



Federal Court of Australia  
District Registry: Northern Territory  
Division: General

No: NTD3/2016

**THE ENVIRONMENT CENTRE NORTHERN TERRITORY INCORPORATED**  
Applicant

**MINISTER FOR THE ENVIRONMENT (COMMONWEALTH)**  
Respondent

**ORDER**

**JUDGE:** JUSTICE WHITE

**DATE OF ORDER:** 21 October 2016


**WHERE MADE:** Adelaide

**THE COURT NOTES** the parties' agreement that the decision to which the consent orders below relate be quashed and referred to the Minister for further consideration according to law, on the basis that the result of the exercise of the power was, because the means by which compliance with some of the matters specified in the decision notice was to be obtained, uncertain.

**BY CONSENT THE COURT ORDERS THAT:**

1. Pursuant to s 16 of the *Administrative Decisions (Judicial Review) Act 1977* (Cth) (ADJR Act), the decision of the delegate of the Minister dated 26 October 2015 that the operation of the marine supply base at Port Melville, Melville Island, Northern Territory is not a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the Decision) is quashed.
2. Pursuant to s 16 of the ADJR Act, the matter to which the Decision relates is referred to the Minister for further consideration according to law.
3. The Respondent to pay the costs of the Applicant which are, pursuant to Order 1 of the Orders made by the Court on 13 April 2016, fixed in the amount of \$10,000.
4. The hearing listed for 27 October 2016 be vacated.

Date that entry is stamped: 21 October 2016

  
Registrar