

IN THE PLANNING AND ENVIRONMENT COURT  
AT BRISBANE

No. BD 4658 of 2004

BETWEEN: **CAROL JEANETTE BOOTH**

Applicant

AND: **FRIPPERY PTY LTD (ACN 010 890 007)**

First Respondent

**MERVYN MEYER THOMAS**

Second Respondent

**PAMELA ANN THOMAS**

Third Respondent

**ORDER**

Before His Honour: Senior Judge Skoien

Date of Hearing: 22 December 2004

Date of Order: 22 December 2004

**IT IS ORDERED THAT:**

1. The First Respondent, Second Respondent and Third Respondent immediately cease the operation of the electric grid system constructed at 376 Volk Road, Mutarnee, being land described as Lot 85 on CWL 1576, County of Cardwell, Parish of Waterview, in the State of Queensland (“**the land**”) and refrain from killing or injuring Black Flying Foxes on the land for the period up to and including 1 November 2005:
  - (a) unless authorised in accordance with section 88 of the *Nature Conservation Act 1992*; or
  - (b) pending a decision in the principal proceedings for an enforcement order under section 173D of the *Nature Conservation Act 1992*.
2. Both parties have liberty to apply.
3. No order as to costs.

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Senior Judge Skoien

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ORDER  
Filed on behalf of the Applicant  
PEC-8

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