

*Tasmanian
Dams
application for injunction*

EVERYONE

v.

STATE OF TASMANIA

ORDER

Application dismissed.

EVERYONE

v.

STATE OF TASMANIA

JUDGMENT
(Oral)

GIBBS C.J.

EVERYONE

v.

STATE OF TASMANIA

This is an application for an injunction directed to the State of Tasmania to restrain it from obstructing the Gordon and Franklin Rivers.

The affidavit in support states that the Hydro-Electric Commission of Tasmania is threatening to contravene section 3 of the Tasmanian Rivers Pollution Act of 1881.^(Tas)

The plaintiff describes himself as an ecologist of St Kilda in the State of Victoria. He goes on to state that he has caused warrants to be issued for the apprehension of eight Federal Ministers - the warrants have not been executed, nor have they been set aside - and that he applies for relief by way of injunction pending the appearance of those Ministers at the magistrate's court.

He further says that the cause of his action is the reported destruction of areas of the south-west Tasmanian wilderness by the Hydro-Electric Commission of Tasmania.

Since the applicant is appearing in person I am stating what would, I think, be obvious to any legal representative, namely my reasons for holding that the applicant lacks standing to make this application.

The rule as to standing has been laid down by this Court in a number of recent cases, the most important of which is The Australian Conservation Foundation Incorporated v. The Commonwealth of Australia (1979) reported in 28 ALR 257. It is clear that an ordinary member of the public has no standing to sue to prevent the violation of a public right such as the alleged breach of a section of the Tasmanian Rivers Pollution Act, unless he has, at the same time, a private right of his own which was interfered with or had suffered special damage peculiar to himself.

A mere intellectual or emotional concern with what is being done to the environment does not amount to damage or interest within the meaning of the rule. That is plainly established by the Australian Conservation case. Nor can a person who lacks any special interest give himself one by causing warrants to be issued for the apprehension of Federal Ministers.

For the reasons that I have given it is clear beyond a doubt that the applicant has no standing to bring these proceedings.

They are therefore dismissed.

IN THE HIGH COURT OF AUSTRALIA

EVERYONE

v

STATE OF TASMANIA

REASONS FOR JUDGMENT

Judgment delivered at CANBERRA
on 9th March (oral) 1983
