

IN THE FEDERAL COURT OF AUSTRALIA
~~BRISBANE DISTRICT REGISTRY~~
QUEENSLAND

No. 963 of 2000

CAROL JEANETTE BOOTH

Applicant

ROHAN BRIEN BOSWORTH

Respondent

APPLICATION

(Order 4, rule 1)

The Applicant applies for a prohibitory injunction under section 475 of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* restraining the Respondent from engaging in conduct constituting an offence or other contravention of the Act.

A. DETAILS OF CLAIM

On the grounds stated in the accompanying statement of claim, the Applicant claims:

1. A prohibitory injunction restraining the Respondent from causing, procuring or allowing the death or injury, whether by electrocution, shooting or otherwise, of flying foxes on or about the Respondent's property at Lots 107 and 108, Crown Plan CWL652, Parish of Meunga, County of Cardwell, in the State of Queensland.
2. An order that the Respondent and/or his agents dismantle any construction or device on the Respondent's property at Lots 107 and 108, Crown Plan CWL652, Parish of Meunga, County of Cardwell, in the State of Queensland used for killing flying foxes by electrocution.

B. CLAIM FOR INTERLOCUTORY RELIEF

The Applicant applies for an interim injunction under section 475(5) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* restraining the Respondent from engaging in conduct constituting an offence or other contravention of the Act pending the Court's determination of the application.

AND the Applicant claims by way of interlocutory relief:

1. A prohibitory injunction restraining the Respondent from causing, procuring or allowing the death or injury, whether by electrocution, shooting or otherwise, of flying foxes on or about the Respondent's property at Lots 107 and 108, Crown

APPLICATION
FILED ON BEHALF OF
THE APPLICANT
Form 5, O.4 R.1

Environmental Defenders Office (Qld) Inc
Level 4, 243 Edward St
Brisbane Qld 4000
Ph. 07 3210 0275
Fax. 07 3210 0523

Plan CWL652, Parish of Meunga, County of Cardwell, in the State of Queensland, pending the Court's determination of the application.

Date: 8 December 2000

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Elisa Nichols (Solicitor)

C. NOTICE TO RESPONDENT

TO the Respondent, Rohen Brien Bosworth, of Dallachy Creek, Kennedy in the State of Queensland:

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:

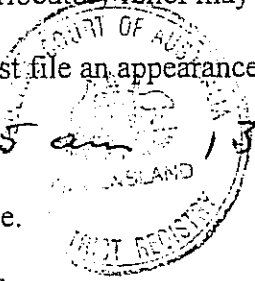
- (a) the application may be heard;
- (b) directions may be given for the further conduct of the proceeding;
- (c) any application for interlocutory relief may be heard.

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

Time and date for hearing:

10.15 am 13 December 2000

Place: The Federal Court at Brisbane.

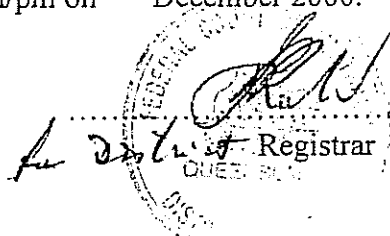


Level 7
Commonwealth Law Courts
111 Ann St
Brisbane 4000

D. ABRIDGMENT OF SERVICE

The time by which this application is to be served has been abridged by order made on December 2000 to am/pm on December 2000.

Date: *8* December 2000



E. FILING AND SERVICE

This application is filed by The Environmental Defenders Office (Qld) Inc, Level 4, 243 Edward Street, Brisbane, Qld, 4000.

The Applicants' address is 14 Murray Street, Nelly Bay, Magnetic Island in the State of Queensland.

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

Rohan Brien Bosworth of Dallachy Creek, Kennedy in the State of Queensland.

Date: 8 December 2000

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Elisa Nichols
Elisa Nichols (Solicitor)