

**WIDE BAY BURNETT CONSERVATION  
COUNCIL INC.**

Applicant

**BURNETT WATER PTY LTD  
(ACN 097 206 614)**

Respondent

**NOTICE OF MOTION  
(Order 19 rule 2)**

The abovenamed Respondent will at 9.30 am on 10 March 2009, at Commonwealth Law Courts, 119 North Quay, Brisbane in the State of Queensland, move the Court for orders:

1. That by 10 April 2009 the Applicant file and serve:
  - (a) the further and better particulars requested in the Respondent's solicitors' letter dated 24 February 2009;
  - (b) a statement of the design of the fish transfer device which, by the grant of the injunction sought in paragraph 2 of the Application, the Respondent would be compelled to install and operate.
  
2. Alternatively to paragraph 1(b) above, that:
  - (a) the claim for relief in paragraph 2 of the Application be struck out; and
  - (b) the Applicant have leave to file and serve by 10 April 2009 an Amended Application including a claim for a mandatory injunction, such leave being conditional upon the Amended Application including, or incorporating by reference, a statement of the design of the fish transfer device which, by the grant of the injunction, the Respondent would be compelled to install and operate.

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NOTICE OF MOTION  
Filed on behalf of: the Respondent

**Allens Arthur Robinson**  
Lawyers  
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123 Eagle Street  
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Ref RLM:

3. Such further or other order as the Court deems fit.
4. That the Applicant pay the Respondent's costs of and incidental to this application.

**To: Wide Bay Burnett Conservation Council Inc.**  
c/- Environmental Defenders Office  
30 Hardgrave Road  
West End

Dated 2/3/09



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**Allens Arthur Robinson**  
Solicitor for the Respondent