declaration under s 21 of the FCA Act that the Minister owes them a duty, in the exercise of the statutory power, to take reasonable care not to cause them harm.

### **Claim for interlocutory relief**

The Applicants also claim:

1. an interlocutory injunction to restrain the Minister from exercising the statutory power to approve the Project, pending the hearing and determination of the proceeding.

### **Application for appointment of litigation representative**

The Applicants also apply for an order, under r 9.63 of the *Federal Court Rules 2011* (Cth), that Sister Marie Brigid Arthur be appointed as the litigation representative for each of the Applicants in this proceeding.

### **Representative action**

The Applicants sue in a representative capacity on behalf of the Australian Represented Children and the other Represented Children, who share the same interest as the Applicants as set out in the Concise Statement.

### **Applicants' address**

The Applicants' address for service is:

Place: Level 40 140 William Street, Melbourne VIC 3000

Email: david@equitygenerationlawyers.com and jack@equitygenerationlawyers.com



The First Applicant's address is [REDACTED]

The Litigation Representative's address is [REDACTED]

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 14 December 2020

A handwritten signature in black ink, appearing to be 'DBO', followed by a horizontal line.

Signed by David Barnden  
Lawyer for the Applicants

**Schedule**No. VID 607 of 2020

Federal Court of Australia

District Registry: Victoria

Division: General

**Applicants (by their litigation representative, Sister Marie Brigid Arthur)**

Second Applicant: Isolde Shanti Raj-Seppings

Third Applicant: Ambrose Malachy Hayes

Fourth Applicant: Tomas Webster Arbizu

Fifth Applicant: Bella Paige Burgemeister

Sixth Applicant: Laura Fleck Kirwan

Seventh Applicant: Ava Princi

Eighth Applicant: Luca Gwyther SaundersDate: 14 December 2020