

Australian court rejects coal mine on climate grounds

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Australia is one of the world's biggest producers of coal

An Australian court on Friday delivered a landmark ruling by rejecting plans to build a coal mine on the grounds it would worsen climate change.

Chief Justice Brian Preston said a planned open cut coal mine in a scenic part of New South Wales state would be in "the wrong place at the wrong time".

The ruling by the New South Wales Land and Environment Court was notable for citing not only local impacts of building the proposed Gloucester Resources mine, but also secondary "[climate](#) change impacts" of the eventual use of the coal.

"It matters not that this aggregate of the Project's GHG ([greenhouse gas](#)) emissions may represent a small fraction of the global total," the justice said.

"Not every natural resource needs to be exploited."

The case was unusual in referring to the 2015 Paris Agreement and United Nations Framework Convention on Climate Change and calling [climate scientists](#) to testify.

Will Steffen, a noted climatologist, told the court that Australia's average surface temperature had increased one degree centigrade over the last century.

Baker & McKenzie's global head of climate law, Martijn Wilder, said the decision reinforced the trend in legal judgements around the world that directly link fossil fuels and climate change.

It also added to the growing perceived risk of coal investments, he told The Australian Financial Review.

"In both Australia, and around the world, financiers have largely decided that, except in some exceptional circumstances, investments in coal are not viable and that such investments will now be stranded," he said.

Climate activists have described the case as a "seminal judgement" in Australian law and hope that it sets a legal precedent.

Australia is one of the world's largest producers of [coal](#) and the world's largest exporter—fuelling powerplants in Japan, China, South Korea and India.

"It's a judgement of enormous significance," said David Morris, a solicitor for Environmental Defenders Office, which represented local residents against the project.

"It heralds the arrival of climate litigation in Australia, the first time [climate change](#) has featured as a ground for refusal of a fossil fuel project in this country and, as far as I'm aware, anywhere," he told AFP.

The Australian Conservation Foundation described the ruling—which could yet be appealed—as "significant."

Gloucester Resources, which was not immediately available for comment, had said the project would create 170 jobs and would be in place for two decades.

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