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Court confirms Tarkine National Coalition entitled to reasons for grant of mining leases

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Minister administering the Mineral Resources Development Act 1995 v Tarkine National Coalition Inc

The Full Court of the Supreme Court has unanimously dismissed the Tasmanian Government's appeal against an earlier ruling that the Tarkine National Coalition (**TNC**) was entitled to reasons for the Minister's decision to grant mining leases for the Venture Minerals' Mt Lindsay and Livingstone projects.

In the lead judgment, his Honour Justice Estcourt found (at [34] – [36]):

"There is no merit in the Minister's appeal...The present appeal is, in my view a shining example of an appeal failing to identify an error on the part of the primary judge."

The State Government had argued that parliament intended to confine rights to reasons for decisions under the *Mineral Resources Development Act 1995* to those directly affected by the decisions – landowners and mining companies.

However, the Full Court upheld her Honour Justice Wood's decision that the TNC was a "person aggrieved" by the Minister's decisions, and therefore entitled to understand the reasons the mining leases were granted. Justice Estcourt noted (at [27]):

"...her Honour found that there was ample evidence that the [TNC] had an interest greater than an ordinary member of the public, that its interest in the Tarkine was long-standing, and that its reason for existing was to protect the natural values of the Tarkine."

Claire Bookless, EDO Tasmania's litigation lawyer, said:

"This decision is significant because it reaffirms that environmental groups, such as the TNC, also have a legitimate interest in mining decisions. These groups have a right to know why government decisions are made, and to challenge those decisions where the government has not complied with the law."

The Full Court ordered the Minister pay the TNC's costs of the proceedings.

The TNC's victory comes 18 months after it formally requested the statement of reasons. Ms Bookless said that this demonstrates the need for greater transparency:

"While the TNC in this case was able to establish it had 'standing', doing so took nearly 18 months and exposed both TNC and the Government to considerable costs.

We urge the Government to heed the Full Court's decision and adopt a broader approach to the release of information. Doing so would improve the accountability of government decision-making, and avoid similar expense and delays in future.

For full background information about this case, please [click here](#).

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