



SQP submits the SQP-ICC legal argument to prevent Coal Mining, Gas Fracking and Port Expansions, in Queensland and New South Wales, Australia to the International Criminal Court, The Hague.

Author: Miriam Clements of Sustainable Quality Purpose [SQP]
www.sustainablequalitypurpose.com | www.victoryaustralasia.com
 contact : miriam.clements@sustainablequalitypremium.com

For the attention of:

The Prosecutor of the International Criminal Court: Fatou Bensouda

Copied to:

Her Majesty the Queen of England,
 Who holds reserve power in Australia, to prevent the alleged crime.

The International Criminal Court holds the power to prevent the imminent environmental destruction due by thousands of future industrial developments. This offers the world a direct mechanism to prevent the contamination, pollution and devastation of ecosystems that accelerate the global population toward the cataclysmic consequences of climate change. Such authority mercifully exists in the unforeseen circumstance that the individuals who direct the world's economic and industrial systems, knowingly advance the ecological collapse of nations.

This crime currently risks the security of all life-sustaining resources that enable the self-sufficient survival of the human population. Calculations forecast the trajectory of expanding fossil fuel extraction, to encompass illness, starvation, pre-mature death and irreversible destruction of ecosystems which also bring about economic, social and infrastructure devastation.

The application of the SQP-ICC context, extracted from the Rome Statute, enables a direct mechanism to prevent this extermination of life [Article 7.1(b)] and avoid the most ostentatious, sophisticated and insidious genocide ever knowingly inflicted [Article 6.c].

This argues the courts authority to prevent what future generations will come to know as the world's most serious crime ever attempted and perhaps prevented; by the International Criminal Court holding individuals directly responsible for their boardroom decisions to destroy. These individuals act against a global scientific consensus that implores it imperative that nations sustainably transition from dirty industry, to ensure the survival of humanity.

The SQP-ICC context argues the Rome Statute to distinguish between the compromise forced upon our life systems by the predominant political, corporate, investment and judicial decision-makers. They currently determine the extent to which they deem the destruction of ecosystems and consequentially human life – is necessary, acceptable or worthwhile - in order to advance unsustainable but highly profitable economic and resource developments. Demonstrating a network of business and governance authority who objectify the sanctity of human life as a justifiable cost of doing business.

This indifference to life permeating a system, is evidenced by the decision makers of the Australian industrial complex, who currently attempt a colossal expansion of coal and gas mining in Queensland and New South Wales. Under the SQP-ICC context, these individuals are alleged criminally liable for knowingly bringing environmental devastation against communities in Australia, India, China and the world.

Australia's water, food, air, temperature, land and ocean system environments, are currently vulnerable to the attack of up to 31 new coal mines ¹ and the plan to become the world's leading gas exporter by 2020; ¹ expanding fracking operations by five times their current output. ² Stretching from the outback to the ocean, from wide-open cattle country to the Great Barrier Reef, ³ finally reaching the atmosphere of international cities, with climate change concluding the conditions of life inflicted to destroy ecosystems, industries and people.

These mines will directly inflict critical conditions against water and agriculture, capable of rendering lands uninhabitable across the continent. They will contaminate drinking water and risk food security by accelerating the silent calamity of rising land and water salinity levels, for which no knowledge or technology currently exists capable of reversing this terminal destruction.

Such vast development of the fossil fuel industry will accelerate Climate Change, with substantially increased carbon emissions,

causing pre-mature death from air pollution, heat waves, fires, floods and rising sea levels that will sink coastal cities. Ocean acidity, bleaching and coral disease will kill the coral reefs necessary to support a living ocean and this impact on marine life will cultivate a lethal cascade toward vast ocean dead zones. Significantly, this will diminish plankton, devastating the provision of “half of the world’s oxygen that is produced via the oceans phyto-plankton photosynthesis”.⁴

“The five global mass extinctions in Earth’s history carry the fingerprints of the main symptoms of global warming, ocean acidification and anoxia or lack of oxygen. These three factors — the ‘deadly trio’ — are present in the ocean today. In fact, the situation is unprecedented in the Earth’s history because of the high rate and speed of change,” states Rogers, Laffoley, International Earth System Expert.⁵

Risking fifty per cent of the world’s oxygen supply, destroying the food provision of the ocean, rendering arable lands terminally barren, thus risking food security, contaminating community’s drinking water and causing toxic air composition, could be considered history’s most serious crime. The Rome Statute ‘recognizes that such a grave crime threatens the peace, security and well-being of the world’, existing ‘determined to end the impunity for the perpetrators of these crimes’.

With every nation in the world currently investing billions, coupled with an extraordinary allocation of time and resource, in attempt to contain this challenge of ‘international concern’; the SQP-ICC context fulfils the courts objective to protect life by utilizing this judicial authority to prevent climate change, with the national judicial system unable, unwilling and failing to do so.

Additionally, this argument acknowledges that the Governor General of Australia holds the reserve powers of Her Majesty the Queen of England, to prevent the continuation of this crime.

Therefore, further to my correspondence on August 29th, 2014, I submit an ‘individual’ referral for the Prosecutor of the International Criminal Court’s consideration, in addition to the consideration of Her Majesty the Queen of England; applying the SQP-ICC context to prevent the individuals responsible from their attempt to expand Australia’s coal and gas mining industry.

In accordance with the Rome Statute Article 6, Definition C, the individuals alleged criminally liable are deliberately inflicting conditions of life upon the nations ‘life sustaining’ ecosystems that will bring about the physical destruction in whole or in part, of several national groups.

Article 7 which defines Crimes against Humanity; recognizes the identical crime relevant to acts committed as part of a widespread or systematic attack, directed against this civilian population, with those alleged criminally liable having knowledge of the attack. Article 7.1(b) and 7.2(b) ‘Extermination’, is defined as the intentional infliction of conditions of life, *inter alia* the deprivation of access to – clean water, arable land, a healthy ocean which provides both oxygen and – food, that is calculated to bring about the destruction of part of a population; by attacking the natural resources essential for their survival.

The SQP-ICC context importantly also asks the Prosecutor to consider arguing the Great Barrier Coral Reef ecosystem as a distinct ‘national group’ of Australia, for which the International Criminal Court could provide direct and complete protection under Article 6, definition C, without requiring the causal link to consequential human destruction. This would validate the amendment of Element 1 and 2 of the Elements of the Crime Text which limits the national group definition to one or more persons, whilst the statute in isolation could defend the coral reef as a National Group of Australia.

The International Criminal Court has the authority to extend criminal accountability directly against the individuals responsible for inflicting this destruction, irrelevant to their corporate or government affiliations. Corporate and independent decision makers are not relieved of liability, due to acts committed pursuant to a government order. [Article 33] and government or state official decision-makers are not exempt from criminal liability due to their official capacity. [Article 28]

This argument embraces Element 3 of the Elements of the Crime text, in that the conduct they attempt is ‘calculated’ by scientists, economists and victims, to foresee the circumstance of harm that they deliberately inflict and the consequence of physical destruction that will ‘occur within the ordinary course of events’ of their development. [Article 30] Article 30 also defines the deliberate nature of their conduct as individuals ‘who meant to engage in the conduct to advance the industrial development with knowledge, as awareness of the circumstance and consequence of the physical destruction that they bring about.

Through Article 30, the Rome Statute establishes that the mental element of ‘intent’, does not require malicious commitment to destroy the national group nor a vindictive attack against the population but only that decision-makers have awareness of the outcome of harm that will occur as a result of their conduct within the ordinary course of events. Currently participants justify their

imposition of destructive conditions of life, as a necessary or acceptable cost of doing business, in pursuit of profit, economic advantage, power, energy provision or otherwise. Diplomatically disguising their destruction .

This alleged criminally liable conduct of individuals within the industrial complex, takes place in the context of a manifest or emerging pattern of similar conduct directed against the national and international groups and populations, [Element 5] as statements and orders are issued to deliberately and 'manifestly' progress industrial developments and operations.

The nature of such business developments is to plan, finance, license, construct and operate the industrial activity, by issuing statements and orders, publications, press releases, license applications and consents, with legal, financial and expert justification. This systematic progression for each development is executed to pursue shareholder benefit based on standard corporate boardroom and government licensing protocols and as such, evidence a manifest, consistent pattern of facilitation.

The consequences of coal and gas developments is extensively evidenced to scientifically connect causality between the micro environmental destruction that determines the macro impacts against ecosystems and global populations. This concludes the responsibility of decision makers for advancing the physical destruction of humanity, traced directly to their daily decisions.

This slow motion death march that is consuming life in the ocean and on land in real time, renders us both witnesses and victims to what many scientists now consider to be a 'sixth extinction event'; with estimates for flora and fauna loss by the end of this century to be between 20% to 50% "of all living species on earth".

⁶ Extensive research evidences that fossil fuels are bringing about this extinction as the only one of the six extinctions that will be man-made and as such it becomes a moral imperative to enforce an end to that which is causing this extinction; yet conversely, those with Australia's business and governance power, advance destructive developments feverishly; regardless of the economically viable alternatives and with awareness of the severe consequences against the national populations.

The 2013 paper titled 'Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel, by Richard Heede, traces direct responsibility for 63% of cumulative worldwide emissions of industrial CO₂ and methane to 90 investor-owned, state-owned, and nation-state producers of coal, gas, oil and cement, based on the carbon content of marketed hydrocarbon fuels;⁷

The scientific evidence of causality is extensive, yet the national courts have proven themselves regularly unable and unwilling [Article 17] to recognize this direct link between the fossil fuel industry and the crime of ecosystem destruction, climate change and this severe attack against human life. In the most recent Supreme Court ruling, they acknowledged emissions but determined that the court accepts the inevitability of gross devastation to effectively be within the ordinary course of events [Article 30], without willingness to attribute accountability, thus shielding those committing the crime from criminal liability. [Article 20]

This justifies the right to jurisdiction for the International Criminal Court to bring to life, this sleeping giant of legislative environmental and human rights protection. Providing the world with an international judicial power of moral obligation that could establish precedent to prevent new industry that will foreseeably cause widespread, large-scale or severe devastation, contamination and pollution; where the national governance and judicial systems continue to co-operate with business interests to advance our annihilation.

Whilst the sustainable development alternatives exist to empower economies, provide jobs and contribute taxation to society; the economically motivated decision makers of this time, remain committed to a destructive industrial model, possibly because profits can be in excess of ten times that of sustainable substitutions and their control and monopoly of these industries is well established. Therefore, as the only judicial argument available to protect life from this reigning network of power, the willingness of the International Criminal Court to apply the SQP-ICC context against them, will determine the dignity or devastation of future generations.

The successful prosecution of this case would effectively render the expansion of dirty industry to be illegal and consequently force all future investment and development toward sustainable initiatives that do not contribute to climate change. Obsolescence forced upon this globally predominant business of gross human and environmental destruction is necessary, yet national judicial systems established to protect national economies prove unwilling to rule with consideration that would force their demise or penalties severe enough to inspire change.

Therefore, with enforceable penalties of up to 30 years to life imprisonment and personal financial forfeitures able to be ordered against those alleged criminally liable, the International Criminal Court's threat of punishment is significant enough to

prevent decision makers in pursuit of lucrative profit and power, from advancing the obliteration of human health, human life and environmental ecosystems, against future generations.

Upon initiating an investigation, the courts review of this case, leverages perhaps one of the greatest opportunities for the protection of life that the Rome Statute offers the victims. Whereby decision makers wishing to eliminate their alleged criminal liability for the conduct profiled, can avoid punishment due to Article 25.f. This provides for their voluntary and complete abandonment of this crime, or otherwise their attempt to prevent the completion of the crime, in order to remove the threat of personal imprisonment and financial forfeiture.

Individuals alleged criminally liable

This compromise forced upon the life and health of the Australian people, the Chinese and Indian end users and the global population is justified as driven by demand for coal and gas decreed by China and India. Resource forecasters HDR Salva predicted India's imports of thermal coal will increase from 136 million tons in 2013 to 425 million tons in 2030; and that Chinese imports will more than double from 212 million tons last year to 545 million tons in 2030.

Such figures which signal up to and possibly more than 300% growth in deathly fossil fuel consumption, demonstrates the global persuasion attempted by governments and business that their international collaboration to prevent climate change at talks like Cop21, is ineffective or disingenuous. In this case, we witness the governments of three major nations, knowingly facilitating this extermination of life that will bring about a global genocide; corrupted and manipulated by the business and financial interests who intent to develop, regardless of the higher cost of business threatened by the impending world-first uni-polar global tax and trade agreement; a future threat to life itself.

The key developments profiled in this case, include the Galilee Basin in Queensland, where two of Australia's wealthiest business people Gina Rinehart and Clive Palmer and Indian billionaires Gautam Adani and GVK Reddy are advancing the biggest coal project ever undertaken in Australia, on the ancestral lands claimed by the indigenous Aboriginal Wangan and Jagalingou tribes. This will be perhaps the second largest coal operation in the world, and if proceeding, the coal burnt by the Galilee mines alone, would produce more carbon emissions than entire nations like the UK, Italy and South Africa. The 90-year life

for the mines, will commit Australia to a long-term future of coal exports and significant destruction against human life.

In New South Wales, "The government has been accused of "signing the death warrant for - agriculture on - the Liverpool Plains" after the Planning Assessment Commission approved the \$1.2 billion Shenhua Watermark coal mine in the farming region."⁸

⁸ This case is also highlighted within this submission.

It is hoped that the court will consider every single coal and gas mine that currently advances against the human dignity of the local and global populations for a comprehensive rule against further expansion of the fossil fuel industry.

Those submitted for investigation include corporate interests, financiers and the national and local government decision makers. Also proposed are those who provide services that knowingly enable the destructive conduct, such as public relations, advertising, marketing and business consultants, lawyers, accountants and individuals who provide means for the crime to advance. This addresses a highly sophisticated network of contributors who each partially contribute to and benefit from this industrial crime, potentially without perceiving that legislation exists to hold them directly responsible.

Article 25 details that the persons facilitating the crime of inflicting the environmentally devastating conditions of life upon the national group and civilian population are criminally liable where they have had the purpose to aid, abet, provide means for its commission, otherwise assist or in any other way contribute to the attempted commission of the crime".

Thus, this crime encompasses all individuals who participate in the advance of these developments, in both active and passive forms; allowing personal liability to be imposed against a broad consortium within the corporate, industrial and political complex; who without accountability, currently advance this unprecedented, scientifically calculated devastation against life.

Individuals alleged criminally liable for the focus of this investigation, include but is not limited to:

Government Decision Makers:



- Tony Abbott (Prime Minister),
- Greg Hunt (Environmental Minister),
- Campbell Newman (former Queensland premier);

- Tony Burke (former Federal Environmental minister)

Owners and beneficiaries of the Galilee Mines:



- Gina Rinehart (Alpha),
- Gautam Adani (Carmichael Mine),
- GVK Reddy (Alpha / Kevins Corner),
- Clive Palmer (Warratah),

The Governor-General, His Excellency General the Honorable; Sir Peter Cosgrove AK MC, has the capability to exercise complete authority under his reserve powers, he has the capability to ensure the survival and health of the Australian people and global population. He can positively redirect the future of Australia, in order to preserve their life systems and evolve toward the necessary form of sustainable economy.



It should be considered that if such power is not exercised, then Sir Peter Cosgrove would be complicit in advancing the harm through his choice not to action this power, as one of the only authorities existing possible to prevent it, in the interests of Her Majesty, the Queen of England.

Section 61 of the Constitution provides that 'The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth'. Section 2 of the Australian Constitution provides that a Governor-General shall represent the Queen in Australia, to carry out all the functions usually performed by a head of state. The Governor-General retains reserve powers similar to those possessed by the Queen in the United Kingdom.

These powers can be used independently of the Prime Minister and the Queen, including the ability to dismiss a prime minister; to refuse to dissolve parliament; and to refuse or delay royal assent to legislation. The reserve powers exist as a constitutional guardian or umpire, tasked with guaranteeing that Cabinet and Parliament adhere to the fundamental constitutional principles of

the rule of law and responsible government; this enable a Head of State to handle an unforeseen crisis.

UNESCO World Heritage Committee Member

- Permanent Delegations to UNESCO⁹

Algeria - H. E. Mr Amar Bendjama

Colombia - H. E. Mr Federico Alonso Renjifo Velez,

Croatia - H. E. Mr Ivo Goldstein,

Finland - H. E. Mr Okko Pekka Salmimies,

Germany - H. E. Mr Michael Wörbs,



India - H. E. Ms Ruchira Kamboj,

Jamaica - H. E. Mrs Vilma Kathleen Mc Nish,

Japan - H. E. Mrs Kuni Sato,

Kazakhstan - H. E. Mr Nurlan Danenov,

Lebanon - H. E. Mr Khalil Karam,



Malaysia - H. E. Mr Mohd Zulkifli Bin Mohammed,

Peru - H. E. Mr Jose Manuel Rodriguez Cuadros,

Philippines - H. E. Ms Maria Theresa P. Lazaro,

Poland - Mr Dariusz Karnowski,

Portugal - H. E. Mr José Filipe Mendes Moraes Cabral,



Qatar - H.E. Mr. Ali Zainal,

Republic of Korea - H. E. Mr Lee Byong Hyun,

Senegal - H. E. Ms Mame Fatim Gueye,

Serbia - H. E. Mr Darko Tanaskovic,

Turkey - H. E. Mr Huseyin Avni Botsali,

Viet Nam - H. E. Mr LE Hong Phan,



Any Chinese or Indian buyers who contract to receive the coal or gas, thus justifying the demand which inspired these devastating developments.

The key decision making executives of each company, including CEO of Adani Mining Pty Ltd, Jeyakumar Janakaraj



China Stone. Mr.Yao, Chairman, Meijin Energy Group Co. Ltd 10



- MacMines AustAsia - CEO Russ Phillip and Directors
- Pentland Clyde Park and Hughendon - Guildford Coal
- New South Wales, Watermark Coal Mine – Shenhua
- South Galilee Coal Mine - AMCI Directors
- BHP directors for a mine for 500 million tons less than 10 kilometres from the Shenhua location
- Santos Directors for coal seam gas licence to explore for gas across the Liverpool floodplain.

The directors of Bandanna Energy, who advance:

- The Springsure Creek Coal Project, located in Central Queensland 47 kilometres southeast of the town of Emerald, delivered by Springsure Creek Coal Pty Ltd
- The Dingo West Coal Project is a new open-cut mine that is located west of the township of Dingo.
- The South Galilee Coal Project (SGCP) (EPC 1048, EPC 1049, EPC 1179, EPC 1180 and MLA 70453) with an estimated mine life of 33 years, located in the Galilee Basin southwest of the Alpha township, 180km west of Emerald.

The directors of Vale Coal Australia including:

- Belvedere Coal Project - Located near Moura and approximately 175 kilometres from the Port of Gladstone
- Eagle Downs Coking Coal Project – Vale owns 50% – located approximately 20 kilometres southeast of Moranbah in Queensland's Bowen Basin. (2017 – 2026).

Decision makers relevant to advancing the:

- Abbott Point Port Expansion;
- Curtis Island Coal Steam Gas Plant;
- British Gas, Santos, Origin Energy – Curtis Island
- Arrow Energy - Pipeline to the Curtis Island plant.
- Caval Ridge coalmine in Moranbah, operated by BHP Mitsubishi Alliance (BMA).

Directors of companies holding coal seam gas licenses in **QLD** are Arrow Energy, Molopo Energy, Origin Energy, Queensland Gas Company (BG Group), Santos, WestSide Corporation.

Directors of companies holding coal seam gas licenses in **NSW** are Santos, AGL, Petrel Energy, Comet Ridge, Metgasco, B.N.G Pty Ltd, Apex Energy, Pangaea, Clarence Moreton Resources, Leichhardt Resources, Energetica Resources, Drequinil, and Dart Energy.

LNG FACILITIES - Curtis Island

GLNG - Santos & Petronas - Approved Oct 2010 In construction
 QCLNG - QGC & British Gas - Approved 2010 In construction
 APLNG - Conoco Phillips & Origin - Feb 2011 in construction
 Arrow Energy - Shell - Supplementary EIS submitted Feb 2013

Gladstone LNG - LNG Ltd - Approved May 2010

In addition to preventing future developments, this submission requests the courts consideration of ordering current coal operations in Australia to be stopped, including example such as

- Isaac Plains - 50/50 joint venture between Vale and Sumitomo. - Situated near Moranbah in Queensland's coal rich Bowen Basin, the mine is managed by Isaac Plains Coal Management, with John Holland contracted to perform full service mining operations. The current mining lease granted in December 2005 with first export in 2006.
- Vale's Carborough Downs underground mine is located in central Queensland in the Bowen Basin, 20 kilometers east of Moranbah and 180 kilometers southwest of Mackay. Vale has been operator of the mine since 2007 when the Company entered the Australian market and acquired assets from AMCI Holdings. The site is expected to continue producing until 2019, with further potential for the extension of the mine life beyond that timeframe.

Additionally, it is requested that the court consider ordering the halt of the sale of mines and to stop any suspended mines from renewed operations, with examples including:

- Vale's Integra Mine complex – located ten kilometers from the township of Singleton in New South Wales' Hunter Valley – Vales owns 61.2%. Operations at the Integra Coal complex were placed into care and maintenance in July 2014 and currently remain suspended. The decision was made due to the operation being considered economically unviable in present market conditions. This decision was taken unanimously by the joint venture's partners – Vale, Nippon Steel, JFE Shoji, JFE Steel, Posco, Toyota Tsusho Australia and Chubu Electric Power Co.
- Degulla Coal – Vale – Brazilian miner Vale has listed its Australian coal assets up for sale, following Vale's billion dollar write-down of its Australian coal assets earlier in the year. Coal miners are under intense pressure amid falling prices for the material, with Rio Tinto, Glencore Xstrata and Peabody Energy among miners to have delayed or cancelled projects in Queensland and NSW 11

A comprehensive approach could broaden consideration to other industrial operations which may be contaminating the Harbour's catchments, such as in Gladstone include:

- Queensland Alumina Ltd (QAL) - one of world's largest alumina refineries producing 3.95 million tons of alumina per year. Located at Parson's Point south of Gladstone.
- Boyne Smelters Ltd (BSL) – located at Boyne Island. Largest aluminum smelter in Australia producing more than 560,000 tons aluminum per year; using alumina produced by QAL.
- Cement Australia Gladstone – located at Fisherman's Landing. Largest cement plant in Australia producing 1.7 million tons per year.
- Orica Australia – located at Yarwun. Manufactures sodium cyanide, nitric acid, ammonium nitrate, chlorine and derivatives. Imports raw materials via port facilities
- NRG Gladstone Power Station – Queensland's largest power station generating from 4 million tons of coal each year.
- Port of Gladstone
- Rio Tinto Alcan Yarwun (RTAY) – alumina refinery at Yarwun.
- Queensland Energy Resources (QER) – shale mine



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Applying the SQP-ICC context extracted from the Rome Statute to prevent climate calamity bringing about physical destruction, including heatwaves, fires, floods, drought and starvation, contaminated underground water and poisoned food supply, air pollution and respiratory deaths; the economic and social impact of dead coral reefs, oceans dead zones and rising sea levels; and to protect one of the seven natural wonders of the world.

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 contact : miriam.clements@sustainablequalitypremium.com

The crime alleged, deliberately inflicts conditions of life, which are calculated to bring about the physical destruction, in whole or in part, of national groups. It applies as a systematic attack against the life systems which provide populations with the ability to self-sufficiently survive, which will bring about the destruction of part of the civilian population.

The Great Barrier Reef

Home to a quarter of all species that exist in the world's oceans, the Great Barrier Reef is dying. Now, dredging sediment from port expansions and pollution from increased ocean freighter traffic, along with coral bleaching and ocean acidity from the coal and gas industrial induced atmospheric change, are inflicting terminal death and disease against the fish and the reef. This is cumulatively calculated to completely kill what we celebrate to be one of the seven natural wonders of the world.

More than 50% of the Great Barrier Reef is already dead and it remains without any adequate safeguards against those charged with its protection. The government responsible, moot meaningless measures to safeguard the reef, within a rhetoric to promote public acceptance for their unhindered continuation of industrial development. They actively try to overcome restrictions

placed against further industrialization, regardless of the scientifically calculated forecasts of physical destruction. Recently, the international agency required to hold the government to account, UNESCO has joined this agenda of compromise. And the national judicial system demonstrates itself unable and unwilling to judge comprehensively, by offering inadequate protection against dredging but providing no defense for the reef against climate change and the transformation of this natural wonder into the world's busiest super-tanker highway.

Yet the ongoing negotiation that compromises this life system to allow the expansion of coal, gas and ports, conflicts entirely with what reef scientists like Australian Mark Diesendorf, reinforce, in that "the time has passed for strict conditions on development, and even a total crackdown may be too late." - "I can't see us saving the Barrier Reef to be honest," he said. "If we really pulled out all stops, not just in Australia but around the world, we probably could save it. But it will likely come too late to stop some very serious impacts."

A report published in 2012 by the Australian Institute of Marine, evidenced that Australia's Great Barrier Reef, has lost more than half its coral cover since 1985, and that at the current rate of the reef's demise, researchers evidenced that the Great Barrier Reef will lose half of its coral cover again by 2022. This means the reef's demise is clearly calculated to continue based on existing industrialization, which will escalate with expansion.

Another study published on November 15, 2014, modelled the prospects of the reef using a decade of data, finding that there was a "very high likelihood" of living coral cover plummeting below 10%, taking the Great Barrier Reef beyond what other studies define as the "tipping point", that would threaten the reef's ability to recover and grow, due to "Pressure on the natural communities from human activities" that "show signs of rapid degradation. ¹² <http://www.esajournals.org/doi/abs/10.1890/14-0112.1>

This marine area is under assault from industrial causes and forces that ultimately result in climate change. The conditions imposed by new and recent industrial developments detailed in this submission, have been calculated extensively by scientists, to foreseeably devastate, smother, poison and destroy this iconic national group; and as such determining the crime.

The Great Barrier Reef is the world's largest coral ecosystems, featuring nearly 3,000 individual reefs within 133,205 square miles. The reef teams with an extensive range of exquisitely delicate, marine life species. It is also one of the world's most stunningly beautiful and culturally important life systems, which

impacts all national groups in the world. The reef is registered as a World Heritage Site that asserts that its protection is a case of 'international concern', as is required by the International Criminal Court to consider this case.

This stunning account of nature was described in part, by renowned Australian Scientist, Tim Flannery, prescribing what had "fascinated scientists is the way the myriad reef organisms co-operate to create such a prolific ecosystem. The trick lies in give and take: coral polyps and giant clams allow their tissues to be colonized by algae, which, in return for shelter and nutrients, provide food < and oxygen > via photosynthesis. The reef organisms even co-operate to produce clouds, by releasing cloud-seeding molecules into the atmosphere, so that the reef is protected from ultraviolet radiation."

This intricate depiction of the reef, indicates a complexity that perhaps those who only have business or political expertise, lack the intellect to appreciate or the wisdom to protect; thus enabling the eagerness and ease with which they advance its extinction and the consequent destruction this will cause for the human population.

However, when this labyrinth of nature's intelligence is considered as a human inclusive ecosystem, that is intensively integral to the global life system; then the issue of its mortality, correlates with the power designated by the Rome Statute, to protect it. The statute preamble references our need for "consciousness" with regards to the "delicate mosaic" of "common bonds", "cultures" & "shared heritage", "that may be shattered at any time". Indeed this delicate life system is being systematically traumatized by large industrial developments, which will entirely kill the reef, if not prevented from persisting.

The Great Barrier Reef in its natural state as an uncontaminated ecosystem, provides substantial economic value for the Australian economy, worth almost US\$5.8 billion per year. It generates nearly 69,000 full-time jobs, which can be maintained long-term if the reefs life is protected, unlike the short term contribution to the economy due from coal and gas extraction.

Coral reefs are a predominant foundation of the ocean food chain. Nearly half the fish that human's eat, make their homes around them. Hundreds of millions of people worldwide - by some estimates, one billion across Asia alone - depend on them for their food and their livelihoods. "Coral reef damage greatly affects food security, income, the stability of the whole ecosystem, and could increase the threat of coastal disasters," Jensi Sartin from Reef Check Foundation.

Water quality is a significant problem for the Great Barrier Reef. Increasing pollutants and nutrients are damaging corals, sea grass and other important marine habitats. There is also emerging evidence that poor water quality can encourage populations of a damaging starfish, known as crown-of-thorns, which are plaguing the reef and contributing to its demise.

The industrial contamination of this life sustaining food supply will bring about a serious risk to the health of the national group of people; where the increase in heavy metals and contamination in the water, is affecting the quality of a primary food supply and consequently inflicting illness, disease and premature death.

Direct cases evidencing the industrial destruction of water quality impacting the food supply, include examples such as Ted Whittingham's fishery business. His livelihood collapsed as a result of fish disease caused by a high level of heavy metals as a result of the Gladstone Port Expansion. The locations which have endured heavy industrialization and port expansions have many such case examples which can be gathered for evidence.

Sustainable industries like tourism and fishing rely on a healthy reef. Without healthy coral, then fish, crabs, mollusks, sea turtles, manatees, dolphins, skates, many other fish species will become toxic, sick or extinct and sharks all disappear.

The extinction of sharks indicates an even more dire situation of ocean and human destruction. Dr. Stuart Sandin of Scripps Institution of Oceanography, describes an ocean without sharks to be "most likely a sickly underwater swamp populated by algae, jellyfish and microbes, where reefs lie in rigor mortis and fish are hard to see in the murky water. Without the sharks to eat the species that prey on the algae-eaters, those algae-eaters will decline, leading to an accumulation of biological refuse that eventually chokes out almost everything else, such as colorful reefs and its enchanting selection of species, such as the sea dragon. A once thriving reef lorded over by sharks, will become a great, slimy oceanic bog".

Currently shark populations have depleted by 90 – 97% across the world as such we live at a time when astute management of any nation, requires an uncompromising position to protect the delicacy of the life systems that support life for all species, but especially sharks, in giving consideration for the powerful indirect interactions that can control entire ecosystems, like trophic cascades, which require species like sharks are protected to ensure survival of the entire ecosystem.

However, the Australian decision-makers demonstrate their inability to manage the complexity of a life system so endangered. They even demonstrate their lack of sensitivity to this complex situation that requires astute intelligent management through actions such as their recent attempts to exempt Western Australia from national environment laws, in order to actively facilitate shark culling, in 2014 and since.¹³

The secondary effect of Coal and Gas Mining related impacts, will be to bring about the physical destruction of the broader ocean system, thus destroying a larger number of the national and international human group. However, millions, possibly billions will be affected relative to this substantial contribution toward climate change; therefore profiling a crime where individuals alleged criminally liable are effectively contributing to the physical destruction of humanity, in whole or in part.

If the world's coral reefs vanish, it threatens the existence of entire nations, as hunger, poverty and political instability would ensue for hundreds of millions of people. "Whole nations will be threatened in terms of their existence," said Carl Gustaf Lundin of the International Union for the Conservation of Nature.

Shipping Traffic Pollution from fuel, noise and spills

If these coal, gas and port developments advance, then it will double the number of fossil fuel freighters that will be passing through this World Heritage site, transforming the international treasure of the Great Barrier Reef into the busiest industrial super tanker highway on the world's oceans.

The environmental impact of shipping has been calculated to include greenhouse gas emissions, acoustic pollution, oil pollution and premature death to humans; all of which represent deliberately inflicted conditions of life, that will bring about the physical destruction of the national group, in whole or in part; which is a crime as recognized by the Rome Statute.

Campaigner Felicity Wishart, reflects the sentiment shared by many who recognize the importance of this ecosystem to life and culture, "The reef is one of the world's great natural wonders and we cannot allow it to be turned into an industrial park and a shipping super-highway". Environmentalists profile increased shipping as one of the primary consequences of the nation's unprecedented resources boom, which will see US\$500 billion invested into gas, oil and mining projects in coming years, at a catastrophic cost to the environment and people.

The enormous expansion of all the proximate ports in Queensland and New South Wales, will ready the world's largest coral reef to become a hub for bulk carriers transporting to the Asian markets. Given the public funds invested in these expansions, exploiting its future potential will also become a focus for the Queensland economy to reap the economic value of their investment and harm will escalate.

Mark Diesendorf, an ex-government scientist now based at the University of New South Wales, warns that the mining-rich nation faces the loss of natural heritage such as the Great Barrier Reef if the rampant development continues. "We are greatly expanding coal mining, coal exports, coal seam gas production and other industries which are likely to have very huge impacts, not only on our environment but ultimately on our whole economic future," said Diesendorf. He continued "It's really a clash between long-term goals, which are sort of treated as political aspirations rather than real programmes, and what (the government) see as short-term necessities."

Projections indicate that transits through the Great Barrier Reef will increase from the current level of 14,000 to around 80,000 per annum, due to coal and gas mining. These expansions will increase the number of shipping transits over the reef by 25 times the current movement. By 2020, an estimated 7,000 ships will traverse the reef every year back and forward, up from 5,000 in 2010.

The Abbott Point Port expansion for the Galilee Mines will contribute considerably to fulfilling this estimate of ship trafficking over the natural wonder of the reef. At a capacity of 250 million tons per annum shipping transits from Abbott Point alone, could range from 625 to 4,180 each year dependent on the ship sizes at 40,000 to 80,000 tonne Panamax or a super-sized 400,000 tonne Chinamax ship. This will increase the current transits that total approximately 170 per year with smaller Panamax sized vessels. One-fifth of the increased number of coal freighters will come from Newcastle as the world's biggest coal export hub in NSW. From the NSW port location, Asia-bound ships already queue for weeks outside the Australian port of Newcastle; with an endless stream of coal trains transporting coal from the mines to port.

One of the greatest environmental risks, is that the increased traffic will heighten the probability of accidents. The region is littered with wrecked vessels, and doubling the number of voyages elevates the probability of such accidents. In 2010, the Chinese freighter, Sheng Neng 1, crashed into the reef and

leaked oil. The vessel went aground with 1,075 tons of thick engine fuel. At the time, officials declined to estimate the details or danger of the oil leak but it was ultimately admitted that the ship released 4 tons of fuel into the water and damaged 3 km of reef. At the time, Prime Minister Kevin Rudd promised a full investigation to identify and punish those responsible.

It is possible for the court to recognize that such conditions of life are not acceptable to inflict upon a natural living global cultural icon. Given that this harm can be calculated and is foreseeable, it is possible to consider pro-active prevention of such harm. This is an example of a situation which validates the application of the SQP-ICC context which argues that the Great Barrier Coral Reef should be considered to be a 'national group' of Australia, in its own right; worthy of direct protection under the Rome Statute. The prosecutor is asked to consider making this argument that would validate an amendment of the 'elements of the crime' text to allow the direct protection for this reef system without requiring the direct causal link to human destruction.

Shipping Noise Pollution is also a high impact 'condition of life inflicted' upon the reef that has an unexpected casual impact on the destruction of this ecosystem sustaining human survival.

Large international cargo vessels and super-tankers are constantly in motion, producing noises from their engines, propellers, generators and bearings. The problem with this noise is that it dominates the frequency ranges of 20-300Hz, which is the same range used by many species, such as whales. This makes it hard for marine life to communicate and, more dangerously, to distinguish ship noise from natural sounds.

In addition to interfering with their quality of life and destroying a frequency that should be protected for their communication; another consequence can be accidental collisions, which is one of the leading causes of death for whales around the world.

Ship noise, particularly where it becomes too constant, may also be a cause of whales and other marine life to abandon their habitats, due to immense discomfort, perhaps pain and obvious interference with their ability to live as naturally intended.

The problem is greatest in coastal areas and around busy ports. Therefore, the ocean life in deeper waters bordering the reef will also be affected by the Galilee Coal Mines and this impacts the human group in a way not often considered specifically in

relationship to our need to protect the life of whales, for the sake of the oceans survival and carbon balance.

The decline of great whales, is evidenced to have major effects on fish populations and the cumulative effect of the industrial expansion, will decrease the whale population. The decline in great whale numbers, is currently estimated to be at least 66% and perhaps as high as 90%.

A paper titled, 'Whales as marine ecosystem engineers', details that the decline in whale populations has negatively altered the structure and function of the oceans.¹⁴ Another paper titled, 'The Whale Pump' published "marine mammals enhance primary productivity in their feeding areas by concentrating nitrogen near the surface through the release of flocculent fecal plumes. Even with reduced populations, marine mammals provide an important ecosystem service by sustaining productivity in regions where they occur in high densities.¹⁵

Although an invisible threat, the Convention on the Conservation of Migratory Species has identified ocean noise as a threat to marine life. The noise produced by ships can travel long distances, and marine species who may rely on sound for their orientation, communication, and feeding, can be harmed by this sound pollution. Noise pollution is a major and often deadly menace to not only whales but against all ocean wildlife and as such increasing shipping traffic over a marine life sanctuary, would be against the interests of the reef and oceans survival.

Shipping Fuel and Emission Pollution is another silent threat. The International Maritime Organization (IMO) estimates that carbon dioxide emissions from shipping were equal to 2.7% of the global human-made emissions in 2007; other research asserts it is currently responsible for up to four per cent of emissions and the IMO expects them to rise by as much as 2 to 3 times by 2050 if no action is taken. Trade with China and India will increase the number of vessels navigating the ocean and exacerbate many of the environmental problems.

The fact that emissions from shipping alone, may rise to account for 10% of global emissions within 35 years, is understandably due to commitments like the Galilee, Shenhua and Curtis Island Coal and Gas Mines, with up to 90 year licenses extended and the demand invited by India and China. This collaboration ensures the unsustainable model of commodity exports commits to this trajectory of human and environmental catastrophe.

Air pollution is generated by diesel engines that burn high sulfur content fuel oil, also known as bunker oil, producing sulfur dioxide, nitrogen oxide and particulate, in addition to carbon monoxide, carbon dioxide, and hydrocarbons. Conventional pollutants change the composition of the air. Of total global air emissions, shipping accounts for 18 to 30 percent of the nitrogen oxide and 9 percent of the sulfur oxides. Sulfur in the air creates acid rain which damages agriculture crops and buildings. When inhaled the sulfur is known to cause respiratory problems and even increases the risk of a heart attack.

Shipping diesel exhaust fumes have been classified by International Environmental Agencies as a likely human carcinogen, which recognizes that these emissions from marine diesel engines contribute to ozone and carbon monoxide non-attainment. They fail to meet air quality standards, as well as inflicting upon people, adverse health effects associated with ambient concentrations of particulate matter and visibility, haze, acid deposition, and eutrophication and nitrification of water.

In addition to this destruction of health, a scientific article published by the American Chemical Society journal Environmental Science & Technology demonstrated that the number of people who are actually 'dying' from heart and lung disease as a result of under-regulated shipping emissions totaled 60,000 in 2002, and that death toll was estimated to grow by 40 percent by 2012, due to continued large increase in global shipping traffic.

This study by Dr. James J. Corbett and Dr. James Winebrake, titled "Mortality from Ship Emissions: A Global Assessment," was the first to estimate global premature deaths linked to harmful emissions from ocean-going vessels.¹⁶

The research relates emissions of particulate matter from ships to annual cardiopulmonary and lung cancer deaths. Diesel-powered ocean-going ships burn some of the dirtiest fuel on the planet today with almost 2000 times the sulfur content of highway diesel fuel. While air pollution from diesel trucks and buses has been reduced by over 90 percent over the last several decades, emissions from international ships have risen virtually unchecked.

"Ship pollution affects the health of communities in coastal and inland regions around the world, yet pollution from ships remain one of the least regulated parts of our global transportation system. In considering that more than half the world's population living in coastal regions and freight growth is outpacing other

sectors, shipping emissions desperately need to meet stricter control targets."

Climate Change and the Great Barrier Coral Reef

Once the coal is loaded ready for an export voyage, it must be shipped safely through the reef on to India, where it will be burned in great coal-fired power plants. Once burnt, it will attack the reef again within the month, when the carbon dioxide emitted will re-enter the atmosphere over the reef, increasing the temperature and raising ocean acidity; both of which are the major ocean repercussions of Climate Change.

The government's own Great Barrier Reef Marine Park Authority official report clearly acknowledges that the "the greatest threats facing the Great Barrier Reef ecosystem are from climate change. The individual threats of increasing sea temperature, ocean acidification and rising sea levels are assessed as very high risk to the ecosystem and will act across the entire region.

While climate change will affect all parts of the Great Barrier Reef, the compounding effects of threats associated with catchment runoff (including contaminated groundwater from coal and gas developments); coastal development (port expansions); and some extractive use, means that the near-shore environment, next to developed areas is the most at risk." These threats combine to weaken the resilience of the Reef and limit its ability to recover from serious disturbances, such as the increasing frequency of major coral bleaching.

The Climate Change elements develop due to the reefs shallow water cover, which heats up quickly in hotter temperatures and does not have the advantage of deep waters to dissipate the sun's heat. According to a description published in the Guardian, this causes coral to die. In detail "Corals die from a curious cause when the water in which they grow warms up. Unaided, the coral polyp is unable to feed itself sufficiently. So it shelters algae in its tissues, which capture sunlight and produce food using photosynthesis, which is then shared by the coral. In what is a kind of business partnership, the coral contributes nutrients and shelter in return. But the algae can only photosynthesize efficiently in relatively cool water. As the water warms, the algae produces less food, until the algae costs the coral organism more than it is worth to maintain. Then the polyp ejects the algae. Incidentally, it's the algae that give the coral its colour; and so when it's ejected, the coral takes on a ghostly white hue, giving rise to the term "bleaching". If the hot water lingers for six weeks or more,

the polyps die of starvation, and a green slime replaces the wonders of the reef."

The timing coinciding with this effect corresponds with the flourish of intensively industrialized production economies. The Guardian article continued, "The first bleached coral appeared on the Great Barrier Reef in the 1970s, and each decade since has seen more and more catastrophic bleaching events, some of which have killed up to 60% of the coral on the reef. You might think the corals could adapt, but studies show that the warming is now happening so fast that it is outstripping the ability of corals to migrate."

"Many scientists believe the vast majority of the reef will die if the planet warms by as little as 1.5C above its pre-industrial average. We are perilously close to having emitted sufficient greenhouse gas to achieve that. Some of the carbon dioxide is dissolved into seawater, where it forms carbonic acid, causing a phenomenon known as ocean acidification. This makes it vastly harder for organisms to lay down a calcareous skeleton. Our oceans are already 30% more acidic than they were at the beginning of the industrial revolution, and in sensitive regions this is already having catastrophic effects. The North Pacific is particularly vulnerable to acidification, and it may offer some insights into what is ahead for the reef. Already, large economic and natural impacts have been felt as the North Pacific has acidified. The impacts of acidity on corals are only now beginning to be investigated. Much remains to be learned, but all stages of the coral lifecycle appear to be vulnerable, with fears that the effects will be greatest on eggs and spawn."

Over the past 20 years the reef has experienced unparalleled rates of bleaching and additional warming of 1 °C, caused by industrial impacts bringing about climate change. As this continues it is expected to cause substantial losses of species and of associated coral communities. A CSIRO report predicts that a temperature rise of between two and three degrees Celsius will see 97% of the Great Barrier Reef bleached annually and will lead to its eradication.

The United Nations Framework Convention on Climate Change (UNFCCC), in Article 1, defines climate change as, "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods". The UNFCCC distinguishes between "climate change" due to human activities which alter the atmospheric composition, and "natural climate variability".

Burning fossil fuels – coal, oil and gas – that were stored in the earth, combines their carbon with the air's oxygen to produce CO₂. This has dramatically increased the CO₂ in the air which has been scientifically measured over the last fifty years and supplemented by assessments of 650,000 years of polar ice.

The cumulative outcome of the coal and gas developments will ultimately lead to the broader ocean's death by acidification and disease. Robert Hunziker wrote an excellent summary, which detailed that acidification will, as long as fossil fuels predominate, methodically, and assuredly, over time, kill the ocean. He verified that scientists have evidenced that use of fossil fuel, in large measure, is the primary pathway behind this impending extinction event.

The extinction event already appears to be underway according to the 'State of the Ocean Report', 2013 from the International Programme on the State of the Ocean (IPSO): "This [acidification] of the ocean is unprecedented in the Earth's known history. We are entering an unknown territory of marine ecosystem change. The next mass extinction may have already begun."

"By 2050, the loss of critical habitats such as coral reefs and mangroves was expected to contribute to "substantial declines" for tropical fisheries, on which many human communities depended", Dr Jean-Pierre Gattuso, from the Laboratoire d'Océanographie published in The Journal of Science, in France. "The oceans are closely tied to human systems and we're putting communities at high risk." According to Dr Rashid Sumaila, director of the Fisheries Economics Research Unit at University of British Columbia in Canada.

"If we continue on the current trajectory, we are looking at a mass extinction of marine species, even if only coral reef systems go down, which it looks like they will certainly by the end of the century.>"; according to Dr. Richard Feely and Dr. Christopher Sabine, Oceanographers. "When you get to the extremely high CO₂ almost nothing can tolerate that," according to Jason-Hall Spencer, PhD, professor of marine biology.⁵

Despite the ocean's critical role in regulating climate and providing food security and livelihoods for millions of people, international climate negotiations have only minimally considered impacts on the ocean.¹⁸

Excessive quantities of CO₂, of which the ocean absorbs 30% of CO₂ emitted into the atmosphere, are changing the ocean's chemistry, called acidification, which eventually has the potential

to kill most, but not all, ocean life forms. Hunziker's article detailed the problems found throughout the entire marine food chain from the base, plankton - showing early signs of reproductive and maturation complications, to the largest fish species in the water.

The rate of change of ocean pH - measure of acidity - is 10 times faster than 55 million years ago. That period of geologic history was directly linked to a mass extinction event as levels of CO₂ mysteriously went off the charts. Ten times larger is big, very big, when a measurement of 0.1 in change of pH is consistent with significant change. According to C.L.Dybas, On a Collision Course: Oceans Plankton and Climate Change: "This acidification is occurring at a rate [10-to-100] times faster [depending upon the area] than ever recorded."

In other words, as far as science is concerned, the rate of change of pH in the ocean is "off the charts." Therefore, and as a result, nobody knows how this will play out because there is no known example in geologic history of such a rapid change in pH. "Today's human-induced acidification is a unique event in the geological history of our planet due to its rapid rate of change. An analysis of ocean acidification over the last 300 million years highlights the unprecedented rate of change of the current acidification.

The most comparable event 55 million years ago was linked to mass extinctions. At that time, though the rate of change of ocean pH was rapid, it may have been 10 times slower than current change" Ocean Acidification Summary -Policymakers ¹⁹

The International Criminal Court has the jurisdiction to prevent the industrial developments that are bringing about large scale and severe ocean acidification, which gives them the power to prevent the extinction event scientifically calculated to have begun and which will perhaps occur within current lifetimes. This case examines one of world's most significant crimes as a systematic attack against civilian populations that significantly contributes to a mass genocide certain to occur if the ocean dies

According to Jane Lubchenco, PhD, who is the former director of the US National Oceanic and Atmospheric Administration, "the effects of acidification are already present in some oyster fisheries, like the West Coast of the U.S, "You can actually see this happening. It's not something a long way into the future. It is a very big problem."

"If the current carbon dioxide emission trends continue, the ocean will continue to undergo acidification, to an extent and at rates that have not occurred for tens of millions of years. Nearly all marine life forms that build calcium carbonate shells and skeletons studied by scientists thus far have shown deterioration due to increasing carbon dioxide levels in seawater"; according to Fiona Harvey, ocean acidification due to carbon emissions is at Highest for 300 million Years; which is supported by Richard Feely, PhD ¹⁹

"Climate Change effects are going to be extremely serious, and it's interesting when you think many people who talk about this in terms of what will happen in the future. Our children will see the effects of this. Well, actually we're seeing very severe impacts from climate change already. We're already there." ²⁰

A spiraling collapse that contributes to a grand scale demise of the ocean and the humans it sustains, for which the Galilee, Shenhua and Curtis Island Coal Mine consortium, will significantly contribute. This is a case of international impact that national law has not accommodated any adequate defense for.

Dredging

Dredging involves digging up the seabed and rocks, which destroys the sea grasses and habitats of bottom dwelling benthic marine animals. This affects the fish, molluscs and other sensitive creatures like turtles and dugongs that depend on them. Dredging also throws up fine sediments into the crystal clear waters, increasing turbidity which affects visibility and can smother benthic life. These sediments can drift for kilometers, degrade water quality and cover seagrass beds and coral.

Evidence provided by Pollocks study of deadly white syndrome coral disease, confirms that a devastating circumstance of dredge dumping is that it inflicts lethal harm against this ecosystem. Pollock describes that once the sediment affects the coral and causes white syndrome the reef never recovers. Dredging sediment is a certifiable killer for the reef.

Although current levels of attention given to avoid future dredge spoils affecting the reef is high, dumping remains a concern as the Great Barrier Reef marine park's registered territory does not include many of the Reef's islands or ports, outside the parks boundaries where ocean dumping may likely still occur.

Evidence confirms that dredging can more than double the level of coral disease in nearby reefs and that dredge spoil can create plumes of fine sediment that will drift up to 50 miles from the dumping site and interfere with the coral's ability to survive by reducing the potential for photosynthesis.

Experts state that sediment dumped in a limited location, can be dispersed across the entire coral reef by winds, currents and waves; and it can therefore be calculated that dredge dumping has the long-term capability to kill the entire reef with White Syndrome disease.

Specific modelling has calculated that the dredge spoil plume from a Dudgeon Point expansion, driven by deep ocean currents, could travel north of the Burdekin River mouth and south to the Whitsundays. More dredge spoil would be dumped over time as maintenance dredging is carried out and if new terminals are developed.²¹

The fact is that this poisonous disease may transform dredge dumping in any ocean location that is proximate to the reef to foreseeably lead to its entire destruction. Yet, the dredging of Abbott Point and other ports, may be dumped slightly outside the marine park's borders in surrounding ocean.

Approving a massive amount of sediment to be dumped at a time when the reef's health is so low, directly contradicts the science that implores the world take action to protect this ecosystem. The consequence of this emerging pattern that contradicts the governments written and spoken aspirations to protect the reef; will be the reefs death, which will bring about substantial climate change and human destruction.

Perhaps the most important factor to consider relevant to the risk of dredging, is according to The Australian Centre for Policy Development, these port expansions are not actually required, neutralizing the need for dredging. They are facilitated potentially in pursuit of economic contracts that increase GDP and as such, levels of international power or they are simply the result of poorly conceived corporate planning but they are not operationally necessary.

The Centre for Policy Development published a report in 2013, entitled 'Too Many Ports in a Storm', finding that Queensland is currently only using 65 per cent of the capacity of its existing 15 ports and that capacity will be adequate until 2020. They noted that demand has dropped for the lower quality thermal coal that

the proposed expansions were justified by and excess capacity simply adds extra cost and inefficiencies to the industry.

Regardless, the Galilee coal projects were originally approved by Federal Environment Minister Greg Hunt and the Great Barrier Marine Park Authority in 2013. They licensed the dredging of 3 million cubic meters of sludge, or spoil, for the development of three coal export terminals at Abbott Point, to be dumped directly in the reef's waters. Mining expansion would also instigate the development of ports at Hay Point, Gladstone, Townsville Port, Keppel Bay, Rockhampton and Dudgeon Point, all requiring dredging which will severely disturb the natural processes of the reef and threatening the local sea grass and hard coral environments.

The biggest project expands the Abbott Point port by 5 times its current size, already stretching 2km out to sea, it will become one of the world's largest coal ports. This is the case of current media and judicial notoriety in Australia, against the "North Queensland Bulk Ports Corporation's (NQBP) original plan for dredging within Abbott Point port boundaries and to dump the dredging spoil six miles from Holbourne Island, which sits outside port boundaries but within the Great Barrier Reef National Park.

"The government's decisions to allow dredge dumping was made in spite of thousands of objections registered with the Australian government and Great Barrier Reef Marine Park Authority (GBRMPA) by the environment, tourism and fishing sectors. GBRMPA was under strong political pressure to give an approval once the Australian Minister approved the site off Abbott Point. The Australian Minister set over 90 conditions on the action and GBRMPA set 46 conditions. One condition required was 5 years of monitoring following the dumping, to provide much needed data on the impacts of the dumping on marine life and recovery."²² Yet extensive scientific data already exists to calculate such impacts, based on comprehending a reef that is already fifty percent dead.

If the Dudgeon Point coal terminals are approved, this will include dumping 15 million cubic meters of spoil and each port expansion planned will contribute further. The most important fact remains that it is "unknown how far the dredge spoil plumes will actually go and where", which is unacceptable given scientific evidence which illustrates that sediment will drift for kilometers to devastate the reef with disease, even if dumped outside its borders.²²

Another dredging solution publically contemplated by the Australian and Queensland governments, considered dumping

on a land reclamation zone including wetlands. The proposal appears to have resolved itself as a case to defend the Caley Valley wetlands was destined for the Federal Court in March, did not eventuate because the new Queensland Government officially withdrew its applications to Federal Environment Minister Hunt on 12 March 2015 and they announced that they would not dump dredge spoil on the Caley Valley wetlands.

Wetlands are recognized as internationally significant as they provide habitat for more than 40,000 birds during the Wet Season with more than 211 species of birds at least three of which are listed as threatened. Dredge dumping would have leached contamination from dangerous chemicals accumulated from more than 30 years of the ports operation, into the underground water reserves which would have channeled into the reef and still contributed to its destruction. Still proving a risk to the wetlands, is the rail lines proposed will go through it, which will spread tones of hazardous coal dust from the rail and loading operations and coal stockpiles will inevitably be blown onto the wetlands threatening the wildlife food chain.

Extensive dredging has taken place in recent years for four Liquefied Natural Gas export production facilities from coal seam gas located on Curtis Island and a 5th project for a facility on Fisherman's Landing, all affecting Gladstone Harbour and as such, the Great Barrier Reef. The Curtis Island coal steam processing plant included government approvals for 1.4 million cubic meters of dredging at Port Curtis, near Gladstone and a pipeline to the plant, proposed by Arrow Energy. The first two of these - GLNG and QCLNG - received approval of their EIS from Federal Environment Minister, Tony Burke, in Oct 2010, with 300 conditions. He also gave approval to Gladstone Ports Corporation for their Gladstone Harbour Western Basin Dredging Project with 52 conditions prescribed.

However the licensing conditions do not mitigate the devastating impact of dredging the harbor and the clearing of mangroves and vegetation that took place on Curtis Island. Analysis of a major associated dredging program underway, showed a 'rapid deterioration as a result of the Curtis Island Gas Fracking and Gladstone Port development" according to a UNESCO report.

"The Gladstone and Port Curtis dredging included the Wiggins Island Coal Export Terminal, APLNG and QGC's gas pipeline crossing The Narrows; a tug base at RG Tanna and plans by GPC to duplicate the Gatcombe and Golding Cutting Channels in the outer harbour. Gladstone Ports Corporation was dredging to allow LNG ships to berth at Curtis Island and removed roughly 26

million cubic metres of material from Gladstone Harbour over about two and a half years. About 20 million cubic meters of material was dumped in a reclamation area at Fisherman's Landing and at a location just outside the harbor.

The Wiggins Island project dredged about 2.4 million cubic meters for a berth pocket and swing basin that was to provide access for vessels to the completed terminal and about 10,000 cubic meters was dredged for the barge wharf. Although the dredged material from Wiggins Island is relocated onshore into a reclamation bund and will be utilized for landfill, the sediment during disturbance, still infiltrated the reef. A dredging project called The Narrows, affected the 2.3km Narrows crossing of the QCLNG and APLNG gas pipelines. After the pipelines are laid in the same trench, they will be covered with rock for protection from shipping. A small dredge was also advanced at RG Tanna Coal Terminal to prepare a tug base, amounting to 250,000 cubic meters of material."^{23, 24, 25}

The Curtis dredging was covered by 21 environmental management plans, 20 permits and more than 600 environmental conditions under state and federal legislation, to be managed by Danish company Rohde Nielsen. QGC predicted a minor impact on water quality, turbidity and salinity, and light readings on seagrass are being taken across 16 sites. Yet this is a good example of the government publishing in direct contradiction to the science that proves the sediment causes irreversible disease.

Therefore, the extensive Curtis Island and Gladstone port dredging since 2010 remains an alleged element to the crime under the Rome Statute and whilst it cannot be prevented, it can be prosecuted. The decision makers related to that attack on the human inclusive life system of this valuable ocean group, who included Tony Burke, who licensed the project and Campbell Neman, the former Queensland premiere who incentivized the related Curtis Island Coal Seam Gas Development, are alleged criminally liable for introducing a multitude of environmental impacts, issues and ecosystem sickness, with awareness that they were inflicting conditions of life that will bring about the physical destruction of the ecosystem in part, which inflicts harm upon the national group, in part. This is significantly evidenced by the UNESCO report that bought the devastation they advanced, to their attention, yet they continued.

Developments such as the Hay Point coal port expansion in 2006, is a good example of the time that may pass before the physical destruction can be clearly identifiable, in terms of the impact on

marine life, pollution levels and human health; whereby the consequences develop with significant time lapse.

The Hay Point development was also a clear example that the standards and containment of harm planned on paper, is unlikely to be the reality, even in the rare case that such intentions are actually well managed as the operation develops, therefore future destruction from the Abbott Point and other port developments, has a probability to be equally devastating as that which advanced in Hay Point and Gladstone; but given the larger scale, they are likely to be significantly worse.

The Dredging Deception

The government advanced the plans to dredge and develop these ports in direct contradiction to the 2012 directive by UNESCO, which required that they stop licensing such industrial related damage to the reef as these expansions would all intensify the attack on the coral reef life system.

At the time the UNESCO Committee specifically noted serious concern about this Gladstone port related development, with regards to the environmental devastation caused by dredging. Stating “a single Liquefied Natural Gas (LNG) plant on Curtis Island had been consented, which would impact the reef.” Yet all of the dredging for Curtis Island continued unconstrained.

The UNESCO mission noted concerns including reduced water quality from dredging, inadequate independent, scientific oversight in monitoring water quality, suggested lack of government response when water quality targets are exceeded, impact on traditional use, and lack of satisfaction regarding procedures for public consultation and transparency. Offsets were not a part of the conditions for consenting developments in Gladstone Harbor and on Curtis Island; nor were any appropriate or sufficient mitigation of the impacts required by the government license.

The UNESCO report clearly referenced evidence that demonstrated grave impacts had been suffered by the reef, due to dredging. Yet, the government representatives assert statements that diminishes the harm they advance, without accountability for presenting misleading omissions of truth.

The consistent commitment to conceal the genuine circumstances and consequences that will result from the constructive concerns mounted against the coal, gas and port

related developments, demonstrate deceptive conduct by the government and corporate alliance, who benefit from its advance.

The dredging deception presented by the government decision makers, with regards to water quality, was determined at the outset of approving the Galilee and Abbott Point developments. Greg Hunt explained that he had imposed 148 strict environmental conditions that included ensuring any effect on water quality from the dumping of dredging spoil was ‘offset’.

Mr Hunt said the offsets would require an improvement in water quality by stopping the alternative sources of sediment from entering the Great Barrier Reef Marine Park from land sources, such as agriculture run-off. Greg Hunt’s proposition was to restrict farmers sediment contributions, to falsely rationalize that then sediment devastation from port expansions would be acceptable.

Simply to ‘offset’ will not provide an improvement to the current conditions which scientists already calculate are killing the reef but replace one form of harm with another. Most importantly, to offset the crime, does not eliminate the responsibility for advancing the destruction which remains the crime alleged. Hunt, Abbott and government’s selective preference for one source of contamination, over the other, based on his government and industrial alliances, in addition to him priority for economic objectives versus the destructive consequence of securing their goals, does not diminish this alleged criminal liability for enabling the new form of sediment contamination. Conversely, this meant the destruction was licensed to take place and deliberately inflict harm upon this human inclusive ecosystem, but that a plan was constructed to cover up the destruction licenses for the owners, shareholders and decision makers, whose developments will kill the reef. Licensing an attack justified by stopping an alternative attack, demonstrates a failure to protect the reef from prohibiting both attacks.

UNESCO’s assessment of the reef’s water quality, stated that dredging posed a major threat to the conservation of the property, and that it is the principal driver of the decline in the inshore areas of much of the property. Their report also acknowledged that there was a Reef Water Quality Protection Plan to improve water quality through improved land management in reef catchments, implemented by Federal and State Governments. The program aimed at halting and reversing the decline in water quality entering the reef by 2013, and to ensure that by 2020 the quality of water entering the reef from adjacent catchments has no

detrimental impact on its health. However, preliminary results indicated that it reduced nitrogen run-off from farms by only 14%.

Importantly this indicates that offsets are academic as the port expansions will be immediate, large-scale, high-impact devastation and offset attempt only shows minor, long-term improvement, not significant enough to aid a rapidly deteriorating reef. Therefore, reducing agriculture runoff incrementally whilst introducing substantial new sediment contamination renders the original Hunt - Abbott's promises to mitigate, an exercise in deception.

The recent promise by the Australian government to ban dredge dumping within the World Heritage Site has been a promise diplomatically forced by UNESCO, to avoid the embarrassment of having the reef listed as a world heritage endangered site and as a result of legal cases which remain unresolved in the national judicial system.

Yet, the fact that dumping can occur outside the park boundaries but travel to affect the reef, means this promise shrewdly avoids direct conflict with the specific location registered under UNESCO's oversight and publically infers that the problem is resolved. In their 2012 report, UNESCO touched on this risk by expressing concern about the discrepancy between the boundaries of the Great Barrier Reef Marine Park and the slightly larger ones of the Reef 'property'.

UNESCO's ability to protect through diplomatic narratives, judgements and inspections; is limited to the boarders of a specific area and the fact that their judgements are prescriptive and unenforceable, highlights their limitation that the International Criminal Court could resolve. Although the UNESCO heritage listing is an accolade of value; this organization is not charged with the entire defense of this important life system nor the broader ocean system that will be impacted but rather only with protection of designated areas within the boundaries of the Great Barrier.

This example is valuable for the court to take perspective on UNESCO's ability to impact a situation that will evolve grievous harm, which is limited to expressing statements such as 'The mission considers that these concerns should be addressed prior to any port development and ensure that port facilities and operations throughout the property meet the highest international standards of best practice, to commensurate with the status of an iconic World Heritage property.' Regardless of this valuable and eloquently versed sentiment, the Australian decision-makers

blatantly ignored these concerns and instructions and continued the massive dredging projects unhindered in addition to licensing new dredging projects.

UNESCO therefore cannot enforce the robust defense that the reef requires at this time of such critical vulnerability. Yet all the media hype and profile of UNESCO's attention on the reef's situation, may otherwise lead public and leadership to believe that the matter is in hand and managed but it is not.

Yet under Article 21, the International Criminal Court can consider international treaties and conventions and apply penalties for their breach. Therefore the court is able to enforce UNESCO's otherwise powerless prescriptions, without the political compromise that the UNESCO governing body has clearly subjected against the scientific evidence of destruction.

With recent lobbying politically compromising the reefs protection, in order to consider economic agenda's, the reef therefore has no isolated defense and its destruction is weighed in the balance of an economy buoyant from causing it harm.

This further justifies the importance of the International Criminal Court, whereby the influence of political comradery, PR campaigns, politicians, promises and international persuasion cannot disguise the state of destruction which advances against the national and human group by destroying this reef. The International Criminal Court is also able to broaden protection measures to encompass the entire ecosystem.

The contemplation that Article 21 gives rights of jurisdiction to the International Criminal Court, to empower UNESCO agreements with criminal liability, enforceable penalties and protection from political compromise, yields enormous potential for future defense of environments, culture and human rights.

Amidst all the political lobbying, statements of deception and inability of the international agency to impose the extent of protection required for the reef; the exact plan for managing the dredging currently remains unknown and an announcement in October 2015 is expected.

It could be considered by the court, that if this final dredging plan gains acceptance, then the developments may progress at full speed. Therefore, the timing of this case to prevent the extended account of harm that this profile continues to evidence, has a purposeful urgency.

With or without the dredging contamination, the pollution, shipping, carbon and climate impacts are equally devastating and simply cannot be resolved, disguised or offset. Therefore, the devastation against the reef will continue in full force whether this one element is resolved or not; however such high level focus is given to the issue of dredging as within the national system, this has been a factor that the judicial system has acknowledged and therefore, it provides a chance to prevent the cumulative factors of harm including climate change, which the Australian Judiciary has been unwilling to acknowledge.

General Protection Deception

An ongoing challenge for the life of the reef, is the contradiction between economically and scientifically motivated arms of government. The government agency for the reef, the Great Barrier Reef Marine Park Authority, published a report in 2012, self-classifying the ecosystem as 'Poor, Deteriorated and Deteriorating' and as such, declaring their failure and inability to manage this international treasure. In the case of the authority, it could be considered that they are unable to protect the reef caused by the government and business industrialization and in the case of the government, it could be considered that they are simply unwilling to compromise their economic agenda's to adequately protect the reef. Increasingly, the authority is compromised toward supporting the government agenda.

The government funded report stated, "The Great Barrier Reef ecosystem is under pressure. Cumulative effects are diminishing the ecosystem's ability to recover from disturbances. Some threats are increasing, driven mainly by climate change, economic growth and population growth. There are significant lags from when actions are taken to improvements being evident in the ecosystem." It is important to note that the government reports avoids asserting the direct responsibility of industrial activity for the reefs devastation.

Maintaining the constant of conflicting narratives and actions demonstrated by government representatives, the reef protection agency wrote "there is concern that the reefs resilience is being seriously, and increasingly rapidly, eroded. There is increasing evidence of loss of resistance and recovery capacity. The natural resilience of the Region's values may be being overwhelmed by increases in levels of disturbance, and consequential impacts. Current evidence suggests climate change trajectories remain on course for increasingly serious impacts in the region. As these effects worsen, it is very likely that interactions between climate-related threats and other threats will have increasingly serious

consequences. Maintaining the resilience of the Great Barrier Reef ecosystem will require major increases in effort to reduce local and global threats." Yet again failing to mention coal, gas and port expansions as threats.

After the Marine Park Authority published the report in 2014, that referenced the consequences without mentioning the industrial instigator; the Abbott government continued to license industrialization that posed the greatest foreseeable and severe destruction against the reef; in addition to actively lessening its protection, with actions such as cutting 480 jobs from the Environment Department, who are responsible for protecting places such as the Great Barrier Reef.²⁶

UNESCO also profiled their concerns about the endangered reef in 2012, having originally inscribed this property on the World Heritage List in 1981; as an ecosystem in need of and worthy of international protection.²⁷ In agreement with the national government marine protection agency, the reef specialists at UNESCO listed multiple issues as the threats to the reef.²⁸ A joint World Heritage Centre/IUCN reactive monitoring mission assessed the state of conservation of the property in 2012 and published concerns²⁹

In a report presented to the World Heritage Committee, titled '5 minutes to midnight', the authors asserted themselves as "extremely concerned" about the condition of the reef in 2012 and proposed that the reef be listed as endangered; which was a position taken before gigantic and devastating mining expansions like Galilee and Shenhua were licensed; yet such licenses ignored this formal internationally published concern.

In contrast, the government and Marine Park Authorities avoidance of connecting the causality of these concerns, consistently and carefully alluding to consequences without detailed specification of industrial mining at fault. The 2012 UNESCO experts explicitly referenced the industrial developments as the reefs primary distress. This subtlety demonstrates the nation's governance and business interests, consistent adversity to acknowledge their responsibility for advancing coal and gas developments that they know will cause the destruction of the reef, whilst they contradict themselves to publically promote for its protection.

To demonstrate this gap between the reality and PR narratives, UNESCO identified that in the last 12 years, an unprecedented scale of development which directly affects the reef, has been licensed by the government decision makers and 60% of all development proposals (67 of 108) have been made in the last

five years. This substantial and consistent increase in harmful industrial developments since 2008, was detailed to include projects associated with the export of “Coal and Liquefied Natural Gas and other processing facilities and associated infrastructure, port facilities and dredging, mining and extractive industries, transport infrastructure (excluding port facilities) and pipelines.” Thus identifying coal and gas industrial developments as significant direct impacts against the reefs survival, therefore causing the destruction of the national group.

An earlier UNESCO report in 2009 assessed the future prospects for the reef as poor, and required that decisive protection and management action to be taken in the coming years. The conduct of government, financial and business interests has been in direct contradiction to this directive.

The UNESCO assessment was focused to defend the reef from the direct, indirect and cumulative impacts of industrial developments, to ensure ecological, social and economic balance; acknowledging that the Australian government urgently needed a plan for future sustainable development, the reefs protection and an adjustment of their development behavior.

Most prominently, the earlier UNESCO assessments, required that the government decision-makers apply a highly precautionary approach to consenting new coastal and port developments that might affect the reef. UNESCO clearly stated that this “approach implies that the State Party should not permit any new port development or associated infrastructure outside of the existing and long-established major port areas, within and adjoining the property.

UNESCO also instructed the Australian Government to ensure that development within major port areas is not permitted if it would impact the reef, individually or cumulatively. Recommending that it is essential that no port, coastal or other development that could affect the property should be approved, as it was essential to reduce development and other pressures as much as possible, to enable an increase in the reefs resilience to adapt to climate change.

Yet in direct contradiction to this diplomatic prescription, the government actively licensed and encouraged new mines like Galilee, Shenhua and others, and many related port developments. The government directly advanced public finance for the Abbott Point Port Expansion, making them direct investors in what UNESCO asserted would bring about the reefs destruction and had advised against.

Now in contrast to the earlier position of integrity, UNESCO’s July 2015 decision not list the Great Barrier as an endangered World Heritage Site, when the situation has rapidly deteriorated, highlights a distinct likelihood of a compromised organization. Deeming a half dead and certified dying ecosystem not to be endangered, based on promises of vastly inadequate measures of protection, even with extensive existing industrial attacks currently advancing against this ecosystem. The UNESCO decision is perhaps the most significant recent development impacting the reefs fate as they wielded powerful to protect it.

In 2015 UNESCO decided not to list the reef as endangered, Australia published a large document which misleads those concerned, into assuming that Australia is taking their responsibility to protect the reef seriously and is providing the necessary provisions for its defense. However, if the report is read, it makes a contribution to reducing the threats to climate change, water quality and crown of thorns starfish but literally ignores the major threat to the system which coal mining and gas fracking principally inflicts.

To justify their decision that restrained their duty to protect, UNESCO commended the governments promise to invest more than Aus\$2.0 billion (US\$1.53 billion), to protect the reef over the next decade. The irony of this commitment, is that whilst committing public funds to promote the protection of the reef, the government decision-makers facilitate the industrial developments which will actively destroy the reef, amounting to a cost of destruction far greater.

This self-deception, effectively commits public funds to afford the environmental reparations being directly bought about by the physical destruction of mines like Galilee, Shenhua and Curtis island instigating port expansions, for the primary value of private enterprise; which they knowingly, intentionally, actively advance at a physical, financial and mortal cost to the Australian people and international populations.

This assessment of the reefs mismanagement which had long been threatened by UNESCO, should be considered within its limited context, as a political narrative of diplomatic measure that impacts only, by leveraging reputational threat against the political authorities, in hope to inspire the government’s commitment to speak with greater aspiration about their intention to protect the reef; whilst in reality the government has continued to facilitate the industrial devastation against it, ignoring UNESCO and more recently perhaps evidencing a compromise of the organizations integrity.

Evidencing an exercise of words, to disguise their intent to destroy, the Australian government appears to have successfully lobbied the other UNESCO state parties, in order to avoid this listing of the Great Barrier Reef as an Endangered World Heritage Site.

The Guardian newspaper's headline at that time, transparently proposed Australia's concern for industry ahead of the reef's protection. "Australia lobbies UNESCO to stop it from listing Great Barrier Reef as 'in danger'; stating "Frantic efforts to avoid adverse status for reef which could foil government plans to open up vast region in Queensland for new coal mines." Continuing, "It has emerged that Australian ministers and diplomats have visited 19 countries that provide (UNESCO) committee members, including Portugal, Japan and Jamaica, in recent months, in a desperate lobbying effort to avert an internationally embarrassing blacklisting for the ailing reef."

The article continued "An "in danger" listing for the huge marine ecosystem, the world's largest living entity, would prove highly problematic to mining companies attempting to open a massive fossil fuel frontier in Queensland's Galilee basin, an area of underground coal the size of Britain. Critics insist the Galilee basin projects would devastate global attempts to stay within a carbon 'budget' to avoid runaway climate change. Scientists and green groups, as well as public figures ranging from US president Barack Obama to Hollywood actor Leonardo di Caprio and businessman Richard Branson, have voiced concern over the threat posed by climate change to the reef".

This political lobbying effort was so heavily invested in by the Australian government that the political compromise of the UNESCO agency, may have been metaphorically purchased. The Australian lobbying demonstrably calls into question the potential compromise of this judgement issued by UNESCO, for what should have remained an independent scientific decision, solely focused to protect the health and life of the reef. This political negotiation was leveraged against an entity whose fees are paid for by international governments, who almost all also actively participate in similar forms of destruction against their own local ecosystems. It is only possible to imagine the deals that may have been leveraged behind the closed doors of Australia's lobbying investment to avoid being identified as incapable of managing the reef's life force for all humanity.

The fact remains that the devastation which caused the reef to be threatened with this listing has not been resolved. UNESCO's decision to not list the reef as endangered, directly contradicts the

evidence that clearly accounts for the death and continued demise of the reef and significantly softens their approach from reports highlighted in 2009, 2012 and 2014.

The risk of joining what is considered this "list of shame", would have formalized Australia as a country that could not manage a world heritage site. Australia would have become the only developed nation in the world to have a world heritage site on the endangered list. Ironically, they perceive this listing as an international embarrassment, yet they have presided of the death of 50% of this reef already, and continue to actively facilitate the reef toward a 90% demise and possibly complete extermination.

However, a critically endangered ruling would have negatively affected the Great Barrier's tourism industry. Tourists would consider the Reef to be contaminated, mismanaged, sick and dying and consequently abandon their visits. With close to 69,000 people relying on a reef in good health and the thriving tourism industry this generates, an unhealthy reef would jeopardize those jobs and compromise \$5 billion a year in reliable tourist revenue.

However, both the embarrassment and criminal liability remains existing for the Australian decision makers as evidence demonstrates clearly that the reef is indeed contaminated, mismanaged, sick and dying; and whilst the tourist spots are naturally located where the reef presents in its most healthy state, they cannot disguise the science which determines the reef is dying.

Through negotiating to avoid accountability of a UNESCO endangered listing, the political and corporate influencers responsible, have eliminated a powerful and honest step that this nation could have gained, to impress upon the international consortium of industrial interests, that their pursuit of unsustainable business models, such as coal mines and gas fracking, is no longer an acceptable cost to wage against the survival of this ecosystem and the Australian people.

These traitors within ranks of Australian government and business, 'knowingly' evaded their responsibility to protect one of the world's most important assets. Such a ruling would have enabled Australia the international support, to embark on an essential reversal of developments which advance the death of the reef but instead they demonstrated their continued disregard for this life-system, to fight to protect their industrialization rights.

The assumption that UNESCO transparently protects this life system is now evidenced as difficult to rely upon and perhaps

compromised by a powerful international political complex that supports the continuation of fossil fuel extraction, regardless of the government's public narratives that propose their consideration of climate change. Diplomatic interference and the dismissal of the science in favor of diplomacy, invites the International Criminal Court to diminish UNESCO's relevance. Acknowledging that there may be a division between positions of UNESCO scientists and the UNESCO political class.

The problem with this political exchange between UNESCO and the Australian government, is that it simply profiles a negotiation of promises. When the United Nations put the Queensland and federal governments on notice that the Great Barrier Reef could be added to a list of endangered world heritage sites, this listing only formally represented "the absence of a firm and demonstrable commitment" from the state and federal governments to take action, to protect the reef.

When the leadership of UNESCO was approached about supporting the SQP-ICC legal application against Australia, they confirmed that they represent and work with the governments of member states. An email from Mr Han Qun Li, the Director of Environment and the Map and Biosphere program, detailed a disinterest in such legal accountability, stating 'Dear Ms Clements. I would like to acknowledge with thanks the receipt of your email 24 October 2014 to Mm Irina Bokova, the Director-General of UNESCO. UNESCO is committed to the global effort for sustainable development and has been fully engaged with its Member States for the protection of their environment."

They were not interested to know more about legislative accountability that could enforce conventions that are so consistently breached by their member states and for which they otherwise have no other existing legislative power to defend. Further demonstrating this agency as an information conduit or a cooperative, paid partner of governments, rather than any force of accountability against a member state.

This reflects the same habit of deception around the world with the scientifically calculated destruction of industrial developments camouflaged, so that the economic imposition may remain largely uncompromised. To enable these new coal and gas developments in Australia proposes significant harm to global citizens, current and future and as such, UNESCO's decision makers responsible for not utilizing this power to leverage protection for the reef and its people, are therefore, complicit in its advancing the reefs devastation and as such are submitted for consideration of their criminal liability in this case.

This case submission, asks the court to consider the following contradictions that demonstrate the pattern of political compromise which potentially poses the greatest threat to the survival of the reef. The court is also asked to consider that Australia's response narratives, are cleverly composed, to deceive the reality of destruction that continues to advance against the reef and the civilian population it sustains.

UNESCO's diplomatic narrative proposed "the definition of clear and potentially statutory targets for the future condition sought as beneficial to the overall improvement of resilience for the property to inscribe a positive paradigm for considering the long term future of the property, to be supported by sound and objective scientific analysis regarding the various activities that contribute to the vulnerability of the reef and therefore limit its capacity to adapt to the impact of climate change."

Their prescriptions have been historically ignored but to suggest statutory protection for the reef from industrial development, when this SQP-ICC profile evidences national political and judiciary action which evades legislation to protect, suggesting that statutory targets to protect would just be another discreet diversion from what is clearly their reinforced intention to develop coal and gas without limitation.

In preparation for UNESCO's assessment, the Australian government were required to provide a plan, which they called Reef 2050 for managing the reef, which upon publishing, received widespread criticism from scientists as being entirely inadequate to prevent the harm from advancing further. It is this plan that UNESCO used to justify that a half dead and rapidly dying reef, under consistent and escalating attack from industrial development (which the governments Reef 2050 report does not mention), to avoid its world heritage endangered listing.

This governments aspirational narrative within the report, was consistent with their PR construct of saying whatever they deem necessary to pacify the opposition to their industrial intentions, irrelevant of their action reinforcing 'business as usual'. The 'Reef 2050 Long-Term Sustainability Plan provides little protection from the reef but beautifully states, "Now, more than ever, the Great Barrier Reef needs all of us—government, industry and local, regional and global communities—to work in partnership to ensure that the Reef remains a global icon into the future." and "that it improves in overall health each decade between now and then."

Yet a vast contradiction exists between their compelling glossy publication and the deficient measures of protection for the reef actually printed. Amidst their direct action to advance the severe and large scale destruction of the mining and port developments; thus allowing mass destruction against this life system to continue; with industrial developments that equal one of the most significant contributions to the reefs demise.

A pre-eminent group of natural scientists stated in response, "Australia's plans to protect the Great Barrier Reef are inadequate, short-sighted and will not prevent its decline". As Terry Hughes, a biologist and academy member, simply stated "Basically, the plan as it's formulated currently isn't sufficient to turn around the downward trajectory of the Great Barrier Reef," New York Times article in 2014 quoted Australian Marine Conservation Society reef campaigner, Felicity Wishart, stating that the report contained "no measurable, deliverable action." While there is a proposed management plan for dredging in existing sites, "there is no ban on dumping silt in the World Heritage area, up or down the coast," Ms. Wishart said."

Jon C. Day from the ARC Centre of Excellence for Coral Reef Studies at James Cook University and Terry Hughes, published their own report, stating that whilst the government says it has met all of the recommendations for safeguarding the Great Barrier Reef, at close reading, dozens of UN recommendations have been only partly fulfilled.

Day and Hughes published that they consider "The Plan is effectively "business-as-usual", allowing new pressures like dredging, coastal development and new coal mines to be superimposed on the existing pressures, leading to "death by a thousand cuts", as documented in the government's GBR Outlook Report 2014.

Over the past four years the World Heritage Committee has made more than 28 separate recommendations or formal comments about the Great Barrier Reef, reiterating requests for Australia to ensure that the Long-Term Plan for Sustainable Development results in concrete and consistent management measures that are sufficiently robust, effectively governed and adequately financed, to ensure the overall long-term conservation of the Reef, addressing cumulative impacts"

The government's own 5-yearly report card, the GBR Outlook Report 2014, identifies four priority threats: Climate change, poor water quality from land-based run-off, impacts from coastal development and some remaining impacts of fishing remain the

major threats to the future vitality of the Great Barrier Reef. But their Reef 2050 action plan only addresses water quality and some impacts of coastal development, but has been widely criticized for failing to address adequately the threats of climate change or unsustainable fishing practices.

According to Day and Hughes, The Reef 2050 plan fails to acknowledge the huge changes that are likely to occur over the 35 year term of the plan, such as a doubling of the Queensland population, the projected growth in agriculture and coal production, gas production that they actively license and expected changes in technology." To create a plan that does not address the industrial developments which pose the greatest threat to the reef, renders the government's plan irrelevant to the situation at hand.

An independent assessment for water quality concluded that A\$785 million would be required over the next 5 years, and A\$2 billion over the next 15 years, to make a real difference. However, the 2050 Plan stated that "currently governments are contributing around \$200 million a year to support the resilience of the Reef", and refers to extra funding from the Queensland and federal governments over five years. So it is clear that the plan is not "adequately financed", yet negotiations with UNESCO Committee obviously required that the 2 billion mentioned by this independent assessment was pledged by the government to mend this discrepancy and then UNESCO commended the governments on this offer, although the 2050 plan demonstrates this sum was clearly leveraged from them.

However, this equation traps the narrative back in the zone of economic compromise, where once again, it should be reinforced that no financial sum can make up for irreversible disease, damage and global warming due to occur against the reef that will entirely kill it. The 2 billion pledged cannot repair the damage due against this ecosystems if the coal, gas and port expansions planned move forward.

It should also be noted that the financial reparations which the International Criminal Court have the ability to award as penalties against the fortunes of billionaires such as Rinehart, Palmer, Reddy and Adani; could perhaps be the only source of funding possible to afford a budget necessary to robustly reverse the demise of the reef. This chance to secure personal fortunes worth billions for environmental reparations, provides an invaluable opportunity for this ecosystem that otherwise may never again exist against the terminal threats to its survival.

The 2050 Plan makes repeated mention of this fundamental issue of cumulative impacts. But other than recommending the development of various guidelines or policies, the Plan provides no practical guidance on how to address them. In 2012 the UNESCO Committee requested that Australia should fully address direct, indirect and cumulative impacts on the Reef and lead to concrete measures to ensure the overall conservation of the property. Yet the combined impacts of climate change, poor water quality and direct use have caused a decline in the values for which the area was listed as world heritage.

Other important recommendations were made after the International Union for Conservation of Nature and UNESCO visited the GBR in 2012 and they produced a comprehensive report detailing 15 recommendations. Of these, only two have been fully met, which include commissioning an independent review into the Gladstone Harbor and Curtis Island developments; and assessing the condition, trends, and threats for the Reef. Of the remaining 13 recommendations, the majority have only partially been met, despite their fundamental importance for protecting the values of the Great Barrier Reef.

The 2050 Plan does not identify nor provide a map of “appropriate and limited locations” where developments such as new port or tourism developments might occur on or near the Reef and fails to identify where development should not occur. Yet, recommendation five from UNESCO, required them to identify appropriate and limited locations and standards for coastal development, and also identify areas that should not be subject to development.

Recommendation nine required that they ensure all components of the reefs value are clearly defined and form a central element within the protection and management system for the property. However they omitted to provide a fundamentally important part called “Integrity” and did not cover Protection and Management.

The final version of the Reef 2050 plan claims to be the definitive document on Australia’s approach to protecting the GBR. Yet many of the concerns raised by scientists when commenting on the draft 2050 Plan have not been addressed, and in some instances, useful parts of the draft plan were omitted, such as a frank assessment of the decline in values.

Irrespective of the outcome of the Committee’s decision not to list the reef as endangered, these scientists recommend “unless the above concerns are urgently addressed, the future of this global icon will be bleak. This was the conclusion of the government’s

own earlier GBR Outlook Report in 2014, before intense government scrutiny began when this situation risked their new coal and gas developments, which also stated, “the overall outlook for the Great Barrier Reef is poor, has worsened since 2009 and is expected to further deteriorate in the future.”

The irony is that regardless of the narratives published to express that the reef is not endangered, in direct contradiction to the evidence, one of the Galilee developers recently had an expert witness testify in court, that the reef was doomed regardless of their actions but that they were effectively in a good position to capitalize on it.

Dr Chris Taylor, said in his view the world is condemned to dangerous climate change and even though that would mean the destruction of the Great Barrier Reef, neither Adani nor Australian governments should take responsibility for coal exports. Carmichael’s coal would be shipped through the reef, which of course has the potential to damage it, but it’s the burning of that coal in importer countries and associated climate change that presents the greatest threat to the reef.”

In this statement Dr Taylor highlighted the need for a court of global sensitivity, which national economies and judiciaries can currently avoid. Yet in a globalized economy subjected to global ecological impacts, a judicial system which can consider the sustainability of all nations equal, is a global imperative. The broad powers of the Rome Statute allow the decision-makers who instigate the harm, to be responsible for all consequences.

Dr Taylor also testified that the world is unlikely to stick within the two degree temperature ceiling accepted by nearly 200 nations as the threshold for “dangerous” global warming. While predicting a 3.1 degree rise was more likely. ‘If we don’t dig it up, someone else will’ was the thrust of Adani’s argument.³⁰

His brash statements, testify to the assumption that there is assumed no existing accountability for causing the crime of climate change and therefore, they had the right to take economic advantage without restriction, clearly admitting their ‘knowledge’ as ‘awareness’ of the crime alleged.

Abbotts government and relevant business leaders have behaved in such a way that demonstrates a complete inability to comprehend that which renders the greatest threat to the survival of the Australian people. They have systematically dismantled marine protection since taking government, further evidencing their inability to grasp that they are destroying life on such as unprecedented scale.

In 2013, they began dismantling Australia's world leading marine protection system. This allowed the government to eliminate fishing exclusion zones in breeding areas and waters home to threatened species that would have come into effect in 2014 and they prevented new management plans which would have dictated the activities that could take place in areas including the Coral Sea network, home to threatened whale, dolphin, shark and tuna populations, and breeding sites for the endangered Australian sea lion off the southern coast; and most significantly, which would have limited their fossil fuel developments.

The Australian Conservation Foundation condemned this move to wind back environmental protections for the ocean and Labor's environment spokesman Mark Butler said: "This action is simply stunning - using obscure powers to undo 20 years of work begun under the Keating government and continued under the Howard government. By the stroke of a pen, the Abbott government has once again gone into reverse gear on environmental protections."

³¹

In December 2014, they abolished the Marine Council, the National Marine Mammal Scientific Committee and ocean focused committees such as the Antarctic Research Assessment Committee and the Antarctic Science Advisory Committee.³²

In May 2014, Abbott's government removed \$111.4 million over four years out of the scientific research bureau CSIRO's operating budget.³³ The ocean was due to be most impacted by these cuts, with fisheries research reduced, including the Commission for the Conservation of Southern Bluefin Tuna, the Indian Ocean Tuna Commission, the Network of Aquaculture Centres in the Asia-Pacific, the Western and Central Pacific Fisheries Commission, the Southern Indian Ocean Fisheries Agreement, and South Pacific Regional Fisheries. Fisheries research also takes a hit through reduced Commonwealth funding for the Fisheries Resources Research Fund Program, which loses about a third of its annual funding from 2015-16.

The state of this dying reef is of monumental global significance and should be managed by governance of the wisdom to reduce and prevent all industrial harm against this ecosystem. This situation suggests that this ecosystem clearly requires more effective management group and more powerful protection measures. The International Criminal Court may provide this through addressing the cumulative facts of this case or the Governor General could use reserve powers to remove those clearly incapable of the complex responsibility that arises when

governing a nation during a time of such serious scientifically calculated ramifications against the environment.

Coal Pollution

Coal is one of the greatest contributors to international air pollution and is certainly inflicting one of the greatest global genocides ever known to man. Coal production is without doubt a deliberately inflicted condition of life, which will bring about the physical destruction of the national group and a systematic attack against the civilian population.

Research from the World Health Organization now confirms that air pollution is responsible for one in eight deaths globally, therefore conceivably continuing to cause the physical destruction of 1/8th of the human population on earth, 'in whole'. This statistic is isolated to deaths, and as such does not communicate the enormous suffering of respiratory illness which inevitably leads to premature death. In 2014, 27 Australian health organizations, who joined forces to publish a report declaring 'coal is killing humans' and this evidence is strongly reinforced by scientists around the world.³⁴

Physicians for Social Responsibility released a ground breaking medical report, "Coal's Assault on Human Health," which profiled the devastating impacts of coal on the human body. From examining the impact of coal pollution on the major organ systems of the human body, the report concludes that coal contributes to four of the top five causes of mortality

Coal combustion releases mercury, particulate matter, nitrogen oxides, sulfur dioxide, and dozens of other substances known to be hazardous to human health and inflicts cumulative harm inflicted by those pollutants on three major body organ systems, including the respiratory system, the cardiovascular system, and the nervous system."³⁵

Respiratory effects are brought about by air pollutants produced by coal combustion act on the respiratory system, contributing to serious health effects including asthma, lung disease and lung cancer, and adversely affecting normal lung development in children.

Cardiovascular effects brought about by pollutants produced by coal combustion, lead to cardiovascular disease, such as arterial occlusion (artery blockages, leading to heart attacks) and infarct formation (tissue death due to oxygen deprivation, leading to

permanent heart damage), as well as cardiac arrhythmias and congestive heart failure. Exposure to chronic air pollution over many years increases cardiovascular mortality.

Studies evidence Nervous System effects that show a correlation between coal-related air pollutants and stroke. Coal pollutants also act on the nervous system to cause loss of intellectual capacity, primarily through mercury. Researchers estimate that hundreds of thousands of children are born each year with blood mercury levels high enough to reduce IQ scores and cause lifelong loss of intelligence due to coal.

The raw coal itself is a dangerous pollutant with coal dust and fragments escaping from various stages of production and final stockpiles to reach the waters of the reef and affecting the health and life expectancy of those who live and work in the region. Existing coal loaders have already dumped enough coal for entire reef to already be covered and accumulate to have a toxic effect on the corals that grow there.

The Dudgeon Point Terminal Expansion proposed is especially devastating to human life in this regard, as it is located 20 kilometers away from the central Queensland coastal town of Mackay. This means that large piles of coal lie in the open, waiting for the prevailing winds to blow them over the population of Mackay. The proposed expansion would increase the ports capacity to 180 million tones per annum with 400 hectares of new coal stockyards 400 rising 20 meters high. The Dudgeon Point Coal Terminals Project is being pursued by Indian mining giant Adani Mining Pty Ltd and a consortium of other coal companies, with North Queensland Bulk Ports facilitating the development; according to the Mackay Group, who are a leading force in working to protect against the proposed industrialization.

Clearly the effects of Climate Change, mean that even people who do not develop illnesses from coal pollutants will find their health and wellbeing impacted due to coal's contribution to global warming. The discharge of carbon dioxide into the atmosphere associated with burning coal, is a major contributor to global warming and its adverse effects on health and wellbeing worldwide, such as heat stroke, malaria, declining food production, scarce water supplies, social conflict and starvation.

The Australian Climate Commission's publication of 'The Critical Decade' in 2013, powerfully evidenced that 'Burning all fossil fuel reserves would lead to unprecedented changes in climate so severe that they will challenge the existence of our society as we know it today.' Coal makes the biggest contribution to carbon

pollution world-wide and burning fossil fuels is accelerating climate change and consequently harming and contributes to the death of hundreds of thousands of people across the world every year.

There is a clear unwillingness to acknowledge the destruction which the Australian related individuals alleged criminally liable bring about, when considering this undisputable statistic. Strongly reinforced by the fact that Australian Prime Minister Tony Abbott, publically declared in 2014 that "coal is good for humanity" while opening a coal mine in Queensland. He was quoted as stating "Coal is vital for the future energy needs of the world," he said. "So let's have no demonization of coal. Coal is good for humanity." when opening of the \$4.2bn Caval Ridge coalmine in Moranbah, operated by BHP Mitsubishi Alliance (BMA). He called this "a great day for the world. The trajectory should be up and up and up in the years and decades to come. The future for coal is bright and it is the responsibility for government to try to ensure that we are there making it easier for everyone wanting to have a go."³⁶

The Queensland Deputy Premier also justifies the Galilee development "We also think it's a good thing to do," he states. "In Queensland we have a resource the world needs and wants, particularly in developing countries such as India.", further demonstrating a complete rejection of the facts by stating "For Queensland and Australia to play its part in lifting 300 million people out of poverty is something I'd be very pleased to be a part of." This is an example of Australian political representative freely wielding statements which lead people to believe there is benefit in the conditions of life that will certainly bring about their ill health and premature death.

The Queensland premier defended his position by angrily rejecting suggestions that the state's rigorous environmental process has been sidelined, in order to push through the mega-mines and what he calls misinformation. Sweeney stated "The environmental lobby has been hijacked by people who want to attack any carbon-based fuel source", he argues. "It's all very easy for so-called green groups sitting in middle-class suburbia to philosophize about the different energy sources, but the fact is coal will be a major part of the world's energy supply for a long time to come," Sweeney says. "If we don't produce the coal in Queensland then that coal will be produced somewhere else." Australian Financial review.

Adani's CEO, also Jeykumar Janakaraj openly states a determined enthusiasm for developing one of the worlds greatest

killers. "The earlier we hit the ground to get the coal out the better." He justifies that which he will inflict, based on the fact that the Indian Prime Minister Modi, has promised to improve India's infrastructure and connect power to poorer regions, in order to be a catalyst for change. Janakaraj advances the Galilee development to capitalize on that demand.

This alarming corporate lead cultural change against the sanctity of life, is demonstrated by Eskom reporting their companies' contribution to local coal production inflicted deaths in their annual report in South Africa. Effectively publishing their awareness of inflicting circumstances upon the proximate residents that bring about their death as an accepted and acknowledged consequence, within the ordinary course of their business operation.³⁷

Importantly, this Eskom situation verifies a model for quantifying the direct human destruction that inflicting coal related conditions of life will bring about for the people affected. Quantifying within their annual report, the level of local mortality caused by their industrial development, alongside quantifying the benefit of profit and energy, without the expectation of criminal consequence. This is in direct contradiction to the provisions of the Rome Statute which recognizes such physical destruction advanced against 'one or more persons' [Element 2] and en-masse against the global population as one of the world's most serious crimes.

Therefore, unquestionably the individuals alleged criminally liable are complicit in advancing the Galilee, Shenhua and other coal and gas mines with the network of developments, are deliberately inflicting conditions of life upon the national groups of Australia and India, where the coal will be used and upon the citizens of the world through the resulting climate change, that will bring about their physical destruction in whole or in part.

The contribution of the mining industrialization as a systematic attack to produce this coal induced genocide, exists both as a result of direct coal pollution from the development; the complicity in shipping cheap coal to India, where the resident users will foreseeably suffer respiratory health problems as a result of burning coal for energy and importantly, resulting in a considerable carbon emission contribution to global climate change.

The SQP-ICC legal context argues therefore, that the Rome Statute uniquely holds the power, as a superior authority to national systems, to enforce the removal of immunity, currently extended with government complicity to those who facilitate the

profitable economic model that relies on accepting and disguising the contamination of such industrial operations.

The courts power to defend such an extensive range of life, is perhaps currently the most significant in the world, in its capacity to stop one of the largest global genocides in human history.

Coal Groundwater Contamination

As one the driest continents on earth, since the early destruction of Australia's rainforests, water is a precious and scarce resource. Despite this, the current mining boom is putting Australia's water security at risk by contaminating the drinking water catchments, leaching poison into the underground water resources, raising salinity levels which render agriculture land useable and contaminating the rivers. This threatens water security in addition to health and food security.

Australia's best food-producing lands and finest natural areas are at risk from coal mining, coal seam gas and other forms of unconventional gas extraction. The expansion planned elevates to a grand scale, with extraction license's granted for almost the entire continent. The Australian corporate and political alliance of decision makers relevant, promote plans to double their coal exports and become the world's number one gas exporter, which equals a disastrous course for the most essential human right of clean water, if they are not prevented from these plans.

"Coal mining wastes in the form of spoils, rejects and tailings deposited on a mine lease can cause various environmental issues including contamination by toxic metals, acid mine drainage and salinity."³⁸ The contamination of water has serious health implications for those who rely on nearby supply for drinking and due to toxicity in the food output generated by proximate agriculture.

However, salinity is the silent and most terminal killer. It accelerates the movement of salts into rivers and onto land which is dramatically affecting the natural environment, reducing the viability of the agricultural sector and damaging private and public infrastructure. The New South Wales government sector for the environment published that "acceleration will continue until a new hydrological equilibrium is reached, but that equilibrium will impose an incalculable cost unless we act now. Even by taking action now, we will not be able to reverse all the damage, or do more than slow the rate of damage over the next ten to fifteen years." This poses a menacing threat to food security.³⁹

Dr John Williams, Deputy Chief of the CSIRO Division of Land and Water, is one of several senior scientists who have recently spoken frankly about the urgent need for action. "What has changed is that we have recognized that the seriousness of the problem, and the need for radical land use change, is not being understood clearly at the level of policy. We cannot fiddle at the edges. We must face radical land use change, because we don't have farming systems that can control salinity and at the same time generate sufficient income for social and community well-being in the rural sector."

Dr Tom Hatton, whilst studying this issue for CSIRO, asserts with language once reserved for Brazilian rainforests, that the western wheatbelt is losing an area equal to one football oval an hour. "Eighty per cent of the remnant native vegetation on farms and fifty per cent on public lands is at risk. The South West of WA is one of the great biodiversity centers on the planet, it is particularly well endowed with plants and animals. Many of those species are restricted naturally to places in the landscape which we will lose to salt. Most of the river beds and banks are degraded, and over half our usable river water is already saline, brackish or marginal. "For me it is tragic, and I'm saddened by our inability as scientists to get the message across. As excess salinity expands rapidly in Queensland and Tasmania, and with sites also being reported in the Northern Territory, it is possibly South Australia that presents the most worrying picture."

Professor Peter Cullen, a member of the Prime Minister's Science, Engineering and Innovation Council, and Director of the CRC for Freshwater Ecology focused on one study in Adelaide. "The projections on the Murray river are quite scary. Over the next 20 to 30 years, at current levels, salinity will increase to the stage where it will be outside World Health Organization recommended drinking levels for much of the year."

Dr Tom Hatton is also unequivocal on the matter of South Australia, "The projections over the next 30 years are serious ... here's a whole state whose water supply is under threat." Increasing river salinity levels will put pressure on the provision of town water supplies and increase treatment and infrastructure costs. At Dubbo, on the Macquarie River, the water currently exceeds World Health Organisation (WHO) guidelines for the acceptable taste of drinking water (800 EC) six per cent of the time. This contamination is expected to increase to over 80 per cent of the time by 2100, unless we change the way we use our natural resources.

The ABC broadcast a statistic asserting that in Australia 2.5 million hectares of productive agriculture land is already affected by salinity and this could increase to 15 million hectares. One estimate puts the capital value of lost land at almost \$700 million so far and lost agricultural production is \$130 million a year and increasing.

The cost of damage to infrastructure is currently estimated at \$100 million per year, with some 80 country towns across Australia already in trouble. For example, the NSW town of Wagga Wagga needs to annually find \$500,000 to deal with the corrosion and degradation of roads, footpaths, parks, sewage pipes and housing by saline seepage. This means not only is ill health inflicted upon residents but destruction of their property imposes a taxation cost that they cannot bear and which reduces their quality of life by loss of income or by otherwise enduring the destruction of their most essential town systems.

The Murray-Darling Basin salinity audit suggests, as a general rule, that total costs, including agricultural, infrastructure and environmental components, amount to approximately \$1 million each year for every 5,000 hectares of visibly affected land. In the south west of NSW alone, salinity is estimated to cause \$9 million of damage annually to roads and highways. Estimates of 'one-off' costs for other infrastructure, such as railways, have not been made. Where the water for town supplies is 'hard' (the salinity being made up of high levels of calcium and magnesium), water may require extensive and expensive treatment before it is suitable for human use. Hard water can result in damage to hot water systems and household appliances, and increased use of soaps, detergents and water conditioners. If calculations forecast that salinity levels rendering undrinkable water, currently at 6% will increase to 80% in the next 100 years, then the forecast for industrial, community and household destruction may also be immense.

Water of low salinity is an important requirement of the manufacturing and food processing industries. Future development of these industries in regional locations are at risk from rising salinity levels. The implications of river salinity are also costly for agriculture, including the yields of some particularly sensitive plants, such as rice and horticultural crops. The impact of river salinity is more costly on high value enterprises such as irrigated crops and horticultural crops. Dryland salinity can lead to lower agricultural production, lower profitability due to costs of mitigation, reduced yield, changed land use, and in extreme cases, it will lead to the total removal of land from agricultural production. It affects production both in recharge areas, where

productivity losses can occur from required land use changes (such as revegetation), and in discharge areas, where the direct impacts of salinity are experienced.

The social costs of salt-induced agricultural change, declining water quality and damaged infrastructure are also potentially enormous. If salinity's effects on agricultural production increase as predicted, some farms will no longer be financially viable, farmers will be forced to move off their land and rural communities and regional centers will suffer. This effectively calls for a definitive forecast of how salinity will unfold for each community, as a result of mining expansions because under Article 7, the forced removal from lands is also a crime that is highly relevant to calculate now, in order to prevent it.

Even if they are able to remain on the land, as land managers begin to feel the pressures caused by salinity problems, they are likely to have less time to be involved in their communities. Recreational and tourism opportunities may also be reduced, and cultural heritage, including Aboriginal cultural heritage, may be damaged.

Effectively, mining is inflicting rapid acceleration in salinity and as such is destroying the most essential systems to sustain life, being that of water and food. Currently, Australian government policy settings are inadequate for controlling and mitigating the impact of this scale of mining, its interference with groundwater, the intensification of salinity, and mining's dominance of the water available.

Another issue with mining is the fact that Miners have driven up the price of water. The Hunter Valley is a good example, where it is the most expensive water in NSW with Water Access Licenses consistently traded at over \$2,000 per megalitre. A report commissioned by Australian Group 'Lock the Gate', detailed mining's takeover of agriculture land and with mines planned all across Australia, this will systematically develop to gravely threaten food and water security.

Their report "revealed the scale of water consumption by coal mines in the Hunter region and the extensive damage being done to both surface and groundwater by expanded open cut coal mining." Stating "Vast quantities of water are now owned by coal mines. Agricultural industries have not only been pushed out of rich farmland but are grappling with worsening salinity caused by mining and are struggling to compete for the water they rely on for their livelihoods."

The Lock the Gate report is paraphrased as follows to detail the case study of the Hunter Valley. "The scale of mining has escalated dramatically over the last 30 years. The area of the Hunter cut open by coal mines has increased 18 fold since 1981, from 1,742 hectares to 31,500 hectares. Mining exploration leases cover 128,000ha, or 64%, of the Hunter Valley floor. There are currently 42 open cuts pits and 15 underground works operating in the Hunter with an approved annual maximum production capacity of about 213Mtpa of saleable coal. In total, the coal mines own entitlements to 143 billion liters of water, and last year they consumed almost 88.5 billion liters from various Hunter Valley sources, under Part 5 Water Act 1912 licenses.

Coal companies dominate ownership of 'high security' water, including 55% - 95% of all 'high security' shares of the Hunter River or nearby areas, which means they will obtain water preferentially ahead of farmers during times of drought. In the last drought, farmers reliant on general security water were heavily affected, but coal miners holding 'high security' water licenses were in a far better position and able to maintain access to water. However, mines are also likely to face shortages in the event of another major drought and may have to reduce production.

Hunter mine open cut pits and final voids are already reducing base flow of the Hunter River. Following the closure of an open cut mine, mining companies are frequently leaving a 'void' as the final landform, because they object to paying the cost of refilling them. These voids extend across vast areas - the Mt Arthur void will be 4,000m long, 680m wide and 180m deep - and we estimate there are currently around 22 voids in the Hunter Valley. Water is drawn into the voids from surrounding groundwater, including in some cases the alluvial aquifer, which is used by irrigators and other water users. The salt load of the void water increases and continues to act as an evaporative sink for hundreds of years.

The mines have licenses to discharge large volumes of untreated saline 'wastewater' into the Hunter River and its tributaries and the salinity of the River is rising.

Four approved new mines, 13 proposed mine extensions and four proposed new mines would take approved coal production capacity of mining in the Hunter to about 260Mtpa of coal. Should this occur, it is estimated in this report that the annual water use of all the Hunter coal mines combined would reach as much as 133,120MLpa of water. There is currently no requirement for a mine to prove that it can meet its water needs prior to approval".

Mining is slowly pushing out agriculture, which brings about the physical destruction of those in the rural communities but will impact on the broader population by reducing food security, alongside rendering agriculture land and drinking water supplies unusable for future generations.

Another report published in Australia titled 'Draining the Life-blood' argues scientifically against the groundwater impacts of coal mining in the Galilee Basin, which has been calculated to cause permanent and unacceptable impacts on regional groundwater and surface water resources.⁴⁰

Paraphrased as follows, the report details that the groundwater interference by coal mining is 'poorly understood' by the Queensland and Federal Governments, who are responsible for protecting water resources but consistently progress the contamination of this scarce and crucial life sustaining reserve.

A six-month analysis found that a majority of the 200 water bores within the currently proposed mine lease areas would become inoperable should the projects go ahead. A lack of water is already being felt by the Queensland cattle industry, with some warning that 80% of the state could be in drought within weeks of these mines operating. It asserts that mining near agriculture land, would likely make the state of drought permanent, in addition to contaminating agriculture water supplies and leaving them unusable.

Over 34 open cut pits and 15 underground mines, will raise salinity of the water in the void well beyond usable levels. This means destroying the water supply along a 270 kilometer stretch to produce over 300 million tons of coal per annum at full production.

The report predicts that 50bn to 70bn liters of water a year will be needed by the mines for washing coal and other operations. One mine, the South Galilee project, could cause groundwater levels to drop by 70 meters alone. Up to 870 gigalitres of groundwater will need to be removed from mine pits and underground workings, for coal to be extracted. Dewatering projections for nine Galilee proposals could total 1,343 gigalitres which is over 2.5 times the volume of water in Sydney Harbor compromised.

The close proximity of the approved Alpha mine and the proposed Kevin's Corner, China First and South Galilee mines will lead to significant overlap between their groundwater drawdown, leading to compounded impacts on the area's groundwater levels, in

particular, an expanded depression much larger in extent than what would occur for each individual mine.

The mine proponents acknowledge in their documentation that three of these mines, Alpha, Kevin's Corner and China First, will result in a combined 5m drawdown contour that will extend for an area 30km by 100km, elongated north-south. If more mines are approved the total area affected will be larger.

Open cut coal pits for Galilee Basin mines will dewater regional aquifers long after mining ceases and will continue to draw groundwater due to evaporation. While Adani's Carmichael mine would operate for 90 years and other Galilee Basin mines for 30 years or more, all of these mines are expected to have impacts on local and regional water resources that will extend beyond the productive life of the mines, for generations to come.

Mining has historically caused land subsidence that increases the risks of aquifer fracturing, which will constrain the water from flowing, together with the volume of water from mine dewatering operations, this poses a grave risk that significant volumes will be caused to flow out from Galilee recharge aquifers. The Australian Nation's largest reservoir of water should be protected but faces significant risk from this development.

Waratah Coal's EIS for the China First mine reveals that the Rewan Formation aquitard, long considered a Great Artisan Basin recharge aquifer from regional aquifers, will be directly affected by the mines, and risks being fractured by one or more of the underground mines proposed for that project. The thickness, permeability and integrity of the Rewan Formation is critical in controlling whether or not the proposed mining will impact on the Great Artisan Basin, which is Australia's largest reservoir of fresh water.

Two important springs, one a Great Artisan Basin discharge spring and therefore a listed endangered ecological community, may be impacted by the Carmichael mine and continue impacting local water resources and springs long after the 60-90 year lease ceases. The Great Artisan Basin's discharge in this area may be fed by shallower, more localized groundwater flow systems. The shallow systems could be very important for local ecology, and may have an interconnection with underlying, larger groundwater flow systems, not yet fully understood.

Despite denials from coal mine proponents, there is a significant likelihood that the Galilee Basin mines will impact the Great Artesian Basin. In their advice on the proposed mines, the Independent Expert Scientific Committee raised concern that

there is no impervious barrier between the proposed mining operations and the Great Artisan Basin, and also stressed that "there was not enough information to make an assessment as to the integrity to restrict connection with the Great Artesian Basin.

The Environment Protection and Biodiversity Conservation Act 1999 was recently amended to make water resources a matter of national environmental significance, in relation to protection from coal seam gas and large coal mining development. Any future assessments of developments in the Galilee Basin will therefore require federal oversight to ensure the protection of the region's water resources. It is, however, too late to apply these provisions to the Alpha mine which has already received EPBC Act approval. This appears to side-step justice as this amendment should not avoid accountability for the Galilee Development but those responsible, suggest their own criminal liability by denying the water supply this necessary protection.

To interfere with water in the Great Artesian Basin requires an entitlement. There are no entitlements available from the Clematis Sandstone, so mine proponents would have to obtain their permits from the Queensland State reserve of unallocated water. An attachment to Queensland's Great Artesian Basin Resource Operations Plan 2007 notes that: "There is no new water available from either the general reserve or the State reserve in management areas that are heavily allocated." This limitation on Great Artisan Basin entitlements may go some way to explaining why coal mine proponents in the Galilee Basin have attempted to avoid admitting that their operations will interfere with water recharging into the Great Artesian Basin. The complicity of government that allows them to avoid such imperative accountability also lends to them aiding the crime.

Coal mines require large quantities of water to use for dust suppression and coal washing, which if not suppressed, is otherwise an alternative pollutant. Based on the documents produced for Environmental Impact Assessment of the proposed mines, it is estimated that the peak water demand of the five Galilee mine proposals is between 50 and 70 billion liters a year, of which more than 60% will be sourced from local watercourses and groundwater. This will potentially cause significant impacts on local groundwater dependent ecosystems and fundamentally alter the dynamics of groundwater and surface water interaction.

Groundwater is an essential resource for agriculture pastoralists and domestic and town water supplies precisely because of its reliability. Groundwater supplies water for the 1000 or so people of the former Jericho Shire and the 180,000-240,000 cattle

pastured on properties in the Shire. Thus affecting water supply of the immediate population and agriculture. It is foreseeable that long term, this will affect the local population's ability to survive, as when there is no natural water supply, history dictates that settlements, even entire cities are abandoned.

The high likelihood of significant impacts to the region's groundwater resources has been implicitly acknowledged by mine proponents, with companies having offered to negotiate "make good" agreements with neighboring landholders to provide alternative water supplies, should groundwater no longer be available once mining begins. Yet future generations may find it inconceivable that current generations can negotiate an end to such a fundamental future right of life.

Impacts on groundwater from the regions aquifers, inflicts unacceptable conditions of life against those currently utilized by towns and landholders for stock and domestic use. In addition to the majority of the almost 200 operating bores within the mine lease areas become increasingly inoperable after mining commences; A further 300 bores, within 20km of the mine lease areas, are at risk of being affected by a groundwater drawdown that will extend for at least 10 km from the mines. With the mines cumulative drawdowns, the compounding impact may extend for a much greater distance to the north, south and west of the mines. Based on the available yield levels, if operating bores were in operation every day for half of the year, groundwater usage in and around the mine lease areas would be in the order of 5G liters per annum.

Depression of groundwater in the vicinity of the South Galilee mine proposal has been estimated to eventually be up to 70m below pre-mining levels. The proponents acknowledge that "Groundwater levels in neighboring bores immediately adjacent to the mine will never recover completely, but will rise up to between 10 to 20m below pre-mining levels".

Mine proponents for the South Galilee and China First mines have asserted that groundwater impacts on the closest townships of Jericho and Alpha do not require mitigation. However, these assessments have been made in isolation and no cumulative impact modelling has been undertaken by either proponent to evaluate groundwater drawdown impacts on the water supply bores for these two towns. Both the Alpha and the Carmichael mine proposals are expected to interfere with surface water, and connected aquifers.

The Carmichael mine proposes to extract a significant amount of water from the Carmichael River, and may also cause, during the mine's most intensive phase, a drawdown of between 30 and 60m in the groundwater table in the vicinity of the Carmichael River, which is known to be partly fed by groundwater discharge. The cumulative impact of these surface water diversions and/or extractions together with a potential reduction of groundwater discharge into these important waterways, is not fully understood or explained in the EIS for the Carmichael mine.

The Galilee Basin has been identified by the Independent Expert Scientific Committee as a priority sub-region for completion of a bioregional assessment on the impacts of coal seam gas and large scale coal mining on the region's water resources. However this assessment is unlikely to be completed before the Queensland and Commonwealth Governments conclude their statutory roles in assessing the Alpha, Kevin's Corner and China First mines, and possibly also the South Galilee and Carmichael mines. This is another clear miscarriage of justice and avoidance of the environmental accountability that would deem their developments too dangerous and force them discontinued.

A regional water balance model, modelling the cumulative impacts of all of the proposals has been recommended by the Queensland Coordinator General, but the community of water users dependent on the regional aquifers of the Galilee Basin and the nationally important Great Artesian Basin, need more than post-approval studies; they need their water resources protected now.

Another contributor to groundwater contamination is the recently approved Shenhua mine situated on prime agriculture land in New South Wales. Three government ministers have loudly opposed Prime Minister Abbott and Environment Minister Greg Hunt to license the Shenhua mine but these decision makers responsible, continue to proclaim that agriculture and mining can co-exist on the land despite evidence to the contrary. The opposing ministers defend food sustainability understandably as of greater importance to the national people of Australia.

Minister Barnaby Joyce opposed Abbott's licensing of the controversial Chinese owned Shenhua coal mine and is pressing the NSW government to stop the project and labelling the government's approval of the \$1 billion Shenhua-operated Watermark mine "ridiculous". The opposition mounted, prompted calls for his resignation as cabinet minister; indicating the absolutely allegiance required to mining by this government, willing to cast out of office, any political dissidence to this agenda.

Assistant Health Minister Fiona Nash is supporting the agriculture minister; Senator Nash stated "Mining should not occur on prime farmland" and Nationals senator John Williams said he was also concerned about the project, which should have been taken to federal cabinet. This decision to grant a mine license with so much internal government and public opposition, demonstrates a growing insensitivity to justice is becoming self-entitled habit of the Abbott government in the interests of their fossil fuel business allegiances.

Groundwater studies demonstrate that mining uses up the water essential for agriculture and it evidenced unlikely that a water supply can sustain both activities; especially given the certainty of contamination, with the increasing risk of droughts and simply because the volume requirement is too high.

This is once again a case of the government ministers in political control, making arbitrary statements to advance their objectives in direct conflict with the scientific evidence and judicial authority, whereby inflicting such conditions of life upon the national group, that under the Rome Statute, amounts to facilitating crimes against humanity and the crime of genocide. As with all the mining developments, they advance this systematic attack deliberately with both knowledge and awareness that their conduct is calculated to bring about the physical destruction, in whole or in part, of many.

A spokesman for state Energy Minister Anthony Roberts defended the government's approval of the mine, delivering a meaningless rhetoric to the media that contradicts the scientific evidence, "In NSW, major projects are determined on their merits, not on their politics, and this will remain the case. The NSW government has no intention of halting the mine and the approval of a mining lease, which Shenhua needs, is a relative formality and legally cannot be refused except in very exceptional circumstances." This is an example of the lower level contributors to the crime who are however highly influential in that they mislead to gain public acceptance, which this submission proposes should be considered as significant contribution to the crime.

The National Farmers Federation joined the New South Wales Farmers Association on Friday by saying the decision of the state and federal governments shows they are unwilling to balance the interests of farmers and the mining industry. Both federal and NSW farmer lobby groups have come out strongly against the mine, in hope to defend their livelihoods, their land, their water, their families, their way of life and their natural born rights, against

what has proven to be an unstoppable force of destruction. It is hoped that this lack of justice that lies before them, will be remedied by the International Criminal Court assuming jurisdiction and opening a formal investigation into the conduct of the political and business leadership in Australia. Additionally, considering the liability of the Indian and Chinese demand, business interests and investments who curate this opportunity of devastation and destruction upon the human group.

This is also a good case study of the slow, insidious, corporate and government engineered genocide, which will unfold for those in proximity to the mines.

Hunter Valley has seen a six-fold increase in the number of open-cut mines in the past 30 years and the locals say they are already feeling the impact as their health declines. Asthma and respiratory illness have increased in Hunter Valley as explosive charges blast open new coal seams, and trains -- uncovered and streaming dust -- cross the pitted landscape 24 hours a day. Roads are grid locked. "It's a big expansion," said local environmental campaigner Simon Fane, adding that the mining rush was impacting farmland, food production and thoroughbred horse breeding. "What's happening in Newcastle in terms of the coal is globally significant".

This is also an excellent example of slowly forcing the removal of communities from their lands as a Crime against Humanity. Huge mine pits have slowly edged out what was once a thriving dairy industry and the community fears that farming could be wiped out altogether if plans to triple Newcastle port's coal output are allowed to go ahead. The port estimates that it will export some 139 million tons of the key energy and steelmaking fuel this financial year till June 2013 and has unveiled plans to expand output to 330 million tons.

Samantha Hepburn, Professor, Faculty of Business and Law at Deakin University, spoke out against the Shenhua Watermark Coal Mine, stating that the jobs, economic growth and community funding generated by Shenhua, including, an upgrade of the maternity ward of the Gunnedah hospital, donations to aged care and renovations to the Gunnedah town hall are important but cannot act as a substitute for rigorous protection of a groundwater system that supports such a strong and established agricultural industry. The approval also needs to be evaluated in light of global concerns regarding the environmental, health and climate change impacts associated with both the extraction and use of coal," she stated.

"The approval includes strong water usage conditions and should an impact on agricultural interests be proven, compensation would be required. The approval of the coal mine in a strong agricultural zone is illustrative of the increasing overlap between the mining and agricultural sectors in New South Wales. The approval needs to be contextualized. BHP has plans for a mine of 500 million tons less than 10 kilometers from the proposed Shenhua location and Santos has applied for a coal seam gas license to explore for gas across the Liverpool floodplain. While Shenhua insists that the proposed mine will not be located on the Liverpool plains and therefore will not impact the irrigation groundwater in this region, it is clear that the close proximity of the mine to this groundwater system increases the possibility." ⁴¹

Despite this risk, a summary of the impacts of all of the proposed projects, and the implications for other water users, has not yet been prepared or attempted by the government of Australia or any public body under its supervision. The information compiled to provide publicly available information in an attempt to assess and review the likely cumulative impacts of the mines on the regions groundwater resources. A more detailed and rigorous assessment, based on additional data collection and modelling is urgently required in order to safeguard against potentially irreversible impacts.

Whilst the Australian government has been forced by international attention, local protests, local legal actions and the ineffectual prescriptions od UNESCO, to consider the death of the Great Barrier Reef which the Australian government, corporate and investment protagonists advance, there has been negligible focus on the Australian government's accountability on ground water. Yet licenses for industry that fails to protect groundwater facilitates a direct attack against the health of people and agriculture. Only privately funded scientific research and privately funded law suits have attempted to defend this regions water supply against the business and governance alliance determined to destroy it, for what they incorrectly perceive as greater value.

A number of the court cases presented to argue to the land tribunal by the farmers in proximity to the development have been premised on the ground water contamination. These are profiled under the argument for the International Criminal Courts Right to Jurisdiction.

This environmental and human devastation of underground water pollution will also intimately affect the indigenous Aboriginal tribes, whose ancestral territory in Queensland's nature-rich

Galilee basin. The Wangan and Jagalingou argue that the A\$16.5bn Carmichael mine, which will likely be one of the largest coal mines in the world, would devastate their territory. Under Article 21, there is perhaps a broader range of legislation which can be brought to life by the International Criminal Court, under otherwise non-enforceable conventions to protect indigenous rights.

Adrin Burragubba, a Wangan and Jagalingou elder, has publically declared "It is going to have a terrible impact on our people. "We don't consent to this large coalmine on our homelands, we have made it very clear to Adani that no means no," he said. "The mine will destroy the natural environment, it will damage our laws and customs beyond repair and further dispossess our people."

"This land is sacred and it is vital to the balance of the whole ecosystem. It was given to us by our ancestors who have been there for over 100,000 years looking after that land. We are not about to give it up for Adani to destroy and decimate and totally obliterate and fracture the whole environment forever", stated Burragubba. Murrawah Johnson, 20, another representative of the tribe has stated "As a young woman it is my duty to protect the land and our people and our children," she said. "I am not going to give that up for a mining company to profit from the destruction and devastation of my land, leaving me with nothing to pass on to my children and future generations."

"If the Queensland government succumbs to pressure from companies like Adani, there's no hope for Aboriginal people. All our rights will be overridden. The associated damming of the Belyando river is also of huge concern", he said. "That river is important for dreaming because it travels through the heart of the country, the waterways relate to the rainbow serpent and our totems in the trees," Burragubba said. "If we lose that connection to land, there will be nothing left. We will be annihilated. We exist as people from that land. That's all we are, we can only identify from what is there." He highlights the delicate cultural bonds with the industrialized nature of current governance, too often lack the cultural sensitivity to understand.

Abbott, Hunt and other Australian government decision makers have systematically eroded the rights and support for the indigenous community since taking office and therefore, ignoring the indigenous rights in this case, is to be expected. Abbott famously dismissed Indigenous culture by describing that living in remote communities as a "lifestyle choice".⁴²

In 2013, this government actually provided \$2.2 million legal aid for miners to fight native title claims; funding those who attempted to destroy the rights of the indigenous by assuming use of their lands without their consent, breaching the ILO 169 convention and other international treaties designed to protect indigenous rights, which this case can transform into enforceable legislation

⁴³

In 2013, the government cut Indigenous legal services by \$13.4 million and abolished all policy and law reform positions across the country.⁴⁴ The government silenced the Northern Australia Indigenous Experts Forum on sustainable Economic Development in 2014.⁴⁵ They abolished the Congress of Australia's First Peoples, the only elected representative body for Indigenous Australians.⁴⁶

They also broke an election promise to publish a proposal for constitutional recognition for Indigenous people and establish a bipartisan process to try to bring about recognition as soon as possible within the first 12 months of Government.⁴⁷ His election promise was to spend his first week as Prime Minister with an Aboriginal community, which chose not to do.⁴⁸

In 2013, they abolished the position of coordinator general for remote indigenous services.⁴⁹ They cut \$500 million from indigenous programs over five years in 2014.⁵⁰ and lashed the Indigenous Health Budget in 2014.⁵¹ In 2014, they cut funding for Indigenous language support.⁵²

They paid hundreds of indigenous workers in his Department up to \$19 000 less than non-indigenous workers doing the same job and cut the budget for the representative body the National Congress of Australia's First Peoples causing two-thirds of the staff to lose their jobs in 2014.⁵³

It is therefore conceivable that the Abbott government have no intention of considering the land rights of the indigenous people of Australia and the court case which the indigenous advance against the mines, poses an interesting challenge tied to interesting law, profiled under the Right to Jurisdiction argument.

Generally speaking, groundwater contamination should be considered an unacceptable form of human destruction in this age. Just as coals contribution to air pollution is one of the world's most significant global genocides to advance, the contamination of ground water as drinking water and essential to food security, advances another attack on national and global populations by large industrial decision makers, their investors and their

government facilitators alleged criminally liable by this submission.

783 million people do not have access to clean and safe water currently; that is one in nine people world-wide who do not have access to safe and clean drinking water. Half of the world's hospital beds are filled with people suffering from a water-related disease. In developing countries, as much as 80% of illnesses are linked to poor water and sanitation conditions. Nearly 1 out of every 5 deaths under the age of 5 worldwide is due to a water-related disease.

Yet there is a genuine economic value for a nation to maintaining clean water supply for citizens. According to the World Health Organization, for every \$1 invested in water and sanitation, there is an economic return of between \$3 and \$34. By investing in clean water alone, young children around the world can gain more than 413 million days of health. Currently 443 million school days are lost each year due to water-related diseases. This suggests that the enormous economic and social cost posed by the development of these mines, is also not considered by the government.

84% of the people who don't have access to improved water, live in rural areas, where they live principally through subsistence agriculture and it is largely the rural communities of Australia whose water supplies are being contaminated. Globally, traditionally 70% of our water sources for agriculture and irrigation, and only 10% on domestic uses; but coal and gas extractions heavily change that equation and as such when agriculture water is challenged, food security is challenged and ground water supplies which impact the health of rural residents is contaminated.

A United Nations report, titled 'Beyond scarcity: Power, poverty and the global water crisis', published "Throughout history, water has confronted humanity with some of its greatest challenges. Water is a source of life and a natural resource that sustains our environments and supports livelihoods but it is also a source of risk and vulnerability. In the early 21st Century, prospects for human development are threatened by a deepening global water crisis." Yet, Australia is currently on the precipice of devastating widespread water supplies across the nation with such significant coal and gas development planned.

In a world of unprecedented wealth, almost 2 million children die each year for want of a glass of clean water and adequate sanitation. Millions of women and young girls are forced to spend hours collecting and carrying water, restricting their opportunities

and their choices. And water-borne infectious diseases are holding back poverty reduction and economic growth in some of the world's poorest countries. Much of this water contamination can be traced to industrialization and now, although a first world country, Australia's government and business decision makers, begin to map their legacy of future suffering for their own citizens.

Beyond the household, competition for water as a productive resource is intensifying. Symptoms of that competition include the collapse of water-based ecological systems, declining river flows and large-scale groundwater depletion. Conflicts over water are intensifying within countries, with the rural poor losing out. The potential for tensions between countries is also growing, though there are large potential human development gains from increased cooperation.⁵⁵

Kofi Annan highlighted the risk the water presents to many populations in the world "Water related diseases are responsible for 80 per cent of all illnesses and deaths in the developing world". At the Millennium Summit and the World Summit on Sustainable Development, the international community set measurable, time-bound commitments for the provision of safe water and sanitation. Many parts of the world now face the spectra of water scarcity because of climate change, pollution and over-consumption.⁵⁶

For the Abbott Government and coal and gas mine developers, too actively advance the contamination of domestic water supplies, deliberately inflicting conditions of life upon the people that will bring about their physical destruction, in whole or in part. Since taking office, Abbott, Hunt and their cabinet have systematically abolished protection for water. This government has terminated many of the public bodies who protect water quality and who would have all posed threat and limitation to their economic objectives of coal, by providing evidence of its contamination of water, the most important life system.

He removed water quality protection by his decision in 2014 to eliminate the National Water Commission, with the government stating that "Overall, it will save \$407.6 million over six years through cuts to the Sustainable Rural Water Use and Infrastructure Program."⁵⁷ He abolished the COAG Standing Council on Environment and Water.⁵⁸ In 2014, he also terminated the Office of Water Science research program,⁵⁹

He disbanded the Commonwealth Environmental Water Stakeholder Reference Panel; disbanded the Indigenous Water Advisory Committee and abolished the Bureau of Meteorology Water Accounting Standards Board.⁶⁰

Such action alerts to a modus operandi within this government, of deliberately diminished concern for water quality; regardless of speeches given and narratives published that attempt to persuade otherwise, in order to maintain public approval for their massive coal and gas expansion.

In general the Abbott government has also displayed an active advance to dismantle public bodies for environmental protection. In 2013, they defunded the Environmental Defenders Office which is a network of community legal centers that provided free advice on environmental law. This is significant as this agency was able to stop some of the largest industrial developments based on the devastation they would cause and as such would have posed a threat to Abbott's future objectives.⁶¹

For 20 years they provided free advice on environmental law to people like John Krey who fought Rio Tinto's mine extension, which would have in effect, destroyed their village. The EDO took up the cause of 350 Bulga locals and won, stopping the Rio Tinto mine. As such they provided themselves a formidable oppositions to objectives of this government; who also defunded all international environmental programs in 2014.⁶² It should be noted that the EDO office have led many of the national judicial attempts to stop the current coal and gas expansions with privately crowd sourced funding.

In 2014 they cut the Biological Diversity Advisory Committee and slashed the Biodiversity Fund⁶³ Abbott refused to contribute to the fund Green Climate Fund which gained the participation of most of the world's governments, but which he described as "socialism masquerading as environmentalism"⁶⁴ He downgraded the national environment laws by giving approval powers to state premiers.⁶⁵ The government abolished the Technical Advisory Committee for the Coal Mining Abatement Technology Support Package and abolished Abolishes the Gas Market – Industry Reference Group⁶⁶

Liquefied Natural Gas - Ground Water and Air Pollution⁶⁷

The damage to the environment associated with the construction of LNG facilities in Australia's marine and coastal environments, and the extraction of Coal Seam Gas in their catchments is significant. The impacts are compounded by 'fracking', which has been evidenced across the world to have a very unique devastation on groundwater resources, river water, farming and conservation land.

The economist published that in the six years to 2010 production of CSG increased 22 times, stating "Gas from coal seams now supplies about one third of eastern Australia's gas. David Knox, chairman of the Australian Petroleum Production and Exploration Association, an industry body, says the CSG bonanza, on top of Indian Ocean gas, means Australia is likely to overtake Qatar as the world's leading LNG exporter by 2020. Australia is currently the fourth largest in the world.⁶⁸ <http://www.economist.com/node/21556291>

According to the latest industry data there is currently a total of 3508 active coal seal seam gas wells, with 3249 of these wells being in Queensland and the remaining 259 in New South Wales. These figures include both exploration and production wells.⁶⁹ There are significant concerns associated with hydraulic fracturing including the potential to contaminate water sources and cause earthquakes. A report by the Committee for Economic Development of Australia said: "In addition to concerns over contamination of aquifers from the chemicals added to fracking fluid, issues have also been raised about contamination of water supplies from fugitive gas after fracking, and seismic activity and tremors associated with the drilling and fracking process".

The Natural Resource Defense center describe the environmental and human devastation caused by fracking, verifying that "often-dangerous chemicals are mixed with large quantities of water or another fluid and sand and injected into wells at extremely high pressure. Unconventional development using advanced fracking methods pose threats to water, air, land, and the health of communities. Including dangerous levels of toxic air pollution near fracking sites with smog in rural areas at levels worse than downtown Los Angeles. Constant massive truck traffic associated with large-scale development disrupts communities and creates significant hazards."

"Fracking increases the risk of cancer and birth defects in neighboring areas; as well as to risk increased seismic activity. The millions of gallons of water used in a fracking operation, not only strain water resources, but end up as vast amounts of contaminated wastewater. Fracking has been reported as a suspect in polluted drinking water and methane as a potent climate change pollutant, leaks rampantly throughout the extraction, processing, and distribution of oil and gas."

Domestic water supplies have demonstrated flammable, when a lighter is presented next to flowing water from a household tap, transforming quiet, safe rural communities, into toxic wastelands. The NRDC confirm that "weak safeguards and inadequate oversight have allowed oil and gas producers to run roughshod

over communities across the country with their extraction and production activities for too long, resulting in contaminated water supplies, dangerous air pollution, destroyed streams, and devastated landscapes. State and federal leaders have failed to hold them to account, leaving the people unprotected. Many companies don't play by the few rules that do exist; and industry has used its political power at every turn to gain exemptions from environmental laws designed to protect our air and water.”⁷⁰

Coal Seam Gas extraction releasing huge volumes of salty underground water, contaminates groundwater supplies and valuable agricultural land. There will be a depletion of the groundwater resources, threatening the Great Artesian Basin, pumping treated Coal Seam Gas water into the rivers of the Fitzroy Basin, threatening river ecology and water quality. This will also cause contamination and disruption to food production from the vast network of bores, pipelines and roads, playing havoc with agricultural land.

Many rural communities depend for water on the Great Artesian Basin, which is Australia's biggest groundwater reserve and lies deep under the region that corporations are anxious to exploit. As the driest continent after Antarctica, Australian citizens and farmers are understandably preoccupied by fears of scarcity and pollution, however this distress is demonstrably not shared by the current Australian corporate, political and investment leaders, alleged criminally liable, who prioritize economics.

Coal seam gas, sometimes referred to as coal bed methane, is a type of unconventional natural gas. It is 95-97 per cent methane gas and is found 300m-1000m underground. Coal seam gas is extracted by drilling a well vertically through rock strata until reaching the coal seam, at which point the well may also be drilled out horizontally to increase access to the methane gas. Coal seams contain both water and gas. During coal seam gas operations the water must be pumped out of the coal seam to lower the pressure and allow the gas to flow to the surface. Hydraulic fracturing, more commonly known as fracking, is used to stimulate and accelerate the flow of coal seam gas. The process involves high pressured injection of sand, water and chemicals into the coal seam gas well. The injection causes fractures in the coal seam allowing the gas to flow to the surface of the well.

BTEX chemicals have been used in fracking fluids used by coal seam gas companies. BTEX is an acronym that stands for benzene, toluene, ethylbenzene, and xylenes, which are volatile

organic compounds. Whilst BTEX can be naturally occurring, benzene is a known carcinogen, which is cancer causing.

Although the use of BTEX was banned in both NSW and QLD, the process of hydraulic fracturing can release naturally occurring BTEX so it remains a risk, even when regulation is in place to ban gas companies using it as an additive during drilling. Therefore, to effectively ban this toxic contaminant, the Australian government would need to ban coal seam gas extraction and as such, with this knowledge clearly asserted for their decision making, they once again with awareness, willingly facilitate the risk of devastation due by new developments.

The water extracted during coal seam gas operations is often referred to as “produced water”. This water is generally salty and can contain toxic and radioactive compounds and heavy metals. Once the water has been extracted from the coal seam it is stored in tanks or holding ponds at coal seam gas sites before being trucked or piped to treatment facilities. Coal seam gas operations put pressure on the world's most scarce resource of water production, requiring a few thousand to hundreds of thousands of liters a day, depending on the underground water pressures and geology.

The department which the Abbott government has systematically downsized and limited, CSIRO, has publically stated that water from fracking, as “Produced water quality is highly variable from site to site, but it is generally not fit for human consumption.”

In Victoria Australia, the local government imposed a moratorium on gas fracking.⁷¹ People all over the planet are protesting against it in the UK, Germany, Norway, Denmark, Poland, Romania, Argentina, South Africa, the United States and Canada. In Australia, opposing fracking has become a large popular movement with people wishing to protect their water supply when their national judicial system or parliamentary members are unable or unwilling to do so.⁷²

There is criticism that gas fracking is not very profitable, and will not lead to cheap energy prices for developing nations because the equipment and expertise to extract the gas is expensive, and due the lack of infrastructure to process and transport the gas.⁷³ However, this is not stopping the growth that the fracking industry is planning for Australia. Consequently, the human destruction that results from fracking is heavily evidenced and clear that this is a condition of life that will bring about the physical destruction of the national group, in whole or in part.

Heat Related Devastation – fires and deaths

Across the world, record-breaking weather and extreme heat events increase heat stress on people, animals and plants, and well as pressure on infrastructure and agriculture. Australia's annual average temperatures are projected to increase 0.4–2.0 °C above 1990 levels by 2030, and 1–6 °C by 2070.⁷⁴

Australian scientist and report author with the Climate Council, Professor Will Steffen states, "It is clear that climate change is making heatwaves more frequent and severe. Heatwaves have become hotter and longer, and they are starting earlier in the season. Heatwaves have significant impacts on our health, our infrastructure, our agriculture and our ecosystems. It is essential that we understand the influence of climate change on heatwaves to ensure that health services, transport providers, farmers and the community are prepared for what is happening now and what will happen increasingly in the future.

As the temperature increases, it brings about death on another front, as the ecosystem collapse spirals onto other side effects. Dr Hanna, the president of the Climate and Health Alliance, dismissed the argument that if Australia did not export coal then competitors such as Indonesia would fill the market gap. "So they would prefer the deaths on Australian hands rather than those deaths on Indonesian hands," she said.

Dr Hanna, whose research was included in the latest Intergovernmental Panel on Climate Change report, predicted Australia faced days hotter than 50C within 10 or 15 years under continuing global warming; dramatically increasing the number of heat-related deaths. Evidencing coal as the problem, she states that if this happens, "we are at risk of mass-death events in Australia, similar to death tolls due to extreme heat overseas".

Tony Abbott's declaration that coal is good for humanity was also attacked by Elizabeth Hanna for this reasons, who warns "thousands of people will be sentenced to death if Australia keeps exporting it." However, Australia is currently lead by a man alleged criminally liable for the crime profiled, who has denied there is a link between climate change and more severe bush fires and asserts this position by accusing a senior UN official of "talking through their hat" in 2013, when they asserted this causality.⁷⁵

Since 1950 hot extremes have become more frequent and intense, while cold extremes have become rarer in Australia. Increased hot weather is expected to hit major population

centers, with hot days, for example, in Melbourne expected to increase by 20 to 40% by 2030, and by up to 190% by 2070. 2014 was the hottest year on record globally, with the global average temperature 0.69°C above the 20th century average.

Drought reduces Australian agricultural output by more than 30 per cent, decreasing overall GDP and costing jobs and food security. The Stern report in the UK¹⁶⁸ and the report of the Australian Business Leaders Roundtable on Climate Change¹⁶⁹ both concluded that climate change is already having significant economic impacts and will escalate dramatically if not controlled. The Economist published a profile of the repercussions of drought on the human group, noting outcomes such as "the suspension of irrigation in the Murray-Darling basin, which would have a devastating effect on Australian agriculture, creating a ripple effect throughout the economy. The failure of crops grown in the region—which accounts for around 85% of Australia's irrigated land—could cause the price of food products ranging from dairy to fruit and vegetables to rise sharply. In turn, there would be some danger that higher food prices would push up overall inflation, which is already uncomfortably high. Higher inflation could then prompt the central bank to raise interest rates. A sharp drop in agricultural output, which accounts for 3.6% of Australian GDP, would inevitably slow the growth of the economy. Australia's trade deficit would also widen, given that agriculture accounts for more than 20% of merchandise exports, according to Australia's Bureau of Agricultural and Resource Economics."

¹⁷⁰

In addition to agriculture the population centers stand out as being at increased risk from many extreme weather events – including heatwaves," published Authors: Professor Will Steffen, Dr. Sarah Perkins and Professor Lesley Hughes.⁷⁶ It is considered crucial that communities, emergency services, health and medical services and other authorities prepare for the increases that are already occurring in the severity and frequency of many types of extreme weather.

The UN have actually published a manual for nations to this effect. The United Nations guidelines are intended to help decision-makers and health services develop early warning systems, similar to those in place for bushfires, to help reduce the effects of hot weather extremes on health as the projected consequences require guidelines to deal with severe physical destruction which has been calculated as being intentionally inflicted upon the national group.⁷⁷

Firefighting officials in Australia have expressed concern that the effects climate change will increase the frequency and intensity of bushfires under even a "low global warming" scenario. The forest fire danger index in New South Wales and Western Australia would grow by 10% and forest fire danger indexes in South, Central and North East Australia would likely increase to more than ten large-scale sudden, disastrous changes in ecosystems, brought on gradual changes.

A 2006 report, prepared by CSIRO Marine and Atmospheric Research, Bushfire CRC, and the Australian Bureau of Meteorology, identified South Eastern Australia as one of the three most fire-prone areas in the world and concluded that an increase in fire-weather risk is likely at most sites over the next several decades.

Carbon and Climate Change

The consequence resulting from coal and gas production, coal burning and the subsequent climate impact, will generate excessive new carbon emission contributions for Australia.

Australia is already the 15th largest emitter of carbon on the planet and the largest emitter per capita. The Galilee group of developments alone will double the nations carbon emissions, which already contributes 1.5% to world emissions. To knowingly double carbon emissions amidst an international rhetoric which proposes a global consensus desperate for reduction strategies, amounts to committing the crime that the SQP-ICC context alleges with full awareness of what they inflict.

If all proposed projects in the Galilee Basin are approved, the Abbott Point Coal Port will see Australia export up to 2.64 billion tons of greenhouse gases a year, which is more than triple the amount of greenhouse gases it produces as a nation and Australia will become the second largest exporter of greenhouse gases after China. IPCC data details that coal's annual contributions of carbon from fossil fuels totals 40 per cent, with approximately 20 per cent from gas and the remaining 40 per cent from oil.

The current plans in New South Wales to triple Newcastle coal output alone, will see coal exported and burned equivalent to 1.5 times Australia's annual emissions, and there are similar port expansions planned all along Australia's booming northeast coast, which all leads to the devastating ruin of the Australian

people and citizens globally. Therefore if specific expansions in NSW and Queensland will both each double emissions, then cumulative emission increases from all new coal and gas developments in these two states, could more than triple Australia's global emission contribution.

Although, more than tripling carbon emissions will bring about significant physical destruction on the human inclusive ecosystem and is clearly in contradiction to the global imperative to reduce emissions, in 2013 the Abbott government abolished key ministerial positions of climate change and science and abandoned Australia's emission reduction targets; casting aside its goal of cutting emissions by up to 25% of 2000 levels by 2020. The Prime minister stated that Australia would only cut greenhouse gases by no more than 5% until he sees more commitment from other nations.

The opposition parties environment spokesman, Mark Butler, summarized a general awareness of the Prime Ministers diminished understanding of the carbon calamity, in stating "Tony Abbott made it clear on a number of occasions that he sees no particular problem with carbon pollution. This week he hopes to abolish the legislated cap on Australia's carbon pollution and allow the big polluters open slather in the future. And he's got no policy to put in place that has any prospect of actually bringing our carbon pollution down. He is abandoning the election commitment to reduce pollution by 5%-25%, which willfully ignores the fact that Australians want more action on climate change, not less, regardless of how its achieved." ⁷⁸

In 2015, The Australian Climate Council published a report stating that any new coal mine is fundamentally at odds with protecting Australia from the impacts of climate change. Asserting that mining should not go ahead in Queensland's untapped Galilee Basin as it risks doubling Australia's emissions. ⁷⁹

Those amongst Australian politician's alleged criminally liable by this submission expressed sentiment to diminish or discredit this report, not with concern to their devastating unrestrained contribution to the current global planetary demise but because such science conflicts with their economic motivations and threatens their development interests. The defense of 'life' versus 'economics' narrative continues plays out like a theatre nationally, with the judiciary entwined in the compromise.

Jeff Seeney, the deputy premier of Queensland, rejected the reports with disingenuous narrative. He promised "rigorous" approval processes and new monitoring systems, yet those

approvals consistently demonstrate an unwillingness to address the physical destruction these developments will bring about. He attacked on group Lock the Gate and its president Drew Hutton, stating they "are against any resource development and are working constantly to undermine the industries which provide tens of thousands of jobs to Queenslanders and substantial revenue to the state and federal governments," Seeney said.

"Their attempts to undermine development in the Galilee basin are part of a national coordinated campaign by various radical green groups to shut down the coal industry. Everything they say or do has that goal as their focus. Their most recent claims need to be viewed on that basis. Major coalmine projects have been part of the Queensland economy for decades and have provided substantial benefits to regional communities and the state as a whole." stated Seeney.

His comments represent an Australian leadership which considers the protection of water, air, soil and ocean life-systems to be radical; convinced that providing short term jobs within their short tenure of rule, is a benefit worthy of destroying a life system that should otherwise last for millions of years into the future and serve all species and life forms.

The Climate Council of Australia was established after the Federal Government abolished the Climate Commission, in a time when this issue poses the greatest threat to Australian's survival and quality of life. This revived a scientific based organization, shut down because its findings would limit or compromise the economic development priorities of the government, with indisputable scientific proof of the destruction they advance, commissioned with public monies.⁸⁰

The Climate Council's report reinforced that only 12 percent of the world's current coal reserves can be burned to stay within the globally agreed carbon budget of 2%, that would bring about unprecedented destruction against populations and life systems. As such, this case exhibits a globally replicated political model that facilitates financial and corporate consortiums destruction of the planet as acceptable. The inability or unwillingness to impose punishment on those who advance this business model, for which scientific consensus requires the retirement, reflects the belief that benefits of short term economic gain for the provision of overconsumed resource, renders the sustained attack on human life and effective genocide in progress, unconstrained.

According to the Green Institute, if mining goes ahead in the Basin, the destruction of its carbon stocks will account for more

than five percent of the world's carbon budget. Australia cannot simultaneously pursue economic objectives that generate large scale carbon emissions whilst communicating to the world in its speeches and promises that it intends to cut carbon emissions.

The government representative Julie Bishop, at Cop20 Climate Change talks in Lima, defended Australia's reputation as a "good international citizen" on climate change. Mrs Bishop stated that "Australia has a strong track record of playing a constructive role in the global response to global climate change," suggesting responsible action in saying "We take on commitments and we deliver against them. We don't take lightly our commitments. Climate Change is a challenge to us all with serious environmental, social and economic consequences."

Bishop then presented the ongoing contradiction faced within this nation by stating, "Individually and collectively we must deliberate carefully and determine the best course of action to reduce emissions. This action must deliver real cuts in emissions and not put countries at a competitive disadvantage and it must work alongside countries plans for strong economic growth, jobs and development."

Within her statement, Julie Bishop clarifies the tension that puts the fate of the Great Barrier Reef, Australian groundwater, air, food and ocean security in immediate danger of escalating devastation. As a nation, Australia is entrenched in an economic model built on coal and aspiring to lead the world in gas. However, the transition to a completely sustainable energy model is possible and bearable, but the nation's corporate and political elite, continue to advance their heavily invested, well established, efficient and highly profitable business models of coal and gas as their immovable preference. This will not change unless the International Criminal Court prosecute this case or the Queen's reserve powers are enforced to prevent it.

The statistics profiled by the Global Humanitarian Forum Human Impact Report, which was presided over by former United Nations Secretary General Kofi Annan, estimated the human toll of climate change in 2009, to already be approximately 300,000 people annually worldwide; and that statistic is already 6 years old. The Global Humanitarian Forum was since closed down due to non-funding, thus not producing an updated estimate of climate change deaths. It also reported an estimated 4 billion people lived in areas at risk of adverse climate impacts in 2009, a quantification which has experienced rapid escalation since.⁸¹

The IPCC is currently the most authoritative international body on climate change science and its impacts. IPCC assessment reports are subject to an extremely rigorous review process. A recent IPCC report, summarized the specific effects expected for Australia as a result of climate change.⁸²

Key findings for Australia included marked decreases in agricultural production in the Murray-Darling Basin and south western and south eastern Australia could occur if projections of severe dry conditions are realized; which would affect Australia's food security. Other risks profiled included increased loss of life, damage to property, and economic loss due to bushfires in southern Australia. The Great Barrier Reef under threat with current rates of ocean warming and acidification, eliminating coral reef systems by mid- to late-century with few coral systems surviving average global temperatures rising above 2°C. Risks were also profiled from increased frequency and intensity of flooding from extreme rainfall events, causing damage to infrastructure and threatening lives.

Reducing the risk in Australia of water shortages, bushfire weather, extreme heatwaves, and decreased agricultural production will depend on how rapidly carbon emissions are reduced locally and globally, and on how effectively adaptation measures are implemented. Yet Australian governance advances developments which based on the Galilee expansion alone, will more than double their carbon emissions and as such conceivably double the physical destruction which they will bring about for the global human group.

A 2007 technical report on climate change in Australia jointly published by Commonwealth Scientific and Industrial Research Organization (CSIRO) and the Bureau of Meteorology provides climate change projections; acknowledging that the Government of Australia accepted that there were impacts of changing climatic conditions; however the Abbott government in power since September 2013, has systematically dismantled the countries commitment and capability to manage it, in addition to licensing industrial developments which will rapidly escalate the harm against the Australian and global populations.

At this time, the Department of Climate Change and Energy Efficiency, established the Australian Climate Change Science Program, which the purpose to understand the causes, nature, timing, and consequences of climate change so as to inform the Australian response. However, since Abbott's governance, the opposite of this commitment has evolved.

The direct impact upon the Australian National Population extends to issues, such as droughts affecting food security, storm and tropical weather events, sea level rises, health risk; infrastructure destruction costs and more. Australia has some of the world's most diverse ecosystems and natural habitats, and it may be this variety that makes them the Earth's most fragile and at-risk when exposed to climate change.

The general consensus from most international scientific agencies is that people will begin to experience starvation as a widespread problem. Analysis of future emissions trajectories indicates that, left unchanged, human emissions of greenhouse gases will more than double during the 21st century. Average rainfall in southwest and southeast Australia is projected to decline during this time period and extreme droughts are expected to develop, threatening food security, which means that allocating groundwater for coal extraction facilitates this crime.

Australia's coastlines will experience erosion and inundation from an estimated 8–88 cm increase in global sea level. Such changes in climate will have diverse implications for Australia's environment, economy, and public health.

https://en.wikipedia.org/wiki/Effects_of_global_warming_on_Australia

The former director of the NASA Goddard Institute for Space Studies, Dr. James Hansen recently spoke on CNN of sea levels rising as much as 10 feet within 50 years. He stated that not only would it be 10 feet, but it would continue to rise as decades pass and coastal cities would become dysfunctional. Hansen continued, "What the science is telling us is that we have an emergency. If we want our children and grandchildren to inherit a planet which is not running out of their control, we're going to have to reduce emissions as fast as practical. As long as fossil fuels are the cheapest energy, people are going to keep burning them and going to find them, to dig them up wherever they can find them. But we have to make them pay their cost to society."⁸³

A report released in October 2009 by the Standing Committee on Climate Change, Water and the Environment, studying the effects of a 1m sea level rise, possible within the next 30–60 years, concluded that around 700,000 properties around Australia, including 80,000 buildings, would be inundated, the collective value of these properties is estimated at \$150billion.

A 1m sea level rise would have massive impacts, not just on property and associated economic systems, but in displacement of human populations throughout the continent. The threat of bushfires is very prevalent within the region and poses the threat of spreading into adjacent populated areas. A sea level risk

would displace hundreds of thousands, if not millions of Australians. A sea level rise of 1m would affect roadways near the coast and pose a threat to rail lines, dock and cargo lines and yards.

Globally, the World Meteorological Organization has claimed that extreme weather events are on the rise as a result of human interference in the climate system, and climate models indicate the potential for increases in extremes of temperature, precipitation, droughts, storms, and floods. CSIRO predicts that a temperature rise of between 2 and 3 degrees Celsius on the Australian continent could incur some of the following extreme weather occurrences.

Global warming could lead to substantial alterations in climate extremes, such as tropical cyclones, heat waves and severe precipitation events. This would degrade infrastructure and rise costs through intensified energy demands, maintenance for damaged transportation infrastructure, and disasters, such as coastal flooding. In the coastal zone, sea level rise and storm surge may be more critical drivers of these changes than either temperature or precipitation.

Climate change will have a higher impact on Australia's coastal communities, due to the concentration of population, commerce and industry. Climate modelling suggests that a temperature rise of 1-2 °C will result in more intense storm winds, including those from tropical cyclones. The impact of climate change on insurance against catastrophes will be a significantly increasing the financial burden on the economy. Combine this with sea level rise, and the result is greater flooding, due to higher levels of storm surge and wind speed. Tropical cyclone rainfall could increase by 20-30%.

Tourism of coastal areas may also be affected by coastal inundation and beach erosion, as a result of sea level rise and storm events. In 100 years, strong tides would increase by 12-16% along eastern Victoria's coast. Wind speeds of tropical cyclones could intensify by 5 to 10%. At higher levels of warming, coastal impacts become more severe with higher storm winds and sea levels.

Public health impacts will include a spread of malaria. The risk of dengue fever among Australians will increase from 0.17 million people to 0.75-1.6 million. There will likely be a 10% increase in diarrhoeal diseases among Aboriginal children in central Australia. A 100% increase in number of people exposed to

flooding in Australia and an increased influx of refugees from Pacific Islands.

This is the crime of extreme physical destruction that coal and gas mining substantially contribute to. Corporate directors, financiers, government agents, PR directors, lawyers, accountants and all others involved, have knowledge of the harm that coal and gas induced climate change inflicts upon the global population. For years, various global conventions have impressed upon the fossil fuel industry, the seriousness of the problem, including the United Nations Framework Convention on Climate Change (UNFCCC); the Kyoto Protocol international treaty, the creation of the IPCC and the extensive global dialogue focused on international commitment to reduce greenhouse gases emissions. Nations have worked directly with business to plan for carbon reduction. As such, these individuals advance the alleged crime with full awareness and detailed knowledge of the destruction which they will deliberately inflict through this industrial developments.

Psychological Destruction

The Abbott government has maintained a fierce resistance against the evidence of environmental destruction causing climate change. This government has actively hired people who can publically discredit and diminish the problem of Climate Change, demonstrating a misleading campaign of misinformation that contributes to the psychological complex of oppression. They have clearly attempted to persuade the people of Australia that there is benefit worthy of their self-inflicted destruction.

This government axed the previously existing carbon tax with no viable policy to address climate change or Australia's emission targets in 2014, called a 'Ground zero' action. Martijn Wilder, a lawyer who heads Baker & McKenzie's Global Environmental Markets unit, said Australian policies are reverting to about 1999 when Australia's first started to work on the issue. "We're going to be back to ground zero and have to start all over again," he said, under the current outlook, "there'll be no law at all, and there'll be no cap on emissions"

In early 2014, the Abbott government appointed a climate change skeptic to head a review of Australia's renewable energy target. He commonly makes negative comments about the renewable energy targets impact on electricity prices with the renewable energy sector concerned that the target was about to be slashed or even dumped by him.⁸⁴

The Abbott government spent millions this year, advertising their “Intergenerational Report”, which was then actively discredited by the celebrity scientist who they paid to sell it. Dr Kruszelnicki publically declared that he made a mistake taking part in the campaign, describing the report as “flawed”. He said after a full reading of the report, that his conclusion is the document is highly political and does not focus on the real issues of climate change, stating that he was only able to read exerts prior to recording the ads; suggesting that to gain a credible endorsement the government had to coerce participation through non-disclosure of the reports content, which is conceivably one of the more amateur forms of deception they’ve employed.⁸⁵

In 2014, Abbott also appointed a climate skeptic to the position of parliamentary secretary to the ‘Minister of the Environment. Bob Baldwin, a man who once compared the impact of Australia’s man-made greenhouse gas emissions to that of a single strand of human hair on a 1km bridge. Baldwin has also been considered by the NSW anti-corruption watchdog, where they ask him to explain why he wrote to “implore” the NSW Coalition government in April 2011, to urge in-principle support for Nathan Tinkler’s proposed \$1 billion coal-loader. “I implore the New South Wales government to do everything it can to see this project come to fruition,” he wrote, demonstrating his allegiance to the harm of coal expansion.⁸⁶

This year, Abbott gave \$4 million to a climate change skeptic academic for a new climate university center. There was an outcry from university students who expressed concern that this appointment will tarnish their accomplishments as graduates from this university. They believed that the appointment was a move to disingenuously create a scientifically credibly authority to denounce climate change, to support industrial devastation.⁸⁷

Surveys indicate that the majority population believes that climate change is happening, and not that it’s a hoax cooked up by corrupt scientists who have somehow captured the world’s scientific academies and meteorological agencies and genuinely wish to be protected from it. Yet Prime Minister Tony Abbott, has campaigned incessantly against it and promotes that he is doubtful about humans’ role in changing the climate.

Abbott has said “If there was one fundamental problem, above all else, with the carbon tax, was that it said to our people, it said to the wider world, that a commodity which in many years is our biggest single export, somehow should be left in the ground and not sold,” Mr Abbott said, confirming “Well really and truly, I can think of few things more damaging to our future.” Indicating either

a state of mental deficiency or corruption as he is unable or unwilling to recognize the scientific evidence which clearly asserts that coal and gas is inflicting conditions of life upon the national group that is bringing about their physical destruction.

Frank Jotzo, director of the Australian National University’s Centre for Climate Economics & Policy said “There are many people who work in this field who are deeply pessimistic about the prospects for global climate change action, “Their conclusion from that is that it is not worth trying, and that Australia’s interests lie in the export of fossil fuels,” he said. “It is a deeply cynical view but it is a widespread view.”⁸⁸

At a time of such scientific significance, Abbott has consistently made cuts to CSIRO, which is Australia’s national science agency, prescribed to use ‘science to solve real issues and research which makes a difference to industry, people, and the planet.’⁸⁹ In November 2014, he cut CSIRO funding, causing the loss of 1/5 of its workforce.⁹⁰ In March 2014, he cuts hundreds of jobs at the CSIRO.⁹¹ This followed the cut of 600 jobs at CSIRO in November 2013.⁹² In 2014, he cut the Climate Adaptation Outlook Independent Expert Group, abolished the Fuel Standards Consultative Committee and abolished the Emissions Intensive - Trade Exposed Expert Advisory Committee.⁹³

The Abbott Government axed billions in clean energy investment, constraining the most natural transition away from the harmful energy provision of fossil fuels. He broke their election promise to spend \$2.55 billion on the Emissions Reduction Fund by committing less than half this amount in the budget. “The Coalition’s promises for one million more solar roofs across Australia and at least 25 solar towns, for which the Environment Minister was promising A\$100 million each as recently as six months ago, have been abandoned or slashed.

Respected former Reserve Bank board member and Clean Energy Finance Corporation chair Jillian Broadbent says the CEFC has a public responsibility to keep investing in clean energy projects, but the same applies to the Clean Energy Finance Corporation, an independent investment body that’s already mobilized A\$2.5 billion of mostly private funding for low-emission energy and agriculture projects, which is set to make a profit for the government if allowed to continue. The government tried and failed to abolish the profit-making CEFC after failing to get Senate support and its latest strike against wind and solar is expected to further scare renewable energy investors away from Australia.

This year, Tony Abbott banned the Clean Energy Finance Corporation from investing in roof top solar panels and other small scale solar energy. The Age published this as "The Abbott government has opened up another front in its war on renewable energy by pulling the plug on investments in the most common form of alternative energy, rooftop and small-scale solar." Shadow environment spokesman Mark Butler said: "These proposed changes go well beyond Tony Abbott's opposition to the aesthetic values of wind farms - it's a wholesale attack on renewable energy."

In addition to directing the Clean Energy Finance Corporation to stop their investment in small scale solar, supporting only the largest industrial-scale projects. Tony Abbott directed the Clean Energy Finance Corporation of Australia, to stop investing in wind power.⁹⁴ Yet wind power provides 100% of Denmark's energy demonstrating the type of aspiration that Australia could move towards in order to protect their clean water, air and soil; and thus protect their own lives.

Abbott, who has previously described wind turbines as "visually awful", said the Government believed the CEFC should instead be investing in "new and emerging technologies". Yet, in contradiction to this statement, in 2014, he scrapped The Australian Renewable Energy Agency (ARENA), which was set up to support new and emerging renewable technologies into production and deployment, including funding world-leading solar research, is set to be scrapped, a cut of A\$1.3 billion. That's despite the Coalition's repeated pre-election promises to keep it. ARENA's axing is on hold for now, because the government needs support from other parties in the Senate to shut it down.⁹⁵ But until they are officially axed, the heads of ARENA and the CEFC have pledged to keep working. Also telling, is that under this government, the expenditure on Science, research and innovation is cut to 'historic low'.⁹⁶

Tony Abbott is broadening his assault on renewable energy technologies putting thousands of Australian jobs and billions of dollars in investment at even further risk." Australian Solar Council chief executive John Grimes accused Tony Abbott of playing "cynical politics" reinforcing that "the CEFC had made it possible for low-income people and retirees to invest in solar and take advantage of the power bill savings that flow" and that "Tony Abbott is keeping people trapped paying higher electricity prices"⁹⁷

Soon after taking government, Abbott's government scrapped the Home Energy Saver Scheme which helps struggling low income

households cut their electricity bills – "Kildonan UnitingCare, which delivers the scheme in Victoria, says it is disappointed the decision comes at a time when cost of living is of such concern to most Australians. The organization gets about 650 calls a month from people struggling to pay their energy bills, with many about to be cut off."⁹⁸

Other axed industry and community clean energy programs include the Low Emissions Technology Demonstration Fund, the National Low Emission Coal Initiative, Energy Efficiency Programmes, the National Solar Schools Plan, Energy Efficiency Information Grants and Low Carbon Communities. "The Australian government cuts to programs driving greater renewable and low-emission energy use, come just as we're being advised to do precisely the opposite by global experts."⁹⁹

In June this year, the government agreed upon a bipartisan deal that slashed the clean energy sector targets by a quarter, from 41,000 gigawatt hours to 33,000 as a time, when there is every justification to increase them; and illustrates corruption in favor of fossil fuels, to diminish this necessary transition toward clean energy;¹⁰⁰ including the criminal liability under the Rome Statute, which recognizes this decision aids the physical destruction that will be brought about through protecting the market monopoly of energy systems that destroy.

In 2013, upon gaining power, he immediately cut funding to the Energy Efficiency Opportunities Program which makes it mandatory for large energy using businesses to improve their efficiency¹⁰¹ According to the International Energy Agency, buildings represent around 40% in most IEA countries. According to the United Nations 'Sustainable Energy For All', "Bolstering energy efficiency can provide substantial cost savings to governments, businesses and households, while freeing up power for other more productive uses."¹⁰² However this reduces the demand for their coal and gas industrialization objectives and diminishes their justification of energy 'demand', they rationalize for destruction.

In 2014, he cancelled the industry and community clean energy programs include the Low Emissions Technology Demonstration Fund, the National Low Emission Coal Initiative, Energy Efficiency Programmes, the National Solar Schools Plan, Energy Efficiency Information Grants and Low Carbon Communities. "There are billions of dollars of broken promises in the Abbott government's first budget for low-emission and renewable energy programs, and they are expected to break even more in the next few years, if they are not stopped by the international authority of

the International Criminal Court. It should also be noted that this massive dismantling of powerful strategies to stop the destruction, demonstrate it disingenuous that the government pledge 2 billion dollars toward protecting the Great Barrier Reef and that UNESCO commend them for it.

It's also sketchy when they were already spending 750 million of reef damage mitigation, but raised this to 2 billion due to UNESCO, and yet the budget forecasts spending A\$2.55 billion on the Emissions Reduction Fund over the next four years, which is now reduced to be more like A\$1.15 billion; suggesting a rearrangement of funds to give appearances when clearly they act in contradiction to the intention expressed.¹⁰³

In 2014, he also scrapped the annual subsidy to local ethanol producers, which provide obvious alternatives to dirty energy sources such as coal and gas.¹⁰⁴ "Rob Murray-Leach, CEO of the Energy Efficiency Council, described the decision as "incomprehensible." He said the program, which was to cost \$20 million to run over the next five years, had helped deliver more than \$1 billion a year in savings since 2006.

"The Abbott government promised to help lower energy bills, but today they've broken it by cutting the Energy Efficiency Opportunities program. This world-class program helped companies find ways to save energy and lower their bills," Murray-Leach said in a statement. The move once again reflected the fossil fuel lobbying interests "Some major utilities have argued against energy efficiency measures, saying that the lower demand it causes results in falling volumes and profits. They are using the same argument to end or reduce the renewable energy target."

This extensive dismantling of bodies and programs which offer progress toward resolving climate change, demonstrate an Australian Prime Ministers whose lack of sensitivity, can be appreciated by the fact that appointed himself as the Minister for Women when he took office on 2013; simultaneously to defending his appointment of only one woman into his cabinet by blaming the women for his decision, saying he appoints "on merit". Perhaps his mental competency is best demonstrated on this video.¹⁰⁵

Australian government decision-makers willingly facilitate the environmental and human destruction for the benefit of self, corporations and the financial beneficiaries of these investments, whilst attempting to profile some sense of ethics with perfunctory plans to offset this devastation of inflicting this significant burden

of financial, social and human cost upon the general population. However, their cover-up actions, do not mitigate the destruction that they approve or advance with full awareness; therefore regardless of their habit to attempt its disguise, as though believing all observers are fallible to their political and public relations charm offensive, the facts which evidence their alleged criminal liability of destruction remain.

Within this case we witness the active advance of destruction against a first world nation, by business, finance and government leaders who are focused on short term employment, tax revenues and profit, at the cost of the health and survival of the national group to which they belong. As such they advance self-immolation for themselves and their people.

This existing network of power demonstrate a commitment to conduct, that the global scientific community determines will lead to the demise of humanity. They advance this devastation regardless of the fact that they have the alternative choice to pursue the transition to sustainable energy, industry and economic systems.

The evidence consistently demonstrates their commitment to dismiss clean industry alternatives in preference to continue highly contaminating and polluting industrial objectives, which inflict destruction 'within the ordinary course of events'. The conduct of their attempt and intent to inflict harm upon people, is not in defense of their quality of life; nor are these unsustainable models their only choice. Rather, this case demonstrates their compromised or self-imposed obligation, to avoid the sustainable system and business model adjustment that the survival of the earth life system requires of them.

It should be acknowledged that their attempt to justify destruction to secure the provision of jobs and taxes is flawed, given their alternative choice to facilitate jobs within clean industrial systems that will not negatively impact environmental or human sustainability. There is an abundance of new innovative industrial technology which inflicts zero impact on the environment, protects human life and provides energy and resource desired or demanded by our consumer societies. This should be the only legitimate and legal choice for investment and development into the future. The SQP-ICC context can leverage this transition immediately as case investigations and precedents will finally threaten these decision makers with accountability for the devastation that they advance.

The energy and resource alternatives that these decision makers remain unwilling to engage, are currently less profitable and as

such, their commitment to harm people and the environment, may also be driven by greed. They appear to operate as though they are unaccountable to the most basic principle of international criminal law, which is in defense of the sanctity of life. Even when transparently confronted with the awareness of the human destruction that they will bring about, these decision makers have been unable to make the necessary, intelligent decisions required of them nor have they voluntarily abandoned their conduct from inflicting devastating conditions of life upon the essential air, soil, groundwater, reef and ocean systems, that support the human group.

The current decision makers deliberately govern to influence the continuation of economic and strategic direction toward physical destruction, in a time when a global trepidation demands the opposite. The change necessary requires extensive investment into new infrastructure; the voluntary acceptance of a less profitable business models and for expansion of their well-established fossil fuel business, to be abandoned. It is conceivable that their voluntary relinquishment of business models which reward with such lucrative profit and power is undesirable and will never be willingly sacrificed in the interests of the health and life of other citizens.

This model of extensive destruction for great personal reward is so entrenched in their psyche as an acceptable choice, that they may be simply incapable of transitioning their modus operandi, in the interests of supporting to this right to life.

Thus, the importance of the International Criminal Court judicial power, exercising an uncompromised force of justice against this nationally compromised culture of destruction, to prevent this systematic attack and insidiously instigated genocide from continuing. An International Criminal Court investigation and trial will defend the conditions of life sustaining the human group by eliminating the 'choice' that current extends to those alleged criminally liable, where they are able to prioritize a destructive economic agenda, govern and invest in the direction of a nation towards self-destruction, due to what may be considered psychological deficiency, mental illness or a low IQ.

The isolation of the modern boardrooms, provides the decision makers with significant distance from the devastating widespread, large scale and severe destruction that they knowingly advance. It is conceivable that this distance to the environmental devastation and human suffering that their decisions cause, allows them the psychological freedom to consistently demonstrate an absence of respect for their victims. However given each international governments recognition that

the current industrial environmental destruction is accelerating climate change toward a cataclysmic outcome for humanity; it is conceivable that the years of the industrial complex curators avoiding accountability, must come to an end.

This deliberate progress of harm, is also recorded by media and public relations profiles that are published and promoted by affected groups and environmental organizations. Those aware of the impending harm, clearly assert for the knowledge and awareness of the stakeholders and for those averting the truth of the circumstance, that physical destruction will be a result of the conditions of life inflicted by their decisions.

To understand this challenge of criminal liability against leaders, business billionaires and powerful decision makers operating in a first world country, who advance this unparalleled installation of harm against life, must be assessed for their dispassionate and detached perspectives. They act without expressing empathy or regret for the harm they advance, which invites the consideration that they experience a form of a modern mental illness. They do not appear to feel guilt or remorse about the consequence of their actions but rather diminish their planned destruction only when international, judicial or media pressure requires them to do so and such concession appear to be made in order to retain their ability to continue advance the destruction by attempting to pacify their opponents. Recognizing also that their decision to advance such harm may be premised on a lack of intelligence, corruption or a genuine inherent disrespect for life.

When reviewing the evidence, the contemplation that behavior motivated by power and money stirs various psychological complexes that allow these decision makers to believe their position of authority, gives them the right to destroy life for personal or perceived advantage. They are aware that the consequence of their developments will be gross destruction; the true extent of which, this generation has begun to experience but the next generation will extensively suffer and die from it, with a clear account of who bought about their ruin.

However, in contrast to this insidiously evolving industrialized disrespect for the sanctity of life, the SQP-ICC context identifies that the Rome Statute defines this compromise of human destruction for economic gain, with the consequence of destroying this global life sustaining ecosystem; to be one of the world's most serious crimes. The SQP-ICC context therefore, provides the world with an essential tool to neutralize the risk that these psychologically challenged people pose to humanity.

The diagnosis of psychological dysfunction or acute mental illness is problematic given the general lack of formal clinical evaluations existing against the given world leaders; however, if within the courts power, such appraisal of the mental state of these decision makers would be valuable to impose, in order to understand the logic of those advancing gross destruction and of those who allow them to do so, weather through inaction or active facilitation.

We have the technology to mentally assess those alleged criminally liable and given the systematic attack against civilian populations and the manifest pattern of genocide which they advance, this could be deemed essential.

Perhaps their behavior stems from a basic deficiency in intelligence. It would be interesting for the court to assess the mental competence of the decision makers by testing their IQ, in that their intellect is perhaps not of the standard necessary to comprehend the information which science so clearly determines. We live at a time where populations cannot afford leaders who lack the intelligence to understand the consequence of our relationship with nature.

Throughout history, those in modern day political power, as democratically elected or dictatorial leaders of prominent nation states, are often considered to have had a mental disorder. The current day industrial destruction, which perhaps only the International Criminal Court now has the immediately existing power to prevent, will understandably be seen by future generations, as the insanity of those who destroyed our essential life systems, required for the survival of humanity and the insanity or cowardice of those who allowed the destruction to happen.

When contemplating the details of this case, it is difficult not to consider the decision makers accused, as those with the technical term of psychology, named a 'god complex'. This is defined as 'a person who may refuse to admit the possibility of their error or failure, even in the face of irrefutable evidence, complex, or intractable problems or difficult or impossible tasks, or may regard their personal opinions as unquestionably correct.' The individual may disregard the rules of society' and in the case of the Australian government, dismantle the laws, scientific agencies, legal and governance bodies that pose challenge to their insanity of gross destruction. It is possible to assume that these people are not mentally capable of stopping themselves when the immediate personal rewards are so significant.

This case considers the current decision makers as curators of the phenomenon known as the "psychology of oppression", which consists of psychological stultification across a wide range of psychological processes, that persuades many within the group of victims to perceive benefit in their ultimate destruction. In this case, the curators in power, promote short term jobs and minimal tax contributions as benefits worthy of destroying people's lives; both immediately and long into the future. This case evidences that the Australian Judiciary are also complicit in supporting the provision of this deception.

It considers the psychology of the decision makers whose deception is so openly attempted with positioning, dialogue and published narratives that endeavor to persuade that no harm is advanced, whilst all the evidence clearly determines otherwise. Additionally it considers the criminal complicity of international governance bodies who accept this deceit or condone the deception through inaction or diplomatic maneuvering, which does not prevent the harm from advancing as they are charged with the responsibility to execute against.

This submission evidences the need to investigate the modern day political, investment and business leaders alleged criminally liable, quite genuinely as psychopaths. Their behavior so aptly fitting the relevant definition, where individuals 'appear outwardly normal but whose "moral depravity" or "moral insanity," demonstrates that they possess no sense of ethics or appreciation for the rights of other people; demonstrated by their diminished empathy and remorse, and disinhibited or bold behavior; as an absence of, indifference towards, or disregard for morality; in that they prey ruthlessly on others using charm, deceit, violence or other methods that allow them to get what they want.

Typically, the psychopath is well-spoken and charismatic, and even though they can have a cold-hearted and callous edge, they make up for it in the next sentence and you'll have no idea what is hiding behind the face they show to people every day. It includes the interpersonal of superficial charm, egocentricity, a grandiose sense of self-worth, shallow emotions, pathological lying and cunning and manipulative behavior. The coverage of this case suggests these symptoms appear to be demonstrated by the political, business and financial leaders alleged criminally liable, in that they willingly accelerate the destruction of the ecosystems necessary for life itself.^{106, 107, 108}

Some academic psychological profiles, go as far to suggest that those with this personality complex have no interest in bettering

anybody's life, or understanding the how's and why's of foreign policy. But that the power and status of politics and big business and being in the limelight, feeds their egos and serves their insatiable need for attention and admiration. They are there because the cameras, attention and money resides, and are therefore psychologically disassociated from their responsibility to protect.

Must the global community and this international judiciary, consider that the complexity of the decisions that currently lie before national societies, which will have such grave consequence for future generations. Must we consider that to adequately govern a nation, one must be scientifically calculated to be of the mental capability, human compassion and respect for the global life-system that is necessary to full comprehend the repercussions of ones actions.

The SQP-ICC context recognizes that national courts are unable to handle the complexity and grand nature of this crime of gross and catastrophic global consequence. Where the national government and supportive national judicial systems are evidenced intent on supporting the unsustainable resource, development and consumption model that in this case advances this systematic destruction of the reef, the broader Australian ecosystem, its people and the global population.

The SQP-ICC construct proposes that the International Criminal Court is the only judicial authority with the necessary legislative appreciation for the protection required as it is without the compromise of conflicting national cultural and economic objectives.

The other authority to mandate the reefs protection under the reserve powers held over Australian governance, is Her Majesty, The Queen of England. The SQP-ICC argument at this time, invites the Queen's consideration to exercise her absolute power to prevent this travesty for the Australian people, reef, ocean and land ecosystems; in the interests of the global population.

The SQP-ICC context extracts from the Rome Statute a mechanism to realize an essential defense for generations who will exist in a time of future intelligence, where an inherent appreciation for our responsibility to preserve such ecosystems will exist. Ironically such protection is an existing cultural ethic instilled deeply within the indigenous cultures who are so often devastated by such industrial developments.

The Rome Statute can uniquely require that urgent protection be imposed to stop those pursuing short term benefit and inflicting

forms of exploitation that will bring about irreversible death of ecosystems of 'international concern'. These ecosystems are otherwise powerless to protect themselves but the nature of the Rome Statute can appreciate that protecting this delicate mosaic of life, is to defend against one of the greatest crimes of this time.

In this age, when an efficient and sustained attack against our most important ecosystems and vulnerable communities is grossly apparent; this is perhaps the most vital judicial context that could be established as a legal precedent with the rare and unique possibility to protect humanity from a trajectory of global devastation.

The application of the SQP-ICC context against alleged criminally liable individuals, offers a powerful tool to change the minds of those who order, solicit or induce [Article 25.3.b] the commission of harmful activity.

Financial Destruction

The Galilee Basin alone will attract up to \$25 billion worth of infrastructure to build the mines and rail lines to transport coal to ports. The New York Times published that it could create almost 30,000 jobs during construction of the coal mines and their operation, according to the Queensland government. The expansion is in a vast geological basin covering about 97,000 square miles with 27,750 million tons of coal already identified.

This exists within a context of high level deals that conclude at great distance to the harm to be caused. These deals also exist amidst international guidelines which define this development as unethical and which form the basis for many international banks refusing to extend finance. Billions are already heavily invested in the port expansions at the encouragement of current government decision makers and includes the investment of public funds; as such establishing a current position where defending life, will come at a substantial financial loss to both private and public funding already entrenched.

The fact that the government and public are effectively one of the developers cannot be disguised. The Queensland government has invested A\$2bn of public money into funding the expansion of the port to support nine new coal mines in the Galilee basin, according to the Australia Institute. The burden of this investment of public funds, heavily entrenches the government's commitment to the project. They are therefore compromised to make decisions to either protect life or to protect their investment and

their allegiance is consistently demonstrated toward pursuit of profit. The individual pressure that rests upon them having so heavily committed this level of public finance to the project, ensures their decisions will be to protect their money at the compromise of life.

The Queensland Premier has also encouraged final investment decisions by developers sooner rather than later, by the local government offering a royalty discount to the developer who begins construction in the Galilee first. As such, he redistributes incomes from his rate paying citizens to advance a private development that will bring about their own direct physical destruction.

The company Adani has already invested \$1.05 billion in the Carmichael mine, and about \$2 billion in the Abbott Point Port, where it operates one export terminal and is building a second one. The group now needs to raise another \$3 billion to pay for the development of the mine. It expects to get most of the financing from overseas banks and make a final investment decision in 2015. Therefore, with this level of finance already sunk, it is reasonable to consider that these projects will not ever be stopped at a national level, by any form of governance or judiciary power; nor abandoned voluntarily by those who advance them with shareholders' funds already committed. This would deeply penalize the reputation of Australia amongst investors as a reliable nation for fossil fuel investment and as such, abandoning these mining developments voluntarily would devastate their economic agenda.

The issuing of government licenses appears rationalize the cost of devastation as necessary for the economic benefit. Yet the economics of the project are calculated by critics to invalidate the proposed economic benefit which is driving the decision makers' destruction of the entire Australian life system. Tom Sanzillo, who is the director of finance at the Institute for Energy Economics and Financial Analysis, asserts that "The combination of the expense of the development – a mine, a railway and a port – and a weakening of the coal price around the world combine to make this project financially unviable." Additionally, there may not even be a market possible for the coal generated, with China's coal market in decline and India's power and coal minister, Piyush Goyal, has said his country may stop importing power-generating thermal coal within three years as it expands domestic production.¹⁰⁹

GVK predicted that their investment will create 20,000 jobs and \$40 billion in taxes and royalties, through its three mines, Kevins

Corner and the two joint ventures with Hancock Coal, named 'Alpha' and 'Alpha West', but this has not yet been challenged.

An economic expert witness for Adani Mining Pty Ltd, Dr Jerome Fahrer recently told a Queensland court that the Carmichael mine would generate 1,464 jobs and up to A\$4.8bn in royalties. Although it had previously promoted 10,000 jobs and A\$22bn in its publicity campaigns and he corrected this claim as overstated. Dr Fahrer also agreed that, relative to total employment in Queensland, the increase in jobs from the project is "very small", emphatically repeating that "it's not many jobs. We can agree on that... Not many jobs... No argument. Not many jobs", and going so far as to say "Again, the benefits of this project are not about jobs; they're about incomes." The Australian Financial Review.

The legal case exposed that Adani had grossly overstated both the jobs and royalties and as such, the environmental impacts presented in the EIS and SEIS to secure the support of the Coordinator-General, DEHP, and the Commonwealth Environment Minister, was given on a mistaken basis, by using such inflated information. However, this challenge against the mine made to the Land Court does not have the power to stop the mine and can only assert a decision for the review of Queensland's government decision-makers, who are clearly both financially and psychologically invested in continuing the mine's development.

Adani will pay "state mining taxes" which will only benefit Queensland, if the federal government redirects some of these funds to the state. Therefore the extent to which the benefits "will extend locally, regionally and across Queensland" could be nothing. However, Coast and Country's expert, global financial analyst Tim Buckley doesn't believe Adani will actually pay any tax at all. Amid doubts Carmichael is even financially viable - 11 major banks have already ruled out financing it - there is concern the project could end up a 'stranded asset'. "Because of the collapse in the coal price, because of the massive coal discount and because of the cost structure, the mine, in my forecast is actually going to lose money," Buckley said. "Therefore it actually won't pay tax."

Statements have been made now that the mine and rail projects will generate just \$16.8 billion in royalties and taxes. However Buckley comments, "Even if Adani does turn a profit, its corporate structure is so closely linked to well known tax havens that there's no guarantee much of that will be shared with the public. Adani Mining's parent company is a Singaporean trading hub, which could easily be used to avoid tax. Asked if that was the plan, Adani's Group Financial Controller replied "I, I, I can't comment

on that". Multiple other companies linked to Adani's Australian operations, from the Caymans to Mauritius, could also be used to dodge tax."¹¹⁰

Therefore, many would say that the pursuit of economic benefit, is not of value enough to risk a world heritage life sustaining ecosystem and human destruction. "The project is bad economics. It presents a lot of risk for Queensland and Australia," said Rod Campbell at the Australia Institute.

Adani's own professional expert Mr Stanford agreed with this "... this is an extremely risky project ... everybody knows that, I admit that."

In his closing submissions in this Land Court case, barrister Saul Holt SC, for Land Services of Coast and Country stated "Conservative estimates of future demand and price demonstrated a real risk that this mine is financially unviable and will become a stranded asset if it is constructed at all. If the likely risk that this mine will become a stranded asset comes to pass, then significant environmental harm is certain, with economic benefits unrealized"

Australian Senator Larissa Waters, highlights also how little Australia benefits from the mining that will destroy many within their national group, by determining that mining profits will not offset the negative impacts. Larissa equates that perhaps only 6.5 per cent of mining profits are retained by Australia to be invested back into Australian communities, hospitals, schools and public facilities.

Larissa highlighted that mining is expected to secure profits of \$600 billion over the next decade and BHP Billiton alone, recently posted an annual profit of \$22 billion - more than half of the entire annual budget of the state of Queensland but that Australia's would barely benefit. 83 per cent of Australian mining is foreign-owned, which draws the profit back overseas; leaving the average rate of corporate tax paid by mining companies at 14 per cent, with generous tax deductions provided to mining companies by the Government.

The rationale that Larissa highlighted is that although the Resource Super Profits Tax would have collected an additional \$200 billion in the next decade; instead its proposed replacement, the Mineral Resource Rent Tax, would raise only an extra \$38.5 billion over the same time period. \$38.5 billion - out of \$600 billion of pure profit. This equates to less than 6.5 per cent for Australians benefit, when the profit margin of mining is, on average, 37 per cent. Manufacturing delivers a six per cent profit

margin, and retail returns four per cent, demonstrating how extremely lucrative this business model is for its proponents. With 37 per cent in profit possible, this demonstrates the extreme financial benefit that the individual decision makers involved will secure. It makes it possible to contemplate how unlikely it is that those alleged criminally liable will voluntarily give up such valuable personal returns unless threatened with criminal prosecution by the International Criminal Court, when national systems protect and enable them.

In fact the Abbott government actually repealed the mining tax on the profits of big coal and iron ore companies to improve their profits in Australia by decreasing public benefit and adding to the extensive government hypocrisy. Treasurer Joe Hockey hailed the agreement to axe the mining tax, which will cost the budget \$6.5 billion, as a "damn good deal" for the Australian people. Another example of the spin they deliver, when the facts demonstrate harm.¹¹¹

It's often argued that the mining boom does benefit everyone, by boosting superannuation through increased share prices. But the average Australian superfund has barely 4 per cent of its portfolio exposed to the mining sector; therefore the elderly do not rely on the continuation of this business model for support.

The Australian Financial Review published a narrative which would suggest an economic argument for avoiding coal, "the slumping prices, cancelled projects and a global push by governments to cut carbon emissions had cast doubt over the future of the coal industry." Including the fact that "Global mining giants BHP Billiton and Rio Tinto had shut down or shelved projects in Queensland's coal heartland, the Bowen Basin. Former coal baron Nathan Tinkler, who was last year forced to sell his minority stake in Whitehaven Coal to pay off creditors, had fled the country. And Australian banks like the Bendigo and Adelaide Bank had started backing away from financing coal projects to assuage investors' concerns that they are contributing to climate change. While air pollution in Beijing might be causing the Chinese government to turn off coal-fired power stations around the capital".

In 2014, fifty NGO's collaboratively wrote to Frédéric Oudéa, CEO of Société Générale, asking him to abandon his involvement with the nine of the planned mega-mines planned for the Galilee Basin and many banks have been notified of the harm they would invest in advancing, by the indigenous tribes people who campaign against it. Banks have also refused to fund the project due its risk to the Great Barrier, moves to divest from Fossil Fuels and due

to the risky outlook for coal prices, especially due to the low demand for low quality thermal coal.

The coal in the Galilee Basin is largely lower-quality thermal coal, which is of a quality no longer acceptable to many buyers, such as the Indian government, because of its high ash content. It would have to be mixed with coal from elsewhere to get the ash content down and that would add to its cost. India's currency has devalued which also makes thermal coal more expensive. China, another major buyer of Australian coal is also seeking higher quality coal, as the lower quality thermal coal further exacerbates its already serious problems with air pollution and associated respiratory and heart health.¹¹²

When 'Land Services of Coast and Country', argued against Adani in the Land Court in March 2015, they asserted that the economics of thermal coal have dramatically changed in recent years, therefore, the scale of economic benefits can no longer be assumed. Neither can the financial viability of the project. "In reality, the outlook for the seaborne thermal coal market has changed profoundly since (Adani) first proposed the project, in 2010. Prices have dropped by 60% in recent years, mining companies have seen unprecedented wealth destruction and future outlooks are consistently being revised down. Even conservative estimates of future demand and price create an existential threat that this mine is financially unviable and will ultimately become a stranded asset if constructed," said Mr Holt.

Critics point to the plunging price of thermal coal, which is down to \$US70 a tonne – well below the \$US120 to \$US130 a tonne which previously made the Galilee Basin a much more attractive option. For the Galilee Basin coal mines, the 60 per cent plunge in Australian coal prices over the last five years as a result of China's slowing demand, is bad news, but India, has acted less quickly to cut emissions as it strives to provide electricity to its huge, growing and impoverished population. Despite the slow start, it is likely India will be caught up in the plummeting price of renewable energy, particularly as it faces the crippling burden of air pollution that coal creates.

ABC TV's Four Corners aired a program - 'The End of Coal' - in which Indian Coal Minister Piyush Goyal revealed that despite plans to roll out "60-plus coal mines in the next five years" he has no intention of providing a captive market to the key Galilee proponents, including Indian mining giant Adani. "It's not for me to decide whether there will be a market or whether there won't be a market," Goyal said. The minister is focused on boosting India's domestic coal production, a move which will squeeze out

would-be exporters like Adani anyway, but does not discount that "storage will be the next game changer, particularly for the renewable energy space". "With economies of scale and better technologies, I hope that in the next few years we can see an explosion of renewable energy on the back of cheap storage," he said.¹¹³

Queensland Greens Senator Larissa Waters agrees that the state and federal governments have rushed through the approval of the Galilee mines lured by the potential economic benefits. Australian Prime Minister Tony Abbott, has insisted that coal is "good for humanity", and strongly directs a government position which supports the development of the Galilee Basin mines. As such, he selects the coal expansions at the cost of the most important ecosystems sustaining life in Australia. "I think we should absolutely not be opening up the Galilee Basin. It's a climate crime in my view," stated Ms Waters. "There's a range of environmental problems and the economics don't stack up. Adani's project is going to take out 12 billion liters of water every year on its own. It was a premature approval which I don't think should have been granted." The Australian Financial Review

In an economic analysis, the watermark mine proposed by Chinese mining company Shenhua, was valued at A\$1.3-1.6 billion. The mine is expected to produce up to 10 million tons of coal each year over its 30-year lifetime. That approval, given under the Environment Protection and Biodiversity Conservation Act, is not the final step. Shenhua now needs a mining license from New South Wales, and three further approvals on water management and rehabilitation from the federal government.

In response to the Shenhua Watermark coal mine, John Rolfe, Deputy Dean of Research, School of Business and Law at Central Queensland University; focused on the waning economics of trading coal with China. "The potential development of the Shenhua coal mine for coal-fired power plants in China expose the differences between aspirational goals and what is happening in reality. China has underpinned the huge increase in demand for coal between 2004 and 2013, and is now the world's largest producer, consumer and importer of coal. Some commentators have predicted that China's consumption of coal will soon peak, perhaps by 2015, because of cost pressures, the growth in renewables, and government restrictions. While China's growth in demand for coal is slowing, absolute growth in coal consumption will continue for another one and a half decades."

The World Energy Outlook 2014, summarized by Ian Cronshaw, predicted that total global energy use will increase by almost 40% to 2040. China is predicted that it will account for almost a quarter of energy usage by 2020 but China's dependence on coal will slow, due to a restructuring of the economy, increases in renewables, efforts to reduce pollution and improve efficiencies. Yet demand is expected by the World Energy Outlook to grow out to at least 2030, albeit at much lower rates than over the past decade.

This growth in demand is one reason why China is investing in production, such as the Shenhua coal mine. At a projected production of 10 million tons a year, the mine would meet about 0.7% of China's current coal demand for electricity generation of more 1.3 billion tons of coal each year. While meeting future demand is one reason why China may be investing in production, supply substitution is another key reason. While China is the world's largest producer of coal, the production and transport costs are high at many mines. This means that marginal producers in China (as in Australia) are probably losing money. Now coal prices are lower, there is more likelihood that marginal operations will be closed in favor of new mines that can produce more efficiently. The current slowdown in China's economy must be trimming growth forecasts and future coal consumption; at the same time the low coal prices and increased focus on air pollution measures are probably increasing pressure for closing some domestic mines in favor of other alternatives.”¹¹⁴

John Quiggin, Professor, School of Economics, University of Queensland reinforced this argument. “In the years since the project was proposed, the price of coal has fallen dramatically. The company's economic analysis of the proposed mine assumes a coal price of A\$140 a ton. This is based on the high price for metallurgical coal that prevailed when the project was proposed. This boom of coal derived from a massive multi-year construction boom experienced in China. In the last two years of construction the boom, has slowed and there is now a substantial risk of a disorderly collapse. Coal has fallen accordingly and the price is now far below that assumed by the company in its economic analysis. It is highly unlikely that the mine can be profitable at current coal prices let alone lower prices in the future. The prospects of the mine are even worse in the light of China's commitment to cap and then reduce its emissions of carbon dioxide before 2030. For a mine with a projected life of more than 30 years, this is a disaster. Most of the coal will be left in the ground one way or another. Shenhua would be well advised to abandon this project.”

However, defenders of the project dismiss the critic's evaluation of the financial failure of the impending Galilee Basin and Shenhua Coal developments by stating that the current oversupply in thermal coal is temporary and that the future demand from China, India and Korea for imported coal is going to outstrip GDP growth. Forecasts by HDR Salva predict India's imports of thermal coal will increase 300 per cent and Chinese imports by nearly 400 per cent, before 2030.

Additionally future demand is commonly justified by the Indian Prime Minister Narendra Modi promising 300 million Indians access to power; which will come at the direct consequence of their health. This suggests that the Chinese and Indian individuals as buyers, financiers or government facilitators are also complicit in advancing the attack leading to the genocide of civilian populations, if they increase their demand and use of coal, at this time when their only acceptable choice should be to decrease their use of coal.

The Galilee Basin is proposed to become the next frontier for the Australian resources sector. “It could well be the Galilee Basin is the salvation of the mining part of the resources sector in Queensland,” Queensland Resources Council chief executive Michael Roche says. “We remain firmly committed to the development of our Galilee Basin coal assets and we are continuing to develop our projects to a point where construction can commence,” a spokesman for GVK says. “There will be huge economic benefits to Queensland for the next 100 years – the next two to three generations – if it's developed,” Sweeney says. Apart from the obvious economic benefits, which Sweeney proposes as thousands of jobs and royalties.”¹¹⁵ Greg Hunt specified similar sentiment in a statement to the effect of 'who are we to stop 100 million Indian people having electricity' and Michael Roche stated, 'who are we to stop the coal boom'.

This habit of a country entrenched in a business model whose expiry is directly linked to the fate of the planet, should have the International Criminal Court's accountability forced upon the private owners and public facilitators. Their intent to retain control of this heavily invested business model, demonstrates that they are unable to exercise the rational mind that requires them to voluntarily and completely abandon the action that will harm the life and health and the entire ecosystem but their conduct is the opposite.

Australian Tim Flannerie stated “The coal barons have made it their business to ensure that nothing gets in the way of their profits. Australia's cavalier attitude to its great reef makes little

sense without knowing about its coal industry. It is powerful in a way that few industries globally are. Until recently, Australia controlled a greater proportion of the seaborne coal trade than Saudi Arabia did the oil trade. Domestically, coal-fired power plants provided 90% of the nation's electricity. But much has changed in the past five years. Coal prices are at a historic low, and as electricity demand has fallen, and renewables have expanded, coal now supplies a mere 69% of the nation's electricity. The industry has woken up to the threat it faces, and it's now putting all its efforts into self-defence. What it sees as bureaucratic "green tape", that is environmental regulation, has been high on its agenda, as it tries to breathe new life into stalled coal projects."

When UNESCO called for a ban on any new port works near the reef until 2015, saying the scale and pace of proposals "appear beyond the capacity for independent, quality and transparent decision making". There was an immediate backlash from the Queensland state government, which declared itself to be "in the coal business" and said it would not put the environment before economic development, with the Queensland Prime Minister Campbell Newman stating, "We are in the coal business,", therefore, "If you want decent hospitals, schools and police on the beat, we all need to understand that."

Australia's Environment Minister Tony Burke who also condemned UNESCO's expectation of compromise, asserted that the government was "committed to ensuring the best possible protection and management" of the reef, which as the world's largest coral reef system is a major tourist attraction. But Burke warned that he could not "take away the rights at law that applicants have" where approval bids for major mining and port projects were already underway, and said the largest would not come under the UNESCO ban. "My view is you want the coal industry to be able to continue in a way that is sustainable," the minister said last month. "That means putting the right conditions around, that means making sure that it's sensitive to the environment."

Yet, there has been criticism that an impartial investigation was required regarding the many panels which include scientists and others who have obvious conflicts of interest, that the Federal Environmental Minister Hunt and Steven Miles, the Queensland Environment Minister, have created. Their creative arguments are constructed in order to persuade the international audience that their contamination, pollution and destruction, is acceptable. This was reinforced by some of Abbott's climate skeptic 'science' expert appointments, rendering it believable that Australian

government ministers publish diplomatically adjusted, misleading and disingenuous scientific accounts, in order to approve licenses unrestricted.

Such deceptive conduct can be considered due to past scenarios that demonstrate sly and scheming behavior, such as Australia's 1997 Kyoto commitment where they managed to slip out with a target that allowed them to actually increase our emissions; while, at the same time, securing a clause that would mean they would need to do almost nothing to meet it". This sort of behavior was also demonstrated by the political elite in the European Carbon Market design, where a number of players were alleged to have calculated that the market distortion would lead to a collapse, encouraging an agreement of certain failure.

This SQP-ICC context proposes that the International Criminal Courts judicial restriction would force an essential transition that the current decision-making stakeholders appear simply unable and unwilling to make on their own. The compromise that is asked of them, poses such significant risk to their wealth and power that they could not conceivably give this up voluntarily. It risks the entire wealth holdings of most of the most significantly established business models and individuals, and challenges their ability to manage the economic transition that they may be simply without the skills or disposition to manage.

The complexity of the situation makes it difficult to mount a defense against the objectives of those currently in power, whose choice is necessary to ensure this change. However, the International Criminal Court can remove the choice and in the interests of protecting life, humanity and the global ecosystem; it can impose the change of greatest value for world sustainability, upon this predominately unwilling class of wealth and power, by ordering an end to their uncivilized era of destruction.

It is important to highlight the growing distance between the conditions of life they inflict and the value of human life. This profile details the systematic deconstruction by Tony Abbott and his government decision makers who front the objectives of the business and financial consortium involved, against the national protections systems for human rights, the environment, the aboriginal people, those vulnerable and the general population.

The current strategy employed to allow this development, is to covertly disguise their deliberate destruction, in order to diligently deliver the developments desired for their economic players. They dually deceive and devastate the citizens of Australia and the world, as a result of designing and promoting these cleverly

positioned compromises that allow their advance of harm through a campaign of misinformation.

The court can consider this pattern of self-indulgent cunningness by the Australian political and corporate class, to defend its coal agenda by constructing strategies to achieve their objectives; whilst simultaneously saying and printing whatever words necessary to appease any power which may otherwise restrict them. Their conduct is evidenced as focused on avoiding accountability for the harm they advance and not publically acknowledging the severity of the consequences.

It is certain that we live in a time of disingenuous politics who are closely aligned with the fossil fuel industry. We can be sure, to be unsure of the true motivation of those forming policies and licensing developments. We must question the intentions expressed and assess only the evidence, which implores those with power, to stop the harm.

It is important to consider the generally duplicity of the Abbott government and their genuine demonstration of believing that they are without accountability.

Since this government took power, the individual's decision makers within government are not monetarily independent from the financial benefits of the dirty industrial developments which they advance. In December 2013, Tony Abbott and government, weakened the ministerial code of conduct to let ministers keep shares in companies.¹¹⁶ As such it is feasible that members of the Abbott government can be significantly, personally, financially rewarded for advancing the industrial developments.

Only the top 20 shareholders of any public company are required to be listed as shareholders and those listings can be under token names of representation and therefore completely disguise the individual identity of who owns the shareholding. The court could request the full disclose of company ownership, bypassing the shareholders current protection of anonymity, in order to ascertain the extent of the political void of independence from the fossil fuel industry in Australia. This specific ownership information will directly reflect the government decision-makers bias, in their ability to make new laws and approve licenses to protect those interests. It may also evidence a reason for interference with the judiciary, using tools like 'suspension of security' on those issues which may impact their economic objectives at the cost of the national population.

On the 8th of November 2013, Abbott also abolished the National Steering Committee on Corporate Wrongdoing that for 21 years worked to make sure the law was effectively enforced on corporate criminals.¹¹⁷ This further diminished the accountability of those who advance this destruction and helps them to avoid the scrutiny of shady deals that may be necessary to deliver such a complex development.

On 5 June 2014, the Abbott government abolished the Corporations and Markets Advisory Committee, which has, for 25 years, investigated gaps in Australia's corporate and financial markets law and recommended ways to close them.¹¹⁸ and the Abbott government cut funding from the corporate regulator ASIC which oversees the financial sector. Additionally, he abolished the COAG Reform Council, which provides information to Governments so they can track the performance of their programs and be evidenced accountable.

On the 26th of May he made a significant move to deny funding to the Office of the Australian Information Commissioner, commonly known as the Freedom of Information watchdog; whilst the commissioner remains in existence without funding or an office. "It has been abandoned by a government content to ignore its fundamental responsibility to execute the law. Without funds, that office cannot give effect to the responsibilities imposed upon it by the very legislation the government has not persuaded the Senate to repeal. The government also introduced a bill to abolish the office.

The result is deeply disturbing. Greater secrecy has been reintroduced. The Australian Government is now less transparent and accountable. More particularly, its fiduciary duty to us as our public trustee has been breached. This means decreased transparency and accountability. The constitution (section 61) says the executive government's power extends to the "execution and maintenance of this constitution and of the laws of the Commonwealth" and what has occurred is the opposite of "giving effect to" and of maintaining the laws of the Commonwealth."¹¹⁹

In April 2014, the Abbott Government forbid public servants from making political comments online, even anonymously, and instructs them to report on colleagues who do.¹²⁰ Relevant to this case, it forbids all the government employed scientists from expressing honest opinions publically about the industrial compromise to the environment, health and life. Limiting them to only those comments that have been formally approved for publishing by the government. This gags those who know the

truth, from speaking out to protect the Australian people, in self-interest to protect their job, personal income and right to work. The phycology of this leader can be ascertained by his disposition toward life and human rights. In 2013, soon after his election, he condones torture by foreign governments by saying "sometimes in difficult circumstances, difficult things happen" ¹²¹ In 2014, he was spending an estimated \$500 million yearly participating in the conflict in the Middle East ¹²² and his diplomats frustrated and defeated an attempt at the UN to highlight the humanitarian consequences of nuclear war ¹²³ In October 2013, according to the documents released under freedom-of-information law, Australia refused a request by New Zealand to endorse a 125-nation joint statement at the United Nations highlighting the humanitarian consequences of any use of nuclear weapons."

Australia objected to a sentence declaring that it is in the interest of humanity that nuclear weapons are never used again, "under any circumstances". Australian diplomats worked behind the scenes to frustrate and defeat this invaluable global nuclear disarmament campaign, arguing it was not in the nation's security interests. Declassified documents have revealed that the government's primary concern is that a nuclear weapons ban would "cut across" Australia's reliance on US nuclear deterrence. A department submission endorsed by Ms Bishop last October argued that a ban "conflicts with Australia's long-standing position that, as long as a nuclear weapons threat exists, we rely on US nuclear forces to deter nuclear attack on Australia".

Abbott has violated the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and has found to have done so multiple times by the U.N. The Abbott government then lobbied heavily with the Attorney General, to have the President of the UN Human Rights commission removed from her job, publically stating that after a report found Australia's treatment of asylum seekers breaches an international anti-torture convention; the Prime Minister said "Australians are sick of being lectured to by the United Nations". ¹²⁴

This Australian governance group demonstrate a priority toward national objectives ahead of world peace, health, security and the protection of life and life systems. They have established they willingly advance the risk that threatens entire populations, in order to leverage their preference for a perceived position of security. Correspondingly, they justify advancing high levels of climate change against the international population, in that it provides them with other benefits of economic security and as such, they deem destruction and extreme risk against the world and their own people, as acceptable. This further evidences the

importance of an international judiciary who is impartial to national priorities at the compromise of the sanctity of life.



SQP submits the SQP-ICC legal argument to prevent Coal Mining, Gas Fracking and Port Expansions, In Queensland and New South Wales, Australia to the International Criminal Court, The Hague.

Applying the SQP-ICC context extracted from the Rome Statute to prevent climate calamity bringing about physical destruction, including heatwaves, fires, floods, drought and starvation, contaminated underground water and poisoned food supply, air pollution and respiratory deaths; the economic and social impact of salinity, dead coral reefs, oceans dead zones and rising sea levels; and to protect one of the seven natural wonders of the world, by defending the Great Barrier Coral Reef of Australia

Author: Miriam Clements of Sustainable Quality Purpose [SQP]
www.sustainablequalitypurpose.com | www.victoryaustralia.com
 contact : miriam.clements@sustainablequalitypremium.com

International Criminal Court Right to Jurisdiction

The International Criminal Court can assume jurisdiction at its own discretion, to investigate and prosecute in the case that the national judicial systems are unable or are unwilling to genuinely carry out the investigation or prosecution; [Article 17].

This obstruction of justice caused by such unwillingness to investigate, is evidenced by local legal cases or investigations already pursued within the national judicial system that are clearly corrupted.

The inability to prosecute effectively is also evidenced by a culture so entrenched in advancing the economic model of coal and gas, that it can be reasonably denounced that the national judicial system is unwittingly or consciously a part of the psychological commitment to fossil fuels as the ordinary course of events. The evidence for this includes cases that demonstrate that the nations judicial system does not exist independently of the government, in that they have actively changed laws to ensure that their right to develop and cause harm, continuing unhindered by the judicial system. They have redesigned

evidence submissions to overturn decisions that would have forced them to abandon development; and they have exercised suspension of security to drag cases out over years without making a final ruling, whilst the development continues to advance.

This case profiles government representatives and business leaders who openly contradict evidence provided by world leading scientists, by advancing the physical destruction that will result from industrial activity advancing climate change. This political position is reflected in the judicial dealings and decisions relevant to the applicable cases that have advanced. The judicial system of Australia has repeatedly avoided adequately passing judgement on the crime of gross environmental destruction which will inflict conditions of life upon the national group that will bring about their physical destruction.

Another important factor validating the national judicial systems inability to assert justice, is that this is a crime of global consequence and the national system is unable to rule on the outcome of the crime which is exported and then returns atmospherically. This validates the need to engage a court of international jurisdiction to investigate and prosecute this as an unforeseen case of international concern that requires judgement across global spread jurisdictions.

If Australia's Judicial system will not rule against those responsible for bringing about climate change and all of the relevant environmental destruction, pollution and contamination - which the greatest scientific minds clearly evidence is a direct result of such coal and gas developments - then the Australian Judicial system is unwilling, unable and incapable of rendering justice for this case and others which oppose this nations predominant economic model.

Jurisdiction also applies where the individuals responsible were tried in a national court but shielded from explicit criminal responsibility or when court proceedings were not conducted independently or impartially; or if unjustified delays were inconsistent with an intent to bring the person responsible to justice. [Article 20].

It is inconceivable that the Australian Judiciary, will hold some of Australia's most significant economic investors, accountable for this serious crime they are alleged to commit, within the economic system that desires their continued investment and facilitates their continued crime.

Case Study 1

The Supreme Court has ruled against granting a judicial review to dismiss the case to stop the mine by finding that “the Land Court considered the emissions from the burning of coal as part of the consideration of the public interest but gave no weight to those emissions due to the factual finding that the emissions would be substituted by another project if the mine did not proceed.”¹⁷³ Within this judgment it renders its indifference to the crime.

This ruling definitively confirms that The Supreme Court of Australia has taken a position toward climate change that allows both Article 17 and Article 20 of the Rome Statute to apply against them. The court has ruled that because the emissions will happen anyway, they are unwilling to extend a judgement that will protect human life against the destruction of climate change. If they extended this protection against each case that arose, then with justice unobstructed, the emissions would not happen anyway and investors would be forced to commit to sustainable industrial alternatives. The Supreme Courts position demonstrates that the Australian Judicial System at the highest level, supports the pursuit of resource appropriation at the cost of heightening emissions which are calculated to take human life. The courts confirmation of economic allegiance and leniency provides the International Criminal Court with the right to assume jurisdiction over one of the world’s most serious crimes, where clearly the court is shielding economic interests from their criminal liability.

In the Supreme Court of Queensland, April 2015, Conservation group Coast and Country challenged the 2014 Land Court of Queensland decision on the huge Alpha Coal Project by GVK Hancock. With the history of this case dating back to September 2013, the use of the legal tool ‘suspension of security’ could have been utilized in this case to delay timing but finally a judgement has been made.

The original argument presented to the Supreme Court stated that because the land courts verdict was flawed, that the environmental authority upon which the mining license was issued, was flawed and as such, should be cancelled.

The case focus was to argue that the Land Court should have ruled on an outright refusal against the land use in the Galilee Basin, on the basis of its impacts on groundwater. Instead the court had recommended a precautionary approach with both options of refusal and approval with certain conditions, thus rendering an irrelevant and incorrect verdict, unable to impact a

licensing decision with any meaning or determine direction. The Supreme Court determined that the Land Court was able to contradict themselves and deliver no definitive position.

After the Land Court had originally recommended that the applications for the mine be refused or, alternatively, that the applications be granted subject to further assessment of the groundwater impacts under the Water Act 2000 (Qld).

The Queensland Minister for Environment and Heritage Protection subsequently granted the application for an environmental authority in 2014 for the mine, subject to further assessment of the groundwater impacts. The Queensland Minister for Mines has not yet made a decision regarding the grant of the mining lease. This demonstrates the court acknowledging the serious environmental problem but leaving the door open for ministerial approval of the mine, attached to a list of promises to no doubt offset the harm due, which is not conceivably possible to offset if the evidence is honestly assessed.

Climate Change was argued as a reason for the Land Courts incorrect decision, criticizing that greenhouse gas emissions had not been acknowledged by the court and that the Alpha mine should have been refused because it would contribute to climate change and have permanent and irreversible effects on groundwater. In relation to climate change, the Land Court considered it was outside the scope of the relevant Acts to consider the greenhouse gas emissions from the transport and burning of the coal from the mine. Once again, exhibiting how the national judicial system is unable to handle a case of environmental destruction which will lead to climate change; or is unwilling to judge such a crime.

In fact what is interesting about this case is that the government legal counsel Nicolas Loos, argued on behalf of the government against the impact of climate change, in order to diminish its significance. This is obviously in direct contradiction to the PR narratives that the government publish and the public statements by Julie Bishop to other nations at Cop20 in Lima. He stated that the mine would emit 61 million tons of CO2 each year, which equates to just 0.16 per cent of annual global emissions. “The contribution to global emissions is negligible,” the submission read. Nicholas Loos, counsel on behalf of the state, said the conditions imposed protect Queensland’s environment while allowing for development that improves the total quality of life, both now and in the future. “The court should recommend approval on those terms,” he said.

It is conceivable that because Climate Change is an unforeseen circumstance of physical destruction, that national judicial systems are unable to prosecute this case issue. It could be contemplated that if the International Criminal Court established a precedent for climate change, based upon the SQP-ICC context - which protects against individuals deliberately inflicting conditions of life up on the human group that can be calculated to bring about their physical destruction, in whole or in part – then national judiciaries will be better equipped in the future to interpret their local Crimes Against Humanity and Genocide laws in this way, into their own national judicial understandings.

The International Criminal Court could recognize for the world, a judicial mechanism to directly prevent climate change acceleration and significantly contribute to resolving the world's most sinister, sophisticated and powerful threats against life.

In the original hearing in 2013, EDO Qld solicitors, along with barristers Mr Adrian Finanzio SC, Mr Rupert Watters, and Dr Chris McGrath, represented Coast and Country Association Qld (CCAQ) in their objection against a recommendation to approve the mine on three bases: groundwater, climate change and economics.

On groundwater, CCAQ argued that Hancock's conceptualization of the regional groundwater system is contradicted by the data, the groundwater modelling was unreliable because of this and other unfounded model inputs, and therefore the impact assessment based on this model is flawed. On this basis it was argued that insufficient information has been produced to support a decision to approve the mine.

On climate change, CCAQ argued that Hancock's assessment ignores the global impacts of the burning of mined coal. The global atmosphere is a single system, and Queensland will be affected by impacts upon the atmosphere as a result of coal burned, regardless of the location where it is burned. The burning of coal is arguably a direct consequence of the mine, and therefore a relevant consideration under the Environmental Protection Act, relating to the principles of ecologically sustainable development. Further, there is little evidence to support the idea that if Alpha does not mine the coal, demand will be such that it will be mined elsewhere instead.

On economics, CCAQ argued that the Input Output model used by Hancock in the assessment overstates the benefits of the project while ignoring detriments. On this basis a decision-maker cannot properly assess whether the project should be approved.

GVK Hancock argued for a recommendation to approve the mine, relating to groundwater, climate change, and economics, as well as surface water and ecology issues raised by other objectors.

On groundwater, Hancock argued simply that extensive data collection and assessments demonstrate that there would be no significant impact upon groundwater; that deeper groundwater would be available to satisfy make good agreements after drawdown, and that future monitoring would take care of future issues.

On climate change, Hancock argued that emissions occasioned as a result of burning the coal are Scope 3 emissions and therefore irrelevant for consideration; essentially, they are not our business, they are the business of whomever chooses to burn that coal. They also argued that if Alpha was not approved, demand for coal globally is such that the same quantity of coal would be mined and burned via other sources, meaning that Alpha thereby has no net effect upon global climate change.

On economics, Hancock argued that a Cost-Benefit Analysis was not necessary, as the Input Output Analysis exists simply to inform the decision-maker, alongside considerations from other disciplines. They contended that the assessment was in any event accurate, as (for example) employment is not at full capacity (including an increase in unemployment for mining-related jobs), and therefore the mine would not impact negatively on the labor market.

The mine itself is 79 per cent owned by GVK and 21 per cent owned by Gina Rinehart's Hancock Coal. The central Queensland project is scheduled to be up and running in 2016, and will export 32 million tons of coal a year. The mine would span 64,700 hectares, which is roughly 25 times the size of the City of Sydney, figures provided by Coast and Country show. About 22,500 hectares of vegetation will be cleared, the equivalent of 27,000 soccer fields. Coast and Country also said 176 billion liters of water would be removed in 30 years, which was about enough to keep a tap running for 22,000 years.

The mine began its application process in 2008 and has not yet been fully approved or commenced operation. In Queensland, the major approvals required for large mines under State and Federal legislation are: a mining lease under the Mineral Resources Act 1989 (Qld) (MRA); an environmental authority under the Environmental Protection Act 1994 (Qld) (EPA); and approval under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act). An EIS was prepared

for the mine and rail project in 2009-2012 and the Coordinator-General issued a report in 2012 recommending the mine be approved. Concurrently with the Queensland assessment of the mine, it was assessed under the EPBC Act using a bilateral agreement and subsequently approved by the Commonwealth Environment Minister in 2012. Following the Coordinator-General's report, the mine was publicly advertised for objections under the MRA and EPA.

Objections received in the original Land Court case, including from grazers around the property such as Bruce and Annette Currie and Janeice Anderson, who objected to the potential impacts of the proposed mine on groundwater. Paola Cassoni, who operates the Bimblebox Nature Refuge and cattle property to the south of the mine, objected on the basis of its "permanent and irreversible" groundwater impacts and other environmental impacts of the mine.

Opponents challenged approvals for the project, arguing it will contribute to climate change and have "permanent and irreversible" effects on ground water. Cattle farmer Janeice Anderson's property is dependent on ground water. She says levels are projected to fall by up to five metres within a 10 kilometer radius of the mine over its 30-year life span. She has told the court her property will border the Alpha mine and will also be surrounded by Indian conglomerate GVK's Kevin's Corner coal mine, and Clive Palmer's China First coal project. She said there'd been no cumulative study on all the mines' final impact on groundwater. "We are between a rock and a hard place," she told the court on Friday. "Once the aquifers are dewatered and depressurized, there will be no remediating." "How the loss of ground supplies will be made good or be compensated for, is a devastating and ever increasing concern for us and our children's future.

Cattle farmer Bruce Currie's property lies just northwest of the proposed Alpha open-cut mine, which is expected to be the largest in Australia. "Why have we not been provided security over our ground water supplies?" he told the court. "The permanent and irreversible impact on ground water has placed a huge burden of uncertainty on properties."

Environmentalist Kathryn Kelly says the mine should not proceed because of its impacts on climate change. She told the court that if 10 mines proposed for the Galilee Basin went ahead, they would produce the equivalent of more than 700,000 million tons of carbon dioxide a year, at full production. "This would exhaust

the carbon budget in a flash," she said. "This is a decision of global importance."

Barrister Adrian Finanzio QC, who represents community group Coast and Country and who pleaded with the Land Court to stand in the way of the mine and a state government that was "feverishly" approving leases. He argued the court could not be satisfied that an approval would result in ecologically sustainable development or that it was in the public interest. "In many ways approval processes more often than not (are) heavily weighted towards that party who is doing the proposal," he told the court. "This court is the gatekeeper, the check and balance. "Where the court stands between effectively arms of government who are processing applications feverishly and its citizens."

The companies' response to these court cases diminished their importance, publishing in their public report as follows: "GVK Hancock is contesting numerous legal challenges across State and Federal courts brought by anti-mining activist groups such as the Mackay Conservation Group, North Queensland Conservation Council and the Coast and Country Association of Queensland Inc.

GVK Hancock, has admitted that legal challenges were delaying regional development of the project and confirmed that they will finalize their joint venture with Aurizon, before executing coal off-take agreements and finalize financing arrangements when these legal hurdles are crossed; stating in its July-October project update report. We will continue to work diligently through this legal process as quickly as possible to bring our project to a point where construction can commence and the benefits can flow to the local regions," the company said

"Despite GVK Hancock investing tens of millions of dollars on some of the most comprehensive environmental assessments, which guided approvals from State and Federal government bodies, this significant regional development is being delayed by a range of anti-mining activist groups taking our approvals through court processes designed to hold up development," it explained.

Of the several legal issues, only one case involves landholders and the company was anticipating to finalize Make Good Agreements with landholders shortly. These are legally binding contracts that holds the company responsible for restoring any unduly affected water supplies to meet the landholders need. "The remaining agreements will be in addition to the 11 agreements that we have successfully put in place with the large-

scale agricultural properties around our proposed mining operations," it said. As for the rail line, the company said it was continuing to finalize its joint venture with Aurizon to jointly develop the rail and port infrastructure to connect Galilee Basin coal assets to export markets.

It may be noted that last month, the project was granted an Environmental Authority after six years of planning and comprehensive environmental assessment. It now counts over 200 approval conditions across the project and associated infrastructure. In terms of the market conditions, the medium to long-term prospects of coal demand remain strong and will create a global supply shortfall in the coming years with our coal assets uniquely positioned to deliver such new supply", the report added.

Case Study 2

Evidence of Australia's compromised judicial system, when judging a case relevant to coal, is demonstrated by the Newlands Coal Mine case, in 2006.

An Australian Environmental Law study profiled this case involving an objection by the Queensland Conservation Council Inc (QCC) to the greenhouse gas emissions from a large coal mine expansion proposed by Xstrata Coal Queensland Pty Ltd, which was later taken over as part of the Xstrata Group by Swiss mining giant Glencore. QCC contended that the greenhouse gas emissions from the mining, transport and use of the coal from the mine would contribute significantly to global warming and climate change, unless offset by conditions to avoid, reduce or offset those emissions.

The objection was lodged on 7 November 2006 and a two day hearing was held in the Queensland Land and Resources Tribunal (the jurisdiction was then transferred to the Land Court Tribunal (LTR) of Queensland) on 31 January and 1 February 2007. The LRT dismissed the objection and recommended the mine be approved without any conditions regarding greenhouse gas emissions. However, QCC successfully appealed the decision and the Queensland Court of Appeal ordered a re-trial.

"On the day of the judgement, the Queensland Government indicated that it would amend the law to prevent any delay to the mine and effectively politically overturning the judicial ruling. The government passed those amendments four days later, over-riding the decision of the Court of Appeal and preventing a re-hearing. The amendments were inserted into the

Mining Legislation and other Legislation Amendment Act 2007, which was omnibus legislation for mining before Parliament at the time. Parliamentary debate on the amending legislation is recorded in the Queensland Parliamentary Hansard (16 October 2007). The Minister's explanation is published on pages 3590-3593."

This case clearly demonstrates the Australian judicial system 'unable' to investigate or prosecute, on the basis of government interference, a disrespect for established laws to protect life and consequently a judicial system that is not adequately independent of the political system, nor respected by the political players. This validates the right of the International Criminal Court to assume Jurisdiction.

Also validating a right to jurisdiction is the fact that the total annual greenhouse gas emissions produced directly by Australia at the time of the case were approximately 550 Mt CO₂-e, which was approximately 1.5% of greenhouse gas emissions globally; which also demonstrates a case of global consequence; for which the conduct by these Australian collaborators will bring about the physical destruction of multiple national groups in the world.

Newlands Coal Mine case links is listed under references 125 - 151

Case Study 3

Another case which demonstrates the Australian Judiciary unable to pass judgement on a case of global impact, was evidenced by national court challenges relating to a section of the Environment Protection and Biodiversity Conservation (EPBC) Act, within national environmental legislation. Section 136 of the act states that assessments must take into account international principles of ecological sustainability, meaning that for projects that impact areas of national environmental significance, consideration must be given to concepts such as the needs of future generations and the precautionary principle.

The judicial ruling in 2006 for this coal mine in Queensland, determined that greenhouse gas emissions from mining, transporting or burning coal in other parts of the world, should "not" be taken into account when assessing a mining license because their impact is too indirect to be specifically connected to the project.

The fact that the Australian Judicial System has ruled that the climate change and carbon emissions impact of coal is too 'indirect' to be attributed to a mining development, demonstrates

a gross misunderstanding of the science available, which directly connects the impact of coal mines with carbon and climate change. It also could be considered the judiciary had 'shielded those charged from explicit criminal responsibility' as a direct result of the environmental destruction they cause, in accordance with Article 20. The courts unwillingness to prosecute the crime of Climate Change and make judgement that contradicts international evidence asserting the causality between coal and climate change, validates the right of the International Criminal Court to assume Jurisdiction.

Case Study 4

Australian courts contradict the evidence that calculates this physical destruction in another 2006 case regarding the expansion of Anvill Coal Mine in New South Wales. This mine was challenged in Federal Court and the judge ruled that the impact of greenhouse gas emissions from burning coal does come within the scope of the EPBC Act and should be assessed, but that emissions are difficult to measure, that climate change is caused by a range of different contributors, and that greenhouse gas emissions were often the product of voluntary and independent human action.

The judge ruled that a failure to take account of climate change and global warming caused by increased greenhouse gas emissions amounted to a breach of the international principles of ecologically sustainable development; but the judgement simultaneously distanced any direct accountability for coal mining and thus acknowledged the problem but dispersed the blame away from the coal development and the individuals responsible. This case precedent also evidences the unwillingness of the Australian Judicial System to recognize environmental destruction from coal and the consequent circumstance of climate change.

At an investigation level, there are multiple cases across the nation where the Australian authorities have been proven unwilling to investigate. The earlier example of Ted Whittingham's fishery business, which collapsed as a result of fish disease caused by a high level of heavy metals as a result of the Gladstone Port Expansion, evidenced this. Despite national media coverage and journalist investigations which plainly demonstrated the effect of ill health which could have causally linked to subsequent devastation of human health; the authorities refused to investigate, demonstrating the kind of obstruction of justice webbed across all levels of the national system. Such

case evidence is readily available to collect in Australia upon investigation. Gathering such evidence would further compel the International Criminal Courts right to jurisdiction over Australia's judicial system, where it is easily evidenced that local investigation bodies commonly refuse to investigate cases where physical destruction has occurred as a result of coal and gas mining and related port expansion developments.

Also evidencing a crime without any clear way to secure and investigation or prosecution, is evidenced by the earlier profile of the Hunter Valley, where the ill heath caused by the extensive mining developments over the last 30 years has devastated the community and Hay Point residents facing the same consequences as a result of the coal port expansions, where this issue exists without remedy under national law because the national bodies responsible will not investigate and evidence liability.

Case Study 5

Another case where the Australian Courts simply refused to consider the climate change and health destruction that a coal mine is scientifically calculated to bring about; is the 2007 case against the Wandoan Coal Mine, which will operate for 35 years in the Surat Basin of Queensland, approximately 350 km northwest of Brisbane, with 1.2 billion tons of deposits across 32,000 hectares. It was proposed in 2007 by Xstrata Coal Queensland Pty Ltd and its joint venturers and was then taken over by Swiss mining giant Glencore in 2013. Consultants for the applicants prepared an environmental impact statement that calculated that the mining and use of the coal would produce 1.3 billion tons of greenhouse gases.

The Friends of the Earth Brisbane, a conservation group, lodged an objection to the mine, due to the contribution its emissions will bring about climate change and ocean acidification. Neighboring landholders also objected to the mine due to noise, dust, groundwater and other issues. The objections were heard by the Land Court of Queensland in Brisbane, in August 2011; which is a tribunal that cannot enforce its ruling but is the court which should in theory influence the government's decision. This is another case that demonstrates the Australian Judicial system as either unable or unwilling to deal with the monumental environmental and human destruction that they advance through their commitment to this economic model which requires devastation of life as a cost of doing business.

The Court simply dismissed the climate change objection and recommended that the mining lease and environmental authority be granted. Some concerns raised by the landholders were addressed. Friends of the Earth appealed the decision to the Land Appeal Court but discontinued the appeal before a decision was reached. This case demonstrates a national court system unwilling to acknowledge one of the world's most serious crimes.

Case Study 6

The Hazelwood Power Station case was one of the first climate litigation cases in Australia and is an example of the Australian Judicial System being 'unable' to uphold justice. Australian Conservation Foundation and other environmental groups bought the case to the Victoria Civil and Administrative Tribunal, which found in their favor, in that an expansion of a coal mine was required to consider the indirect impacts of greenhouse gas emissions resulting from the burning of the coal. As with many judicial review cases this was something of a hollow victory, as after this directive to decline the mining license based on its emissions, the Victorian Government approved the expansion. Therefore, even when the judicial system entered a verdict that required the governments consideration of climate change, they ignored the land court tribunal directive.^{152 - 153}

Case Court Applications - 152 - 153

Case Study 7

Evidence of interference in the Australian Judicial System, which reversed a precedent that established progress to manage this judicial issue occurred in 2011. The expansion of the Ashton coal mine in December 2011 was denied, finding that it would have unacceptable impacts on human health, due to air pollution, and water resources, including Glennies Creek and the Hunter River. The refusal was based on submissions from the NSW Department of Health (including a report by the CSIRO) detailing regular breaches of air quality standards at Camberwell, and the NSW Office of Water, both opposing the project.

However, after the submission of a new report on health and water impacts, by the NSW Department of Planning, the project refusal was simply overturned and the approval granted. The original court position to deny the developments progression was reasonable and correct given the devastating impact to human health that will occur as a result of the coal expansion. Yet new studies were submitted to enable a new verdict from the court and

dismiss the devastation of human health were misleading and false. This evidences government and/or business interference with the judiciary where a legitimate decision was overturned by the provision of falsified evidence or a very moderate scientific perspective inconsistent with the reality of harm that would be inflicted.

The case was argued by barristers Robert White and Corrina Novak on behalf of the Hunter Environment Lobby versus the Minister for planning and Ashton Coal Operations in New South Wales. The Land and Environment Court heard the Hunter Environment Lobby's merits appeal in September 2013 during a two week hearing. The group was concerned about the impacts of the mine expansion on the health of nearby residents as a result of dust emissions, loss of Aboriginal cultural heritage, reduced agricultural productivity, threats to key water resources and the economic justification for the project. The Court also heard expert evidence from hydrologists, economists, air quality experts and archaeologists.

In August 2014, the Court determined that, on balance, approval could be granted for Ashton Coal's mine expansion, subject to conditions.

Although the case progresses slowly but ultimately in favor of the developer and government, one interesting element is that a resident of the land required for the expansion, Wendy Bowman, will not sell her property to Yancoal, the developers. On April 2015, the Court determined that no development may be commenced by Ashton Coal until it has acquired Mrs Bowman's property which is located in the proposed mine pit. The Project had been assessed on the basis that the owner of the property could not be living there during the life of the project given the severe impacts from the mine on the residence. In 2015, Ashton Coal, owned by Chinese controlled mining company Yancoal, was to appeal this NSW Land and Environment Court order.

Case Court Judgements 154 - 158

Case Study 8

Another judicial obstruction of justice, is the application of the 'suspension of security' legal tool, which also substantiates this transfer of judgement power, when applied to delay or creates jurisdiction issues around a case, evidencing the argument that a national judicial system is simply 'unable' to investigate or prosecute the crime, due to such interference. This allows the

judiciary to delay the cases or cause jurisdiction complications, whilst the developments which the case hopes to oppose, continue unaffected.

A current judicial example of this to delay the hearing of a case, is against the Kevin's Corner coal mine, which has secured a hearing for October 2015, which has come after a long delay at the request of the applicant mining proponent, which the Land Court obliged, making orders by consent to delay the court timetable. This was another case with EDO Qld representing Coast and Country Association of Queensland Inc (CCAQ) to object against the approval of the Mining Lease (ML) and Environmental Authority (EA) for Hancock Galilee Pty Ltd and a wholly owned subsidiary of the GVK Group.

It is typical for these cases to run over years. Objections were referred to the Land Court of Queensland on 9 December 2013 and the first directions hearing was held in Brisbane on 20 December 2013. Follow up directions hearings were held on 14 February 2014, 2 April 2014 and 5 June 2014, requiring objectors to provide further and better particulars in response to requests from the applicant. The directions hearing on the 17th of June, 2014 stipulated that the applicant provide the material on which they seek to rely on 14 October 2014, the objectors provided their material on 14 November 2014; and the statutory party provided material on 21 November 2014. That case continues to move around in circles. It could demonstrate a judiciary unwilling to rule against the economic interests in favor of the evidence but unwilling to rule against the evidence which so clearly calculates harm.

The objections of CCAQ against the courts recommendation to approve the mine, are centered upon the issues of impacts to groundwater, economics and the public interest. CCAQ maintains that the application is not supported by sufficient, adequate or accurate information to conclude that the mining project will not have an unacceptable adverse environmental impact upon the quality and quantity of groundwater. As to economics, CCAQ maintains that the economic impacts of the mining project have not been adequately assessed and that the project will in fact have potentially severe adverse economic impacts on local, regional, State and global economies by creating downward pressure on employment in other industries by directly competing for labour. In the public interest, CCAQ argued that the impacts to groundwater and economics collectively outweigh the purported benefits of the mining project and justify refusal on the basis that it would prejudice the public right and interest.

Case Study 9

A further example of suspension of justice, is demonstrated by the Abbott Point dredging case. At the first directions hearing on Friday 2 May 2014, the Court ordered that NQBP be joined as a party to the proceedings. Monday 21 July 2014, EDO Qld Solicitors, for the Mackay Conservation Group, filed in Court: Documents obtained under Freedom of Information; A report on water quality and offsetting issues by Scientist Jon Brodie; A report on the hydrodynamic modelling and dredge and disposal plume issues by Engineer Brett Miller; A report on climate change issues prepared by Professor Michael Raupach; and A report on climate change impacts on the Great Barrier Reef by Professor Ove Hoegh-Guldberg

On 25 September the Federal Court agreed to adjourn the hearing. The hearing dates were abandoned, and the matter was set down for review on 31 October. EDO Qld, on behalf of MCG, was successful in arguing for adjournment due to the uncertainty created by consideration of land based disposal methods – as this could substantially change the nature of the case. The matter was called back before the Court for a directions hearing on 25 June 2015, however the Court vacated the hearing and made consent orders adjourning the matter once again. The case is set down for a further directions hearing at 9.30 am on 5 November 2015, at which point the most recent proposal for dredging and onshore disposal of dredge spoil on the Terminal 2 site may have been decided by the Minister. This does suggest a judicial system working cooperatively to accommodate the government, rather than preemptively directing a conclusion based on the law.

The case by the Mackay Conservation Group (MCG) directly challenges the approval and conditions Minister Hunt placed on dredging at Abbott Point. North Queensland Bulk Ports Corporation Limited, applied for Minister Hunt's approval under the Environment Protection and Biodiversity Protection Act 1999 (EPBC Act) to undertake a program of dredging and dumping near Abbott Point to facilitate development of three new proposed port terminals. Approval was given by the Minister on 10 December 2013 and under the Rome Statute, this could be considered criminally liable at that time but importantly, it displays their basic disregard for the health of the reef, regardless of whatever narratives they publish to the effect otherwise.

MCG, who represented by EDO Qld lawyers, is challenging this decision in the Federal Court under the Administrative Decisions (Judicial Review) Act 1977. It is claiming there were a number of alleged errors of law in Minister Hunt's EPBC Act approval. Of

particular importance to the case are the requirements under s137 of the EPBC Act, that the Minister's decision cannot be inconsistent with the World Heritage Convention or the Australian World Heritage Management Principles. Among the many potential grounds of review identified in relation to the decision is that the Minister's decision is unlawful because it is inconsistent with the Convention and Principles, and it was premised on an erroneous construction of requirements of s137.

In short, this case will require the Court, for the first time since the EPBC Act came into force in July 2000, to consider how the Convention and the Principles affect the Minister's decision making powers in relation to Australia's World Heritage properties. The case is expected to be of interest to members of the World Heritage Committee because it is the EPBC Act which enshrines the requirements of the World Heritage Convention in law in Australia. Just as it can be considered reasonable that it was the threat of these developments being restricted by the UNESCO dialogue, that encouraged the government's review of their original dredging approval. Their current consideration of restraint toward the dredging plan, was not self-inspired common sense, intelligence, good conscience or an admission of the scientific evidence but rather because they were forced to reconsider the harm they advanced with absolute awareness.

Case Study 10

One of the private court cases taken to stop the dredge dumping, was by the Environmental Defenders Office Queensland on behalf of the North Queensland Conservation Council (NQCC); asserting in 2014, that the decision to grant the permit was not correct given the requirements of the Environment Protection (Sea Dumping) Act 1981. NQCC also contends the decision is inconsistent with the London Protocol, an international agreement which includes the obligation to prevent, reduce and where practicable, eliminate pollution caused by sea dumping and international guidance to assess a regime for sea dumping permit applications.

The December 2013 approval of the dredging and dumping under the Environmental Protection and Biodiversity Conservation Act 1999 required that NQBP investigate and report on any alternative dump site with equivalent or lesser environmental impacts than the site already approved. Whilst NQPB initially wanted to progress with some aspects of the litigation without completion of the alternative dump site investigation, at a preliminary hearing on 23 May 2014, all parties agreed to the AAT

adjourning the matter and it remains adjourned until the government's announcement of the final dredge dumping location. Again in this case, the judiciary cooperates with the timing of the government, rather than ruling preemptively to limit or direct the government according to the law. This case remains open.

This highlights another potential deficiency of the national Judicial system, in that a case of globally relevant destruction and multiple actions of varied impact, can be held up by political maneuvering, when regardless of the outcome of that political decision, the other actions of harm will still exist and advance. In the meantime, whilst this case is delayed, the business decision makers who advance the development continue to seek and potentially secure finance, make plans for their destructive activity and go about progressing their business without restriction. What is however more important relevant to these dredging cases, is that, just as this submission evidences, Dredging is only one contributing factor to the destruction that is due if these developments advance

With the legal case launched by the North Queensland community group and the Alliance to Save Hinchinbrook, represented by lawyers from the Environment Defenders Office Queensland and funded by donations from thousands of GetUp! Members; commenced court proceedings against Greg Hunt's rushed decision to dredge and dump on the Great Barrier Reef. GetUp Senior Campaigner representing the public donations, Sam Regester said: "the Queensland Government's own report ranked the new proposal the worst possible option for the environment. This is a terrible project led by a dodgy company and backed by an irresponsible government."

Revel Pointon, lawyer from Environment Defenders Office Queensland, said this case would challenge early stages of the Federal assessment in the Federal Court under the Administrative Decisions (Judicial Review) Act 1977. "The case alleges errors of law in Minister Hunt's decision to allow assessment by preliminary documents, rather than more thorough assessment processes, and to allow a short public consultation period" she said.

Case Study 11

The Bulga Case in NSW, positively confirmed the courts open assessment of economic benefit versus environmental destruction for Coal Mine expansions.

In 2014, after the NSW Court of Appeal ruled in favour of the residents of the Hunter Valley, represented by EDO NSW, by upholding the refusal of an open cut coal mine expansion. An appeal by Warkworth Mining Ltd (owned by Rio Tinto) and the NSW Government was made against a NSW Land and Environment Court decision. The Court of Appeal found no fault with the Land and Environment Court decision that the economic benefits of the coal mine did not outweigh the significant impacts on residents and the destruction of rare forests containing endangered plant and animal species.¹⁷¹

What is significant against this case is that it openly demonstrates the government appealing an environmental protection order in favor of an economically motivated coal development. Thus evidencing that the organization who ultimately should protect the citizen's rights to health and safety, actively works against them. It is also interesting to acknowledge that the court ruled in favor of the residents only because they deemed the economic benefit was not great enough to justify the devastation calculated.

However, the destruction that occurs from coal and gas mining developments, under the SQP-ICC context, is not an attack which can be offset or justified by monetary gains, whereby an attack against human life comes with criminal liability, regardless of the perceived benefits. Deeming human destruction a trade off with economic benefit, is a fault within the national judicial system, whereby international jurisdiction for a case not compromised by economic benefit, would remedy such falsely rationalized judgements.

Case Study 12

Another case of current interest is the case in which EDO Qld has represented Land Services of Coast and Country's objection against the proposed Adani Carmichael mine, on the basis that it should not proceed due to climate, ecological and economic impacts. Importantly, any recommendation found is not enforceable but rather under the Environmental Protection Act 1994 (Qld) (EPA) and the Mineral Resources Act 1989 (MRA), the Court considers the impacts at a public hearing and recommends whether the mine should be allowed to proceed, which would then be considered by the Queensland government. The final decision makers are therefore economically motivated, having demonstrated willingness to disregard the environmental consequences of coal and gas developments in all their previous decisions.

The case may be subjected to suspension of security. It was heard in March 2015 and the court's decision is currently reserved. The timeframe for the delivery of judgement is unknown. In 2010, the Queensland Coordinator-General declared the mine and rail project a "significant project" under the State Development and Public Works Organization Act 1971 (Qld). This legislation provided an Environmental Impact Statement (EIS) process for large projects but does not actually approve the projects occurring. The EIS under it was fed-back into other approval processes such as under the MRA and EPA. An EIS was prepared for the mine and rail project in 2011-2013 and the Coordinator-General issued a report in 2014 recommending the mine be approved. Concurrently with the Queensland assessment of the mine, it was assessed under the EPBC Act using a bilateral agreement and subsequently approved by the Commonwealth Environment Minister in 2014. Following the Coordinator-General's report, the mine was publicly advertised for objections under the MRA and EPA.¹⁵⁹

A number of objections to the granting of the mining lease and environmental authority were received, including from a conservation group, Land Services of Coast and Country Inc (LSCC), objecting on a number of grounds. Their case argued that ground water, the Great Barrier Reef and endangered species would be destroyed. It argues that support for the mine by the Coordinator-General, the statutory party (DEHP), and the Commonwealth Environment Minister, was given on a fundamentally different and mistaken basis. Evidence showed information presented in the environmental impact statement (EIS) and supplemental environmental impact statement (SEIS) on impacts to the Doongmabulla Springs, Black-throated Finch and the Waxy Cabbage Palm was deficient and wrong in crucial respects.

The case became a Federal Court issue in 2015, with Mackay Group involved to stop the mine. On August 5th, The Sydney Morning Herald (SMH) published "Environmentalists have had a big win in their case against Australia's largest coal mine after the Federal Court overturned Adani's federal environmental approval to build the Carmichael coal mine. The Indian mining giant's environmental authority has been set aside after the court found Environment Minister Greg Hunt had not properly considered advice about two threatened species – the yakka skink and the ornamental snake"¹⁷⁴

However, this is promoted as a minor delay to the development, with SMH publishing "In a statement, the Environment Department said the decision to set aside the approval was a

"technicality" and had been done with the consent of all parties involved in the case. "Reconsidering the decision does not require revisiting the entire approval process," the statement said. The Environment Department, the minister's office, Queensland's Labor government and Adani are insisting the issue is an administrative matter that will be resolved. Adani blamed the court's decision on an error by the environment department. "It is regrettable that a technical legal error from the Federal Environment Department has exposed the approval to an adverse decision" Adani's spokesman said ¹⁷⁴

On the 29th of June, Ellen Roberts, who co-ordinates this legal case published the title 'Critical new information may halt Carmichael mine' based on the fact that the government "failed to consider conservation advices for two vulnerable species likely to be significantly impacted by the project, the ornamental snake and the yakka skink, in their challenge to Federal Environment Minister Greg Hunt's approval of the Carmichael mine in Central Queensland."

"The grave uncertainties exposed in the evidence presented to the Court in relation to the source of groundwater to the Doongmabulla Springs, Black-throated Finch and the Waxy Cabbage Palm is the epitome of a case where the precautionary principle calls for the applications to be refused. Recommending approval of the mine on the basis of the proposed conditions can only be done if the precautionary principle is disregarded," said barrister Saul Holt SC Land Services of Coast and Country.

Again, a case to stop gross devastation against the Australian and global population, is reliant on the protection of vulnerable species to pivot justice for people, demonstrating a national system ill equipped to protect their own citizens from environmental devastation

Case Study 13 ¹⁷²

This argument against a billion dollar mining development resting on the protection of endangered species as a stronger case than that which requires a defense of human life, is similar to a case against the Shenhua mine in NSW, where the human stakeholders affected, attempt protection for their most basic right to sustain life, by arguing to protect endangered animal species like the Koala or birds. This also demonstrates the inadequacy of national judicial systems to deal with this globally destructive issue of importance. Reinforcing that climate change challenges

judicial systems with their ineffectuality to deal with an issue of international consequence.

Shenhua's open cut coal mine on the Liverpool Plains in north-western NSW, is located in one of Australia's most productive farming areas that require priority water supply for the underground water in the area to remain uncontaminated for the essential purpose of farming. The area also has many local residents as a national group of humans whose physical destruction will be brought about by this mine as evidenced by the Hunter Valley community and other residents near existing mines in Australia, all now suffering ever increasing devastation of their health, which is calculated and accounted for extensively since the mining boom terminally altered the safety of their habitats.

The evidence of national legislative and judicial inadequacy, that in the case of the Shenhua coal mine, where the farmers on prime agriculture land are having to appeal to the courts, using the extinction of the local Koala population as their primary legal argument to protect their rights to clean water and the sustained use of their land. The local community group Upper Mooki Landcare currently argues that the project could put the local koala population at risk of extinction, reflecting the Mackay case current in the courts against Adani.

There are judicial review proceedings arguing that the NSW Planning Assessment Commission (PAC), which approved the mine on behalf of the NSW Minister for Planning, failed to properly consider whether the mine was likely to significantly affect Koalas, a threatened species, as required by the Environmental Planning and Assessment Act 1979 and the Threatened Species Guidelines. If the mine goes ahead it will clear 847 hectares of koala habitat. The group contends that the PAC failed to assess whether the mine would place a viable local population of Koalas at risk of extinction, as required by NSW Environmental Planning and Assessment Act 1979. Koalas are currently listed as vulnerable to extinction in NSW under State and Federal law after numbers dropped a third over the past 20 years. This means they are facing a high risk of extinction in NSW in the medium-term future. The PAC stated: "The Gunnedah Koala population has reduced significantly, as a result of droughts and heatwaves, with the estimated reduction of up to 70% since 2009." The evidence before the PAC was widely varying in terms of the estimates of Koalas within the Gunnedah Local Government Area. Shenhua used population estimates of 12,753 animals for the entire Gunnedah Local Government Area. The Australian Koala Foundation estimates that there are only 800-1,300 animals in the Gunnedah Local Government Area.

The NSW Office of Environment and Heritage, in its submission to the mine assessment process, stated: "The assessment of significance of impacts for the Koala is totally inadequate. No details of the actual Koala population to be impacted upon, nor what impact the project will have on the population is provided." The plan for managing the impact of clearing 847ha of the Koala habitat noted in the PAC's report is that "the animals will be encouraged to naturally move away from the habitat that is being cleared. If the animals do not naturally move, then a translocation plan will be implemented". There was evidence before the PAC that translocation programs have resulted in significantly high mortality rates.

A hearing was held on 31 August to 3 September in the NSW Land and Environment Court. Upper Mooki Landcare Inc v Shenhua Watermark Coal Pty Ltd and the NSW Minister for Planning. EDO NSW is representing the local community group, Upper Mooki Landcare, in its legal challenge in the Court to the approval of Chinese mining company, with barristers Patrick Larkin SC, Jennifer Stuckey-Clarke, Scott Nash.¹⁶⁰

The Shenhua mine will destroy 771 hectares of some of eastern Australia's most threatened ecosystems. These endangered box and gum woodlands are home to rare and rapidly-declining species, such as the colorful swift parrot, regent honeyeater, in addition to the koalas. The Regent Honeyeater is one of the threatened species that lives where the mine is to be constructed.

Martine Maron, Associate Professor of Environmental Management, University of Queensland spoke of the typical lack of logic in the offsets proposed by the Australian government as a remedy to make up for the harm that they cause, stating that "we probably can't do it very well and there is a lot of uncertainty and a long time delay". Stating that "all we can do is replant some typical plant species and in many decades, this may provide some ecological functions and habitat similar to the original ecosystem that was lost." What she described was an example of the government's diminutive attempts to remedy the colossal devastation they approve with illogical, impossible offset promises that sound like solutions but barely remediate.

EDO Queensland is arguing this case, to a land court that cannot determine an enforceable verdict regardless of their findings and which has previously dismissed the requirement of enforcing responsibility upon the industrial actors. Therefore it will establish a record but will unlikely prevent the harm advancing. EDO Queensland is the independent, non-profit community legal office

that lost all government funding in 2013; just as the Australian Climate Council lost its public funding. The defunding agencies which advise to stop these developments and fight to legally delay them, repeatedly demonstrates a government trend to eliminate the voices or organizations established to protect the environment and human groups that industrial destruction will impact.

EDO Qld now rely solely on donations to exist, and this further evidences the imbalance established to raise a challenge against the current economically focused government. They challenge a body with seemingly unlimited power, unlimited funds and with what appears to be the cooperation of the judiciary, whilst battling an ongoing deficiency in funding. If the judiciary can only contemplate justice when private stakeholders or victims can afford to finance a case, then in fact the local judicial systems are in this way, unable to uphold justice, unless land owners or local residents who will be harmed, can afford to bring a case or can fundraise to bring a case against the harm they will endure. In many situations, they cannot afford to bring or sustain legal actions for their protection and as such, the judiciary is set in the favor of those alleged criminally liable from the outset.

Given that climate change is a form of physical destruction which affects all citizens of the world now and in the future, such justice should not be limited to the availability of local, often rural based finance, especially when so clearly the victims are less and less likely to be able to afford the prosecution and where most victims are unaware of that which progresses against them or are not yet born. There should be public funds available for such cases to progress through the courts and an International Criminal Court extension for Sustainability would be a just and balanced solution. It is valuable to note the complexity behind the government's position to cut the funding of EDO to further validate their impact on a judicial system that is unable to protect, by a government actively demolishing the legal aid mechanisms that allow a defense to be mounted in the first place.

"In a statement responding to the increased funding the NSW Minerals Council said the Federal Government must ensure this funding does not support "extreme anti-mining activists who are intent on economic sabotage and continuously break the law in pursuit of their political agendas." It also noted the "direct association of the EDO with the 'Australian anti-coal movement.'" This "direct association" stems from EDO participation at a 2011 meeting of a collection of community and conservation groups in Katoomba, who produced a document called "Stopping the Australian Coal Export Boom." The Australian Coal Association

(since merged with the Minerals Council of Australia) had written to NSW Premier Barry O'Farrell in March 2012, expressing concern at EDO association with the anti-coal movement, also noting several legal cases the EDO was supporting against coal mining. The NSW Minerals Council wrote to O'Farrell in early October 2012, expressing similar concerns and questioning the logic behind NSW taxpayers' funds being provided to the EDO to "lodge legal challenges against decisions taken on behalf of taxpayers by the NSW Government." Both groups asked the Premier to cut EDO funding. In response the EDO said that on request from clients it had attended the October 2011 meeting of community groups campaigning against coal. "EDO NSW did not make any presentations at the meeting," a recent statement says. It "provided professional legal advice to its clients, as is normal legal practice and common to legal service providers. But EDO does not sign onto campaigning letters." Acknowledgement as having provided assistance in the preparation of the "Stopping the Australian Coal Export Boom" document, does not, the EDO says, mean endorsement of the document.

In late October 2012 EDO was again criticized for its attendance at Groundswell, a conference focused on coal and coal seam gas, in Gloucester, northwest of Sydney. Then NSW Energy Minister Chris Hartcher claimed the conference was "about the Left agenda to destroy the economy," and accused the EDO of "consorting with radical socialists." Jeff Smith described these claims as "arrant nonsense," adding that by definition EDO work is "in the public interest and that means we engage with many groups in the community." Around 150 people from NSW and Queensland participated in the two-day conference. Fiona Simpson, President of the NSW Farmer's Association, was among them. In a recent statement she noted: The NSW EDO undertakes important legal communication work on rural law issues. It has produced landholder guides which are a valued reference for many of our members. In particular the EDO's work on mining and coal seam gas issues have been useful in helping with the understanding of landholder rights." A mayor representing those affected stated "Rural people don't have anywhere else to go for independent advice, and most farmers are cash strapped. The EDO is the first and only port of call for those struggling with the issues." Fergus Power from EDO Northern Queensland noted: "A cynic might say that the federal government completely defunding the one independent environmental legal service in the country, goes hand in hand with its support for major mineral developments in Queensland and elsewhere."¹⁷⁵

The International Criminal Court provides an internationally financed prosecution and investigation funded by the governments of the world, who collectively agree that climate change must be stopped but who independently struggle to stop their contribution at a national level. It exists affiliated with a body of agencies who absolutely acknowledge the serious consequences that Climate Change will have upon life and life systems and as such, provide a necessary judicial platform for a crime which is conceivably in its judicial infancy but which is the giant issue of our time, to determine our survival. Importantly, it exists outside the scope of national economic and culture compromise.

It is also possible for relevant governance groups or private investors to provide the finance and resource necessary to equip the court to advance such investigations with the International Criminal Court. In the case that the International Criminal Court is not financially or resource equipped to allocate priority to sustainability cases, it is possible under the Rome Statute for the court to accept funding from private financiers to allow the budget to enable the resource for these cases with the urgency required.

It is hoped that the International Criminal Court will recognize that an immediate investigation into this SQP-ICC case argument, will provide similar leverage against the government whilst they advance their currently existing decision making process.

This International Criminal Court has the power to leverage the threat of Article 25, against a comprehensive profile of those accountable. Article 25.f enables those accused with the opportunity to eliminate their personal criminal and financial liability, if they completely and voluntarily abandon the harm that they advance. They must consider that if the developments are stopped but they do not voluntarily abandon their personal contribution of conduct which facilitates the harm, then they remain criminally liable for their participation.

Therefore if the International Criminal Court launches an immediate investigation, there is a greater chance to affect the decisions whilst they are being actively reviewed. Once the government decision makers recommit to their facilitation of these new coal developments, this physical destruction will be harder to get them to voluntarily abandon, as their parliamentary and policy approvals will have been so laboriously advanced, in order to publish final commitments.

Therefore now is the chance to make a diplomatic difference with the timing of this investigation. Given that the intention of this

SQP-ICC context is prevention, the significance of Article 25.f to persuade the participants to abandon their behavior is powerful and it is hoped that the court recognizes the opportunity to immediately and actively affect the decision makers direction, if they formalize an investigation.

Case Study 14

Another court case raised by the Wangan and Jagalingou tribes further demonstrates the inability of the Australian Judicial System to nationally uphold the rights of people with the national title to the land. The land court laws, actually directly conflict with the UN declaration on the rights of indigenous peoples, which calls for indigenous people to have "free, prior and informed consent" to any major action that affects them. Australia endorsed the declaration in 2009.

Originally, to the National Native Title Tribunal (NNTT) and the Federal Court under the Native Title Act 1993 (NTA), the Wangan and Jagalingou People rejected an Indigenous Land Use Agreement (ILUA) proposed by Adani for the grant of the mining lease for the mine. The Wangan and Jagalingou People applied in 2004 for recognition of their native title for an area in central Queensland. The northern western part of the claimed area includes the land on which the mine is proposed. The NNTT has registered the Wangan and Jagalingou people's native title claim but the application has not yet been decided. Registration of their native title claim gives the Wangan and Jagalingou People a right to negotiate in relation to government decisions that may affect their native title interests, such as the grant of a mining lease, under the future acts regime of the NTA.

When negotiations for an ILUA were unsuccessful, Adani applied to the NNTT for determination of a grant of a mining lease for the mine under the NTA. The Tribunal held in 2013 that it had jurisdiction to hear the application. It subsequently determined on 8 April 2015 that the mine could proceed under the future acts regime of the NTA. The Wangan and Jagalingou people have appealed this determination to the Federal Court; stating "We have filed an appeal and judicial review in the federal court of Australia. This court action challenges the decision of Australia's National Native Title Tribunal that the Queensland government may issue mining leases for Carmichael," said W and J traditional owner and spokesperson Adrian Burragubba. What may be likely, is that the government responsible for approving the rights

of the ancestral owners, instead deny those rights in order to protect the industrial interests which they are personally invested in planning.

"This challenge is unprecedented in the history of Native Title Tribunal decisions. Responding to a query on this issue, Adani Group's Australia spokesperson said, "Adani is confident that the judgement of the National Native Title Tribunal (NNTT) will be upheld." This comment from Adani alludes to an unjustifiable sense of confidence, unless Adani has received assurance from appropriate powers that their right to use the land will not be successfully challenged which would suggest corrupt unofficial promises of a judicial outcome in their favor.

A lawyer spoke on the case, drawing attention to the fact that "This is the first case with such a strong impasse, where the native title party has said 'well we don't want to negotiate compensation, we don't want the action to go ahead,'" he said. "The native title act doesn't give the right of veto, you've just got to keep working until you get an agreement. Lawyer Keim said the situation that the traditional owners find themselves in, is seemingly at odds with the UN declaration on the rights of indigenous peoples, "If you have a native title party which says 'I don't consent', that seems by definition to amount to an absence of free and informed consent," he said. "We have to ask whether anything less than giving a veto complies with the UN declaration. Finally stating "That's a test for us as a nation."

Further to the ILO conflict, is the United Nations resolution which determined the aboriginal people's right to independence on their land. Most interesting is Article 11 of the UN plan to integrate the 1960's resolution 1514 (XV) that determines the people's right to regain their independence. It requires that the current administrators of the indigenous lands must safeguard and guarantee the protection their natural resources in the indigenous interests.¹⁶¹

This should mean that under current circumstances, all contaminating industry on Aboriginal land should cease, where the Aboriginal permission to develop the land, has not been granted in their interests to protect their ancestral and spiritual life systems. National government administrators have no legal right under international law to develop resources on indigenous lands without their consent, regardless of the ILO proposing a token consultation process that ultimately allows the government administrators to do as they please.

Case Study 15

Finally, the current chance that the Australian Judicial System has to delay the Galilee Coal Mine by Adani, is advanced by the Mackay group versus the Commonwealth of Australia and Adani Mining. This case is due to be heard on the 10 – 11th of August.

This case is important and although if existing case precedents are reflective of a future verdict, the case against Adani will not be successful and will demonstrate an Australian Judicial System who continue to support the economic focus of the government.

However, regardless of the outcome of this case, it does not address the cases against the other mining and gas developments in Queensland and New South Wales, which will bring about the same destruction. The individual cases at a national level which all require private funding is an unreasonable burden to place on those sensitive enough to be willing to fight for the rights of life and future generations. Such a vast array of developments progress, that warrant a conclusive ruling against the expansion of coal and gas in Australia. As such, this verdict will not diminish the need for the International Criminal Court to assume jurisdiction to deal with the cumulative cases and constructs of physical destruction currently advancing in Australia due to this onslaught of new coal and gas developments; as the national judicial system is unable and most definitely unwilling to provide such a verdict.

"On behalf of the Mackay Conservation Group (MCG), EDO NSW is challenging the Federal Government's approval of the Carmichael coal mine in central Queensland, which would be one of the largest coal mines in the world. MCG's claim alleges that Federal Environment Minister, Greg Hunt, failed to properly consider the impact of the Carmichael mine on the Great Barrier Reef, when he approved the project by Indian company, Adani Group, in July last year. Given that climate change is the greatest threat to the survival of the Reef, Mackay Conservation Group says that the Minister should have considered greenhouse gas emissions arising from the burning of the coal by Adani in India, not just the emissions from mining the coal.¹⁶²

MCG says that under the Environment Protection and Biodiversity Conservation Act 1999, the Minister unlawfully limited his consideration of greenhouse gas emissions from the mine to those reportable under the National Greenhouse and Energy Reporting Act 2007 Act, which covers only emissions from mine operations. However, emissions from the burning of

the coal, once it is exported to India will by far eclipse any emissions generated in Australia by the mining process itself.

An amended claim also alleges that the Minister failed to properly consider Adani's poor environmental record in India before approving the mine. In 2013 the Indian government found Adani guilty of serious breaches of Indian environmental law, including illegally clearing mangroves and destroying tidal creeks. Indian Courts had also found in 2012 that infrastructure associated with the Adani's port in Mundra had been built without environmental approvals. The amended claim states that the Minister ignored that evidence, instead relying on an earlier statement made by Adani in 2010 that it has a good environmental record overseas.

Deakin University Professor of Law Samantha Hepburn describes the Mackay court action as 'fascinating', stating, "The challenge is really focusing on a judicial review and it's arguing that the Minister was obliged to consider economic and social matters as is provided for under section 136 of the Environment Protection and Biodiversity Conservation Act." "The real focus of the Federal Court is going to be on the principles of sustainable development." "This has the potential to be a landmark decision and the Federal Court will be examining the role of the national environmental legislation in terms of, ultimately, climate change and global warming," said Professor Hepburn.¹⁶³

Indian mining giant Adani has condemned the latest legal challenge from the Mackay Conservation Group over a central Queensland mine. "The legal action is designed, to frustrate progress on an approved project, and reflects dissatisfaction with the Minister's decision, rather than a genuine concern in regards to the assessment process" and "It makes crystal clear that this is not an action dealing with the merits of a process that saw the strictest environmental conditions imposed in Australian history - rather, it is a highly politicized action by professional activists determined to put to an end the coal industry in Queensland and the jobs it delivers to our state. "A key part of building our long term future with Queensland has been the strict adherence to the rigorous approvals process in place that, far from being rushed, has been underway for several years."

Mackay Conservation Group coordinator, Ellen Roberts, said the case argues that the Federal Environment Minister Greg Hunt, in his approval process, did not consider the greenhouse gas emissions generated when the coal is burnt for power generation. "We do consider this to be a major breach of Australia's environment laws at this time, with the threat of climate change well known," said Ellen Roberts. "This will be an important test

case and if we're successful it will change the way governments approach the assessment of fossil fuel projects like coal mines."

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The World Health Organization, stated: "There may be no safe threshold for fine particulate matter and the effects are linearly related to concentration." This was confirmed by the Australian National Pollution Inventory. This puts the health of the people of Mackay and surrounding townships and beach communities, particularly those living closer to the port and rail line, at risk.

Coal dust particulates (tiny pieces of coal) are of particular concern because they contain heavy metals which are toxic at low concentrations. They include lead, mercury, nickel, tin, cadmium, mercury, antimony, and arsenic, as well as radio isotopes of thorium and strontium. Coal dust, especially fine coal dust, has been identified by health professionals and doctors around the world as causing a range of diseases and health problems.

Health devastation examples include an increased incidence of heart and respiratory diseases like asthma and lung cancer. Fine invisible coal dust particles less than 2.5 microns long lodge in the lungs and are not naturally expelled, so long-term exposure increases the risk of health problems. The health risks increase with the level and frequency of exposure. As fine coal dust accumulates in the lungs over time duration of exposure is also a risk factor. In fact, epidemiological research suggests that there is no threshold at which it is safe to breathe coal dust. This conclusion is supported both by the World Health Organization and several research studies.

The factors that may influence the health effects related to exposure to particles include the chemical composition and physical properties of the particles; the mass concentration of the airborne particles; the size of the particles as smaller particles may be associated with more adverse effects because they can be inhaled more deeply into the lungs; the duration of exposure which means short and long term, possibly in years, coal dust could be three times worse around Mackay.

The Hay Point and Dalrymple Bay coal ports, around 40 km south of Mackay, are together one of the largest coal ports in the world and already put the health of the people of Mackay region at risk. The fine coal dust and other particulate levels could increase up to three times current export levels if a proposal for two coal terminals to export up to 180 million tons per annum of coal

annually from Dudgeon Point within the Hay Point coal port land complex proceeds.

To date there has been no research on the expected health impacts in the Mackay region of coal dust from the rail and port operations at Hay Point. Data to conduct such research, such as the geographic distribution of the very fine coal dust emissions and related health impacts from current coal exports, is not being collected. In fact, the standards that the Queensland Government suggests for coal dust are much worse than the standards recommended by the World Health Organization, and they are not monitored or enforced by government. The health of Mackay residents is not protected.¹⁶⁵

This case is advanced against the government and the mining developers at private cost but which will be fought against them by use of public funds. Ironic when in fact those public funds should be used to defend the citizen's health in priority to the company and government economic objectives. Although, based on existing evidence and past cases, it is perhaps inconceivable that the mine will be stopped by this Australian court. The fact remains that the government should have the responsibility to argue on behalf of the health of the general population and not in the interests of billionaire developers. The public prosecution that represents the rights of the people in the International Criminal Court, to defend them from devastating long term destruction, is not a right afforded to them within the national judicial system, which further validates the need for the International Criminal Court to impartially investigate this case.

Opportunity to protect

Whilst these cases are all deferred, delayed, with hearings extended over years; the International Criminal Court has the powerful ability to prevent the developments from continuing, whilst the judiciary investigates and/or prosecutes. This is a very important authority as within the national judicial systems, these cases which experience a suspension of security, political interference, or a judiciary unwilling to recognize the world's greatest crime as a necessary interpretation within their law or the general inability of the national judiciary to provide justice for these industrial cases. Ultimately the national judiciary does not have or exercise the power to 'prevent' the harm. The business development can advance whilst the judiciary process is delayed, which provides one side with an unfair advantage and effectively a miscarriage of justice occurs from the outset.

With public and private funds continuing to be invested into these developments and the freedom of developers to continue investing in the developments, it is reasonable to assume that all parties involved, entrap themselves toward a ‘point of no return’, which is a dangerous situation that delayed hearings orchestrated by national judiciaries, allow to evolve.

This demonstrates that the national judicial system is not equipped to adequately manage such cases of prevention of harm. Conversely the process of the International Criminal Court allows the developments to be stopped whilst the following process evolves; even if this requires those alleged criminally liable to be arrested in order to stop the development

The fact is that the National Supreme Court cannot order the development to be preemptively halted so that the harm is stopped, during the time whilst the investigation, prosecution, trial and verdict evolves, yet the International Criminal Court asserts this power.

The issue of industrial environmental destruction and climate change, impacting human health and survival is an issue that may be considered relevant to the Vienna Convention’s fair, large and liberal construction in treaty interpretation, which acknowledges a legal interpretation in the case of previously unforeseen circumstances at the time of writing the law.

In the case of Climate Change, never has there been a time when such gross destruction advanced en-masse against the global population, nor was the deliberate infliction of conditions of life that will cause human extinction foreseeable or unlikely conceivable at the time of drafting the law. As such, national judicial systems like Australia, appear unable to adequately deal with the level of harm and the rate at which it escalates.

In this case, the Rome Statute can be applied to order the developments which will cause this harm to be stopped, pending a progressed investigation. This colossal existing power to stop the acceleration of global climate change and immediately redirect global investment and decisions towards sustainable development is potentially the world’s greatest existing unrealized value.

The SQP-ICC context identifies legislation within the Rome Statute of the International Criminal Court, which offers these life-systems and vulnerable communities, an opportunity for immediate protection, by the power of an existing law and existing court. As a secondary benefit, the prevention of new harmful

industrial developments and the courts ability to halt the harmful existing operations, provides a powerful tool to legislatively limit the acceleration of climate change, without requiring any new global agreements.

Article 21.b of the Rome Statutes states that all appropriate, applicable treaties and the principles and rules of international law can also be applied by the court. This provides a very innovative and powerful judicial opportunity to recognize previously unenforceable international UN, UNESCO and other conventions as now having a court and the power to hold a trial and to issue penalties, with the cooperation of 122 nation states to enforce these penalties.

Therefore, Article 21.b uniquely provides the world with an opportunity to turn all of the ineffectual conventions that have remained powerless for so long – which were perhaps agreed upon by nations based on the assumption that they cannot be enforced - into actionable law, trials, judgements and penalties, relevant to one of the world’s worst crimes - climate change.

The SQP-ICC context means that in cases of severe, widespread and large-scale destruction, an entirely fresh approach can be taken to defend and protect nature and life. This innovative opportunity to establish a new legal protocol for the worlds issue of climate change based on previously unenforceable treaties, is essential when we otherwise face an increase in the already unimaginable suffering and destruction that climate change is bringing about. As such, those who are bringing about climate change, amount to some of history’s most notorious and currently unrestrained criminals.

National Compromise

The SQP-ICC context recognizes the importance of the International Criminal Court’s right to assume jurisdiction at its own discretion, as it provides such cases with an existing judicial authority independent of the compromised national networks of power; which are evidenced to include members of the national judiciary.

The International Criminal Court is a judiciary power that importantly does not exist as a member of the national group. This allows for a necessary independence due to the distance from the impact of the decision that would assume the power to effectively render harmful industrial activity to be illegal, because

if allowed to continue, it will bring about the physical destruction of the national group.

Yet such a decision necessary to protect and render justice, will be in direct contradiction to the current economic objectives of those in national political, financial or business positions of decision making power. Such a judicial decision would consequently force the necessary national shift toward a sustainable resource models. This transformation requires such a profound economic challenge, potentially a great national compromise and a psychological shift that it is foreseeably unlikely to be voluntarily made, by those invested members of a national group, including the judiciary members.

The case against the facilitators of the Galilee Coal Mining development, asks the International Criminal Court to consider that we live in a time where the cumulative impact of the Galilee development encompasses impacts of economic globalization, global environmental climate change and an interconnected negotiation compromising the human consequence upon one national group for the benefit of another national group. As such, this global complexity calls upon an impartial global judiciary to assume jurisdiction.

It is commonly evidenced nowadays, in nations across the world, that members of a national judicial system are part of the same economic ecosystem that their judgement may be required to limit or compromise. Their independent ability to apply the law to protect objectives that science, the broader global ecosystem and future generations deem necessary, may require a global consideration for balance that they are unable to compute intrinsically or impartially, as they themselves exist as part of that national ecosystem as beneficiaries

In this situation, the national judiciary members will be personally affected by the economic compromise that their judgement to protect, could render necessary. The SQP-ICC context proposes that the national judicial system is therefore unable to investigate or prosecute such a case impartially, thus providing justification for the International Criminal Court's right to jurisdiction.

The enormity of the judiciary responsibility in this time of global climate change, given the threat to the survival of such large numbers of national groups, the global population and our life sustaining ecosystems, elevates their responsibility to prevent this crime, to a level of global importance. National judiciaries may not be psychologically or culturally equipped nor balanced enough to consider such consequence.

The numbers of people affected and the catastrophic consequence upon the ecosystem, cannot reasonably remain at the discretion of those who foreseeably have advantage to allow such destruction. Nor at the discretion of those who may believe that forcing this change on their current economic system, may also lead to the partial devastation of their own national group.

Although conceivably they can bear any economic depression that may arise during an industrial transition; the disease, death and devastating economic destruction that will occur as a result of climate change and the other related air, water and soil contamination; can be evidenced as the greater destruction by an impartial judiciary, who are willing to acknowledge the enormity of the global scientific consensus which evidences the harm. Either way, if the transition is not judicially forced, this case evidences that it will be unlikely chosen as the government actively moves against transition mechanisms and therefore, if the International Criminal Court does not assume jurisdiction, the destruction of the Australian life systems and consequently Australians and global populations will ensue.

This scenario of global impact is also not explicitly provided for within the national law, when both national and global groups are impacted. It is conceivable that an Australian court should not be able to dismiss the direct accountability for these industrial developers bringing about the consequence of climate change, when it is a crime against the global population and as such it should reflect a balanced position of justice for all citizens of the world.

The SQP-ICC context proposes that based on previous case profiles, it may in fact be unreasonable to expect that national judiciaries will impartially evolve to a global perspective of justice, when personally entrenched in a culture of economic priority.

They will judge with the knowledge that any decision they impose, will protect or compromise their well-established economy that ensures their short term quality of life, or otherwise judicially forces a radical sustainable economic transition at a national level, which may not be a judgement that national judges feel confident to inflict as a consequence upon their own national group. However, this is the judgement that will be necessary to defend the life of the human encompassing ecosystem that maintains the quality of life for current generations and avoids extreme destruction upon the health and life of future generations.

This decision to protect, will require that individuals who personally experience the quality of life that this well-established business model of contaminating industry provides, to rule against it. Any decision against this interest would likely result in a severe social backlash against them amongst their peers in Australia, which foreseeably may render their judicial neutrality that will be required to protect the global life system, measurably unlikely. They would also be ruling against the integrity of international bodies such as UNESCO, in addition to the current sitting government and this may be too intimidating for them.

Furthermore, this case implores the right to international jurisdiction would be assumed by the court, in the interests of the national groups all over the world, who will be devastated by this Australian development, especially citizens in India and China who will be in direct receipt of life threatening coal as an energy provision, therefore most directly experiencing the global consequence of climate change that will be ultimately endured by all that live.

This scenario profiles a clear case of global impact, whereby no single national judicial system or judicial member could reasonably take a balanced perspective on justice, when required to rule upon a personal national compromise for a greater global benefit. The instinct for self-defense which they may deem as allegiance to their nation's predominant economic activity, their natural personal benefit and the backlash of deciding against their culture of economic prosperity, undoubtedly compromises their ability to be impartial. This renders a national judicial system unable and unwilling to provide adequate justice on this issue of the life or death, that the calculated impact on climate change and its cumulative environmental and human consequence.

This international separation of power, allows an important distinction between national story-telling and the indisputable facts of the case. This culturally strong position otherwise increasingly confuses governance, investors and stakeholders at a national level as to the ultimate harm that industrial destruction poses. The cumulative national agenda is increasingly contradictory and compromised. This predicament compels the intervention of an international judicial system with the power to protect the current Australian decision makers, from themselves and more importantly, protect the Australian and international people from multiple elements of harm which each independently advance the Crimes against Humanity as a systematic attack and the physical destruction under the genocide law but which cumulatively direct the population toward absolute suffering and devastation in the future.

The International Criminal Court can render irrelevant, the political, economically motivated public relations narratives and strategies, that are disguising the reality of harm that continues to advance. Thus, the necessity for this international forum for justice which is independent of national tactic's and propaganda, to consider only the scientific and economic data, alongside case precedents and facts, and international convention law without political compromise, that calculates the harm against those in proximity to the development. The cost of accelerating climate change to the global life system requires the International Criminal Court to preside over the prevention of a situation substantially affecting every person in the world.

The SQP-ICC context proposes that by the Rome Statute protecting this human sustaining ecosystem from a sophisticated and slow but insidious corporate and politically facilitated genocide, then the economic transition of Australia will be positively forced upon them, by the legislative recognition that decision makers who deem devastation an acceptable cost of doing business, are criminally liable for one of the gravest crimes against humanity.

We live in a time where science calculates that unsustainable resource exploitation and industrial operations which devastate ecosystems, are inflicting conditions of life that will bring about the physical destruction of the human group, in whole or in part; and a potential collapse of industrial civilization, within 20 years. Scientific and economic calculations forecast that contamination and destruction of our air, earth and water life-systems, will culminate in a perfect storm of water, food and energy crisis's; threatening the imminent survival of many across the world.

World governments agree that carbon emissions must be severely limited, with scientists urging a reduction to zero emissions within the century, in order to recover the global environmental balance required for sustaining life on earth.

The sources of such calculations include the world's most credible organizations, such as NASA funded mathematical models, The United Nations, the IPCC, The Pentagon, KPMG, the UK Government Office of Science, along with the agreement of most developing nations, who both endure and advance the front-line of harm.

Yet industrialized economies like Australia, aggressively advance their allegiance to the development of fossil fuels and contaminating industry. Justifying 'business as usual', on the basis that fossil fuels remains the most efficient form of energy that will maintain stable economies, in order to avoid an economic

collapse that may emerge if the global energy market transitioned to less efficient forms of energy. Yet these less profitable but feasible technologies offer a chance to protect the environment from future harm. Perhaps fossil fuels are also justified with the priority to maintain the profitability of well-developed and heavily invested business models, which support the personal fortunes, derived from bringing about catastrophic levels of environmental devastation, pollution and human harm.

In contradiction to the much publicized aspiration of diminishing climate change, the world's industrialized, production and resource based economies, currently pursue thousands of new harmful industrial developments. The efficient escalation of new contaminating, destructive and polluting industrial developments, creates a large scope for foreseeable destruction, that will inflict great humanitarian and environmental costs upon vulnerable ecosystems. Science now clearly calculates the devastating effect due by the advance of unsustainable industrial systems, rendering the most wide-spread, large-scale and severe cases, to be a situation of grave international concern.

As a first world nation, Australia is an exception to the rule and reverses the equation, as conversely many of these investments advance in developing nations, often financed and facilitated in partnership with interests from developed nations; cumulatively in pursuit of profit, energy, contracts and economic superiority.

On the boundaries of the global climate change narratives, exists the majority of the world's most vulnerable communities; which in the case of Australia is rural and coastal communities, who fight often powerless to defend their land, air and oceans from multi-national corporations, governments and investment alliances, intent on the development of any lands that provide opportunity for resource, power and profit and with the authority to advance this seizure of lands until now without accountability.

The Vienna Convention invokes the 'principle of maximum effectiveness,' which interprets treaty language as having the fullest force and effect possible to establish obligations between the parties; stating that treaties are to be interpreted "in good faith" according to the "ordinary meaning given to the terms of the treaty in their context and in the light of its object and purpose.". Importantly, the Vienna Convention also states that the language of treaties, must be 'interpreted' when the wording does not seem clear or it is not immediately apparent how it should be applied, in a perhaps "unforeseen circumstance".

The unforeseen circumstance relevant for interpretation, is the emergence of the sophisticated, corporate-political-investment

consortiums 'indifference to life', has developed under industrial civilization; engineering of a modern-day, methodical, manifest pattern of genocide, currently in process against vulnerable communities across the world. In addition to inflicting direct harm on local communities and often, entire nations of people; science now calculates the cumulative industrial harm will bring about large-scale, widespread and severe physical destruction of the human group and human life system, causing the devastation and death of many, in the coming years ahead.

The immediate victims of this conduct, emerge due to the destruction of ecosystems which sustain the life of the indigenous, rural and coastal communities, who live in close proximity to the industrial devastation. The conditions of life that cause this destruction are deliberately advanced by corporate, government, investment and facilitation curators, with clarity of both the circumstance and consequence of harm that they inflict as both knowledge and awareness of what they will bring about.

To elevate the crimes profiled within this SQP-ICC submission, as submissions within these national judicial systems, to the graver charge of Crimes Against Humanity and Genocide and expect that the government or judicial officials, who are complicit in committing the crime themselves, would agree to investigate their own actions, is unreasonable. The existing cases evidence a high level of obstructed justice that invites the International Criminal Court Prosecutor to investigate an Article 6 and Article 7 charge, and satisfies the basis for transferring jurisdiction.

To successfully establish this international legal precedent, will powerfully defend against future destruction, thus enormously mitigating climate change and protecting both current and future generations from devastating harm. There is no other international statute that allows for the direct accountability of the internationally dispersed decision makers inflicting the most devastating conditions of life against people on a mass scale, with a guaranteed trajectory of physical destruction.

The SQP-ICC context will end the complete impunity of multi-national corporate, government and investment actors, from accountability for the violations of human rights and the environment caused by their activities. Thousands of industrial developments currently advance around the world, posing a significant and direct threat to our crucial life systems.

An international legal precedent of this nature, will establish an essential defense for ecosystems all over the world, thus significantly mitigating climate change and legislatively protecting

these ecosystems for the dignity of future generations, in a way that no other existing legal recourse can currently provide.

Perhaps the most important element of the SQP-ICC context extracted from the Rome Statute, is its ability to 'prevent' the industrial development from advancing to the stage where it will complete, transact and operationally install to inflict the conditions of life that ensure the physical devastation calculated.

This unique legal context extracted from the Rome Statute, can realize justice for the type of crimes against humanity and genocide that has developed within industrial civilization, as a slow, insidious, sophisticated, sinister, corporate-political-military complex engineered, indifference to life; occurring as a circumstance in pursuit of other priorities such as profit, power and contracts for GDP, energy or jobs, whilst accepting the harm they will cause as a necessary consequence to secure their desired benefit.

The function of this legislation allows the court, the power to 'prevent' this crime and punish corporate, government, private and investment decision-makers for their willingness to cause severe environmental destruction, that scientists have calculated will cause irreparable harm to humanity and the planet.

The history for the Article 6 legislation evolves from the "Prevention" and punishment of Genocide Convention 1948. This unique criminal context allows criminal liability to be alleged against decision-makers who simply 'intend' and 'attempt' to inflict the conditions of life that bring about the physical destruction of a national group. Therefore, the scientific evidence must 'calculate' that the physical destruction will occur if the individuals attempted and intended development is completed and/or operational.

Their development does not need to complete and the physical destruction does not need to have occurred, for the individual's criminal complicity but the consequence must simply be foreseeable. The calculated awareness of the physical destruction has been extensively evidenced by scientists, NGO's and the media.

The International Criminal Court holds the power to investigate and issue an order to prevent the coal and gas mines from proceeding, as the only judicial power in the world with the influence necessary to stop a government as powerful as Australia and international development consortium members as powerful as two Australia's and India's most biggest billionaires.

The conspiracy, attempt and complicity in the decision making of the corporate executives and directors of companies proceeding with the financing, construction and licensing of the dam, given their awareness of the destruction that this dam will cause to the indigenous people, are all punishable acts of the crime of Genocide as defined by the 1948 Convention.

The development does not need to complete and the physical destruction does not need to have occurred, for the individual's criminal complicity, investigation, arrest and trial. However in the case of the Great Barrier Reef and the water and air contamination; and climate change, the physical and cultural destruction already experienced by existing developments has already been devastating and extensive.

Kofi Annan's five point framework provided that we take advantage of the "early and clear warning that allows the information gathering" necessary to prevent harm and that the world utilizes every opportunity to "end impunity through judicial action in international courts" with "swift and decisive action", encourages our willingness to act in order to prevent such future harm.¹⁶⁶

Penalties

This case can be applied to facilitators and financial beneficiaries of any industrial driven environmental harm inflicted against these ecosystems since 2002; however this case submission is focused on the cases of impending destruction which can be prevented and current contributors to advancing the devastation, which can be ordered halted.

The individuals submitted for investigation, under the Rome Statute face penalties of up to 30 years to life imprisonment and severe financial forfeitures can be awarded to the perpetrators. The court holds the power to impose the 'forfeiture of proceeds, property and assets derived directly or indirectly from the crimes, [Article 77.2.b].

This should be considered an appropriate penalty for those intending to destroy one of the 'seven wonders of the world' and the broader ocean and land ecosystems, which are essential to humanities survival and which impact the proximate population with devastation, destruction and death.

What is powerful about the SQP ICC legal context, is the ability for the court to order a halt to industrial activity upon formalizing

an investigation, in order to provide protection from harm for victims. It would be hoped that the ICC pre-trial chamber issue an order for mining developments like Galilee and Shenhua; new gas developments and port expansion licensing, construction and development, to be halted.

A request could be made to issue orders for assets to be seized from the individuals who are criminally liable and transferred into government administration. The court can also order the provisional arrest [Article 92] of those alleged criminally liable.

The purpose of these orders would be to avoid flight risk, limit the ability of these powerful individuals to obstruct justice or intimidate those who can provide evidence and prevent the harmful conditions of life, which their criminal conduct will continue to inflict on the national groups affected.

In this case, a long history of such behavior has been exhibited in Australia by the government and private business people involved. One of the developers alleged criminally liable, Gina Rinehart, has actively purchased many newspaper and media outlets in Australia that were criticizing her and fired the individuals who had published against her. This demonstration of behavior may reasonably escalate with relevance to this case submission. She is also renowned for suggesting that Australians should be working for 1 dollar a day to be competitive with Africa.

Given the severity of personally imposed penalties and the ability for these individual directors, investors and decision makers to absolve their alleged criminal liability by voluntarily and completely abandoning their conduct, the courts investigation into this matter enables powerful leverage on the individuals to make the necessary decision to respect life and withdrawal from their participation in advancing the crime.

Also interesting is that any derived benefits from the industrial developments which have been allocated, such as inheritances; can be traced, secured and re-directed by the court, to provide reparations for the crime. This penalty holds beneficiaries financially accountable, even if they are not directly complicit in the criminal liability of causing the crime.

The Court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation; to be held in trust, where the court will determine principles for the scope and extent of any damage, loss and injury to, or in respect of, victims. [Article 75]; which won't prejudice the rights of victims under national or international law.

State parties shall give effect to fines or forfeitures ordered by the court by recovering the value of the proceeds, property or assets. [Article 109] All state parties to the Rome Statute have committed to co-operating with the instruction of the court, to enforce these penalties.

The fact is that coal is one of the biggest contributors to causing climate change, which is killing people, our water and air systems, the coral reefs and our oceans. It is natural then, to seek to secure the financial means to recover the health of these life-systems, from the fortunes earnt as a result of their destruction, such as the personal and business fortunes of relevant developers Gina Rinehart, Clive Palmer, Gautam Adani and GVK Reddy. Their finances can be ordered by the court, to be seized by the Australian authorities [Article 109] and held in trust to make reparations to the victims, including restitution, compensation and rehabilitation [Article 75]

An order of financial forfeiture against the alleged perpetrators would allow assets and wealth to be seized and redistributed for reparations to human, marine and environmental health; contributing to the mitigation of devastation already occurred.

This possible reparations judgement could fill the very large shortfall in the current budget designated necessary to ensure the reefs protection into the future and in order to repair the devastation already inflicted against this ecosystem. As this heavily damaged life system is essential to future generations, it is therefore important to afford its reconstruction of health.

The ability to seize the wealth and assets of high net worth individuals and powerful directors, that has been assumed from the profit and power generated from their individual willingness to inflict large-scale, wide-spread and severe environmental destruction, could provide direct access to substantial financial reparations, to invest in the restoration, protection, preservation and prevention of negative consequences against the relevant ecosystems for years into the future. In itself, billion dollar private fortunes reallocated to environmental restoration would create opportunities for jobs, industry and innovation.

The SQP-ICC legal strategy, could therefore also help to resolve the unreasonable wealth inequality, that currently poses a global threat to humanity; given that much inequitable wealth distribution can be directly traced to the industrial activity.

Dissuading decision makers who otherwise advance this devastation, with personal and direct penalties against their

personal fortunes and personal freedom, could compel widespread divestment from the industrial advance of destruction To establish such a powerful international legislative precedent, would guide future investment decisions across the globe toward sustainable, environmentally sound, industrial developments by effectively rendering industrial contamination, devastation and destruction inflicted against the environment and human groups to be illegal, when harm can be foreseen.

It is reasonable to assume and possible to evidence, that relevant decision-makers are aware of the scientific, economic and affected communities calculation of the physical destruction which their industrial activity will cause; and that they meant to engage in the conduct [Article 30.2.a], in pursuit of other priorities; against the directly affected victim groups, against the global population and against the environment.

Even if an individual accused is not a citizen of a state party to the Rome Statute that has issued a license to decision makers, if they commit the conduct of the crime in a jurisdiction that is a party to the Rome Statute, then they remain criminally liable.

Although this is an internationally complex case, almost every individual natural person, who is complicit in advancing the crime in any way, is criminally liable without protection of state, corporations or private persons of influence. The individuals are directly accountable to the highest court in the world for their personal decision to facilitate, intend, attempt or in any way partake in causing this devastation and destruction against life.

The Australian national system and culture continue to pursue coal and gas exports to remain their predominant economic activity, and therefore cannot foreseeably voluntarily or judicially order the prevention of this crime, that their nation of power brokers are complicit and invested, in advancing.

International Criminal Court Process

Upon receipt of the SQP-ICC context case profile and in consideration of any secondary detailed evidence submissions, the Prosecutor's office may initiate investigations, and will analyze the seriousness of the information received. [Article 15.1, 15.2]. The Prosecutor's office may seek additional information from the state, intergovernmental, non-governmental organizations and other reliable sources [Article 15.2]. This constitutes a preliminary investigation to assess the request for a formal investigation.

The individuals accused can provide [Article 19] "Challenges to the jurisdiction of the court or admissibility of a case". Upon receipt of the accused formal right of reply, [Article 19.3], then the authors, supporters and victims relevant to the original 'basis of information' profile, may submit responding observations, to further validate the need for a trial or evidence guilt of those proposed criminally liable.

The prosecutor may conclude a reasonable basis exists to proceed with an investigation and then request the authorization of the Pre-Trial Chamber judges, [Article 15.3] to commence a formal investigation. The prosecutor would then notify all state parties to the Rome Statute treaty, of the investigation. [Article 18.1] States can request a six month deferral within one month of notification, on the basis that they wish to conduct their own investigation. [Article 18.2] The prosecutor can agree to defer or the pre-trial chamber can instruct the International Criminal Court investigation to proceed regardless of the attempted intervention, in order to protect witnesses, preserve the integrity of evidence and act in a timely manner, if the urgency is required, [Article 18.6] as is relevant in this case.

Based on the urgency of climate change acceleration cases and relevant to the immediate destruction of local communities and ecosystems; it is hoped that the court will be compelled to avoid investigation delays. Importantly, a state shall not be discharged from its obligations whilst a party to the statute, due to a future withdrawal [Article 127.2]. Therefore, if the crime is already in commission, a state's withdrawal from the Rome Statute will not protect the individuals who current stand accused and are evidenced to be committing the crime.

At any time after the initiation of an investigation, the Pre-Trial Chamber shall issue a warrant of arrest for a person, to ensure the persons appearance at trial; to ensure they do not obstruct or endanger the investigation or court proceedings. Where applicable, this can prevent the person from continuing with the commission of that crime or a related crime; which is within the jurisdiction of the court and arises out of the same circumstances. [Article 58] Otherwise the court may issue a summons for the individual alleged criminally liable to appear with or without restriction of liberty, if the summons is sufficient to ensure the persons appearance.

State Parties to the Rome Statute are under agreement to take immediate steps to arrest the person in question [Article 59] and transport them to transact their extradition [Article 89.3 / 102.b] or surrender [Article 89 / 90 / 102.a].

The Pre-Trial Chamber shall, on the basis of the hearing, determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged. Based on such determination, the court will confirm those charges and commit the person to a trial chamber, in preparation for a trial [Article 61.7]. It may otherwise adjourn the hearing and request further evidence and investigation, or amend the charge to establish a different crime, or it may decline the charges determining insufficient evidence [Article 61.7. b. c].

If charges are confirmed by the Pre-Trial Chamber, then the International Criminal Court president constitutes a trial chamber [Article 61.11] to be held in public and any international location can be established for specific International Criminal Court [extended for Sustainability] trials to proceed. Measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses [Article 68], allows the court to order a halt to industrial developments, due to cause immediate harm. Article 68 is therefore very important as it provides a solution for a deficiency within the national judicial system.

Amendment Proposed to the Elements of the Crime text

On August 1st, 2014, Miriam Clements proposed an amendment to Elements of the Crime text to the International Criminal Court, that will remove the 'group' definition limitation as only a 'human' group, defined as one or more 'persons' by Element 1 and 2, to allow a core statute interpretation of 'national group' that extends to protect all ecosystem groups.

The Rome Statute text does not limit the definition of 'national groups' as victims, to only 'human' groups; but generically prescribes conditions of life inflicted against 'groups'.

Therefore, the SQP-ICC cases argue that at this unique juncture in history, where the genocide of other species groups will inflict unsustainable conditions of life upon all life, including the survival of humanity; justifying the application of a broader interpretation of national 'groups' affected, to include direct harm to animal, pollinator and sea life groups, as a valuable, necessary and appropriate amendment for nations to support.

This means that the devastation of a rainforest, coral reef or arctic ecosystem, could remain protected to sustain life for future generations, against severe physical destruction, by this defense which qualifies each ecosystem as a 'national group'.

The Elements of the Crime text, referenced in Article 9 of the Rome Statute, as a separate non-statute text, existing for the purpose of assisting the court with interpretation and application of the Rome Statute; then provides Element 1 and 2, that does then apply a limitation to the definition of affected 'groups' as that of 'one or more persons'.

The existing statute law substantiates a broad interpretation of a 'national group' of victims but this is restricted to 'one or more persons' within a separate document, 'Elements of the Crime'.

Recognizing direct protection against ecosystem genocide, for the Great Barrier Coral Reef and the Curtis Island 'National Heritage' site, by interpreting 'national groups' to include these ecosystems, crucial to the survival of the global population, is an 'unforeseen circumstance' that the Vienna Convention encourages the legal application to protect.

Amendments to The Elements of the Crime text, may be proposed by any state party, the judges in absolute majority or by the prosecutor [Article 9, 2.]. This submissions requests that the court consider placing secondary arguments to validate the Coral Reef as a national group worth of direct protection.

This opportunity is relevant in cases when the direct harm to humans has not been explicitly evidenced or the causal link has many levels or tenuous connections; yet if such destruction is clearly evidenced to directly impact the wider global ecosystem and will subsequently accelerate climate change that impacts the global population, then a direct defense is valid.

The argument to legally recognize that devastation of animal, pollinator and sea life ecosystems, impacts the cumulative physical destruction of national human groups; is submitted to the court in hope to compel the prosecutor and, or judges, to support this amendment to the Elements of the Crime text. It would be hoped that the prosecutor would select to argue this amendment for the consideration of the judges, with relevance to this case.

If the prosecutor, judges or a state party were to support this amendment, then 2/3rds of the United Nations Assembly of States Parties members, may agree to amend the Elements of the Crime interpretation text. Article 9.2 of the Rome Statute allows them to agree on this amendment, easily justifiable with the purpose to save an ecosystem as important as the Arctic, the Rainforests or the Coral Reefs; with the intent to sustain the global life system for the benefit of future generations. Whereby considering the Arctic, Rainforest or Coral Reef ecosystem as a "national group" facing physical destruction in whole or in part,

due to decisions by individuals intent on profiting from dirty industry, would possibly extend this important environment a strong long term protection, regardless of the causal link to human harm, that no existing law provides protection against.

The SQP-ICC context can be applied to investigations and trials for cases around the world, almost immediately, if the International Criminal Court is resourced and financed to advance these 'ICC for Sustainability' cases.

The application of direct criminal liability against individual's decision-making, facilitation and action to advance the harm that will devastate ecosystems and humans, is a necessary measure to inspire their voluntary forfeiture of otherwise highly profitable activities, which cause devastation.

Whilst such significant profit, power and quality of life benefit remains for business and government decision makers to cause industrial devastation, the widespread transition to clean industry systems remains unlikely.

Industrial systems which accelerate carbon emissions, along with environmental devastation and contamination; can be directly connected and traced to the proprietors, investors and directors, who are the decision makers complicit in advancing the harm.

This could single-handedly be the most powerful tool to inspire a new culture of investment into less profitable but totally possible, new generation clean energy and clean industrial technologies; that often struggle to commercialize or gain access to market.

Once a legal precedent is successfully established, then the SQP-ICC legislative context, defines contaminating industry as illegal, thus forcing or inspiring a voluntary, complete and immediate transition to clean energy and sustainable industry.

This transition will be necessary for investment, governance, corporate and construction decision-makers, to avoid the personal criminal liability prescribed for what must be considered 'the world's most serious crime'; as the intentional destruction of life systems, that will accelerate climate change, for the short-term benefit of resource, profit or power.

The SQP-ICC application of the Rome Statute, holds to account, the culture of corporate, governance and investment decision-makers, who otherwise appear to consider the contamination and devastation that results within the ordinary course of their industrial operations, simply as an acceptable cost of doing business. This provision of justice is necessary against those who knowingly advance harm at such great cost to human and

environmental life, with justification to do so, on the basis of their corporate mandate for pursuit of profit, government mandate to secure necessary energy and resource demand.

Finally, these billion dollar destructive developments, meet financial mandate objectives that secure both profit and power but also advance contractual contributions to the GDP of industrial economies, which benefits a nation's final position of global power, suggesting also that whilst the world recognizes unsustainable industry in GDP calculations, it motivates the continuation of such harm.

Evidence and dialogue in perpetuity

The preliminary examination may conclude that the information submitted does not constitute a reasonable basis for an investigation and the prosecutor shall inform those who provided the information. [Article 15. (6.)]

If the investigation is not approved, further information based on new facts or evidence, can be provided for renewed consideration of an investigation at any time [Article 15.6].

Effectively this evidence submission begins a dialogue in perpetuity [Article 53.4.] with the court, as the Prosecutor may request to review the decision at any time, if satisfied that new facts have arisen, which negate the basis on which the case was previously found inadmissible" [Article 19. (10.)]

Importantly, this action collates and preserves facts, records and access to a clear profile of events at any future time, where the evidence of physical destruction brought about, will amass with greater profiles of evidence.

Importantly, this record will also allow the financial value derived from the industrial activity crime of devastation and contamination, so that even if that finance has changed hands into an inheritance by the time the crime is finally prosecuted, then that benefit derived may be re-secured and re-distributed to the broader population as reparation for harm caused.

Future Application

Compilation of comprehensive evidence against individuals causing the environmental destruction that accelerates climate

change will record both the perpetrators of the crime and the beneficiaries of the financial value derived; with the opportunity for the courts to order forfeiture of this value, at a future time.

The Victory Australasia campaign can advance with or without political or judicial will, as the evidence will provide future generations and future ethical governance groups, with a comprehensive basis of evidence, upon which to take action at any time possible in the future.

If the current proprietors of world power and state judicial systems, deny the immediate application of the SQP-ICC context, then they imply their own personal complicit liability, in aiding the crimes, that may be prosecuted in future years when new governance and power groups can apply this law to all relevant cases since the Rome Statutes ratification by 122 states, for crimes committed since 2002.

International Criminal Court [extension] for Sustainability

On August 6th 2014, Miriam Clements proposed to the International Criminal Court, the United Nations, the UNDP and UNESCO, international leaders and leading sustainability related public figures, that an extension of the International Criminal Court should be provided resource and finance, to investigate the most devastating cases that the SQP-ICC context provides an significant opportunity to prevent from harm.

This establishes the validation for an International Criminal Court for Sustainability, with a focus to prevent the acceleration of Climate Change and defend against some of the greatest crimes against humanity, which the world must now consider to be the destruction of our essential life systems.

Convening a special and independent extension of the International Criminal Court, for the purpose of preventing climate change through the proposed application of this law, would allow a large caseload of environmental destruction cases to be investigated with speed.

Importantly, this would eliminate the conflict otherwise due by sustainability cases competing against the backlog of existing ICC cases, relevant to other crimes of another nature.

The context for a special court mission convened as the 'International Criminal Court of Sustainability', would be focused on cases applicable to "widespread, long-term or severe damage to the natural environment".

A summary of the SQP-ICC context elements follows as,

INDIVIDUALS [decision-makers including, corporate, government, private, investment, special interests or any facilitators of the commission of the crime, in any way, including advisors such as accountants, publicists, public relations firms, lawyers, consultants, etc...]

DELIBERATELY [INTENT] [they meant to engage in the conduct with the knowledge, as awareness, that the conditions of life inflicted create a circumstance of harm and a consequence of physical destruction, that will occur in the ordinary course of events.] [Article 9 refers to Elements of the Crime text, for the appropriate requirement of intent to be decided by the court on a case by case basis.]

[ATTEMPT TO] [Where the persons responsible have facilitated the crime with a purpose to aid, abet, provide means for its commission, otherwise assist or in any other way contribute to the attempted commission of the crime]

[evidenced by statements and orders progressing the conduct in a manifest [obvious, apparent, evident] pattern, which is the corporate & government standard when advancing a business development and licensing of industrial operations]

INFILCT CONDITIONS OF LIFE [contamination of ground-water, ocean and river ecosystems which brings about the contamination of clean drinking and washing water, sound pollution affecting human and ecosystem health, carbon emissions, development destruction and toxic industrial harm, depleted food stock, contaminated food source such as heavy metals in the traditional fish stocks, extermination of species, altered dynamics of the ecosystem forcing slow long-term destruction, forced relocation of people and wildlife populations, environmental devastation, increased ecosystem toxicity, emotional stress, fear and devastation within the immediately affected community, trauma, intimidation, the resulting health effects from experiencing such stress and fear, the derogation of culture and community when faced with a loss of clean water and free abundant natural food stocks, etc...]

CALCULATED [by scientific evidence, economic forecasts, previously cases specific legal cases and other relevant legal case precedents based on similar situations; real world examples of harm, existing impacts, anecdotal evidence from affected communities with relevance to cultural impact, conditions of life inflicted, etc]

TO BRING ABOUT THE PHYSICAL DESTRUCTION [sickness, disease, starvation, shattered cultural bonds, way of life, sustainability, death, etc]

OF A NATIONAL GROUP or CIVILIAN POPULATION [vulnerable communities, nations and the global population of humans with relevance to cumulative effect of climate change]

[With the proposed SQP-ICC amendment to the 'elements of the crime' interpretation text, the national group definition of 'Victims' could extend to directly protect animal, pollinator and marine life, in addition to recognizing rainforests, coral reefs or the Arctic ecosystem, as directly destroyed 'national groups']

IN WHOLE OR IN PART [harm is not required to be death or to be experienced by an entire or complete national group nor for every member of a national group to be affected, but that various forms of physical destruction are inflicted on one or more within the group, in whole or in part.]

AN OPEN SOURCE CASE COLLABORATION CURATED BY SQP

Sustainable Quality Purpose, invites individuals globally to contribute to the Victory Amazon case and campaign development, including the advance of a detailed evidence profile for submission to the court, that proposes to establish an international legal precedent that will prevent industrial developments from contaminating the natural resources that sustain life.

This Victory Amazon legal campaign of international concern, provides a platform for a constructive collaboration across the world, between communities, companies, ngo's, groups, lawyers, scientists, creative's, publicists, public figures and conscious individuals.

What is interesting is to see, which groups are willing to support immediate criminal liability for complicit individuals and which individuals are afraid of the consequences this may provide for their organization or personal safety.

What is sure, is that if enough individuals progress support for the SQP-ICC action and Victory campaigns to apply this law; and the world's citizen's join in support, then this legal application can shift power, redistribute wealth and provide the environmental protection from large industry which is perhaps the greatest need in the world.

To establish the basis for individual arrests to be made, detailed evidence profiles must be built against the individual accused.

ESTABLISHING THE BASIS FOR INDIVIDUAL ARRESTS

Please detail a specific individual who you believe requires investigation and how this individual is involved with the crime?

To detail a more complete overview of an accused individual relevant to a case of causing large-scale, wide spread or severe environmental harm, please make notes on the following points:

A summary description can be made as follows:

[inflicting unsustainable conditions of life on a group or population]

Describe the directly affected group, represented as the victims:

Describe the general population affected:

Describe the destructive activity:

Name and information of the perpetrator:

Name and information of the financial beneficiary:

Detail identifying information of the person accused:

Detail why the individuals arrest may be immediately necessary:

Detail the danger of the individual obstructing the investigation:

Detail the danger of the individual continuing commission of crime: [if not arrested at the outset of the investigation]

Detail the location of the crime, which can include the location of the decision makers complicity in the crime:

Detail the nationality of the perpetrator:

Detail the basis for the warrant to arrest the perpetrator:

Establishing reasonable grounds that the person committed the crime. - incl. scientific evidence | statements and orders | obstruction of justice

A detailed evidence profile against an ACCUSED INDIVIDUAL:

Apply the SQP-ICC context to strengthen the Victory Amazon campaign submission to the International Criminal Court; used to establish the basis for individual arrest warrant proposals to the International Criminal Court [for Sustainability] cases against large-scale, wide-spread or severe environmental destruction that will bring about the physical destruction of a national group.

Accused Individuals Full Name:

Please select how this individual is involved:

Financier Investor Facilitator Operator
 Owner Director Beneficiary Service Provider

Other - please detail below:

Please detail another aspect of participation:

Description of Individuals Position within a corporate entity, government, investment or private nature of participation, providing means for, aiding, facilitating or advancing the action in any other way:

Establishing Identifying Information Profile about the Accused:

Individuals Country of Residence and Nationality

Location of the Individuals conduct to advance the crime

Please detail all other identification information about this individual...

Establishing a profile of the Individuals Crime

Please detail the scope of the conditions of life they have helped to inflict upon the national group

Please detail the scope of any directly destructive activity

Please detail the elements of the crime, which you allege the individual has committed

Where possible, this information should detail the 3 layered argument.

1. the physical destruction to an element of or the entire ecosystem;
2. the physical destruction of the national group brought about by the destruction to the ecosystem, due to conditions of life inflicted.
3. the contribution to accelerating climate change that this industrial activity will bring about, thus bringing about the physical destruction of the global human group.

Summarize a concise statement of facts constituting the crime:

To establish the ICC's right to jurisdiction, each case must demonstrate that the local judicial system and if relevant government governance system is unable or unwilling to investigate or prosecute the crime.

Please list all the facts, scenario's and legal cases, which represent an obstruction of justice. This may be through the use of 'suspension of security', a clearly corrupt and unfair judgement, the individuals involved in advancing the crime being those also responsible for or linked to managing the governance or the judicial system providing a conflict of interest; general corruption and illegal alliances creating misleading and deceptive conduct, failed legal cases, parliamentary votes which violate national and international law, licenses issued which violate national or international law, etc...

Please provide evidence of statements and orders given by the corporate, government or private individuals involved, clearly demonstrating the attempt to progress the conduct which constitutes the crime:

Please list any reference documents relevant, to be provided by email or upload.

Please provide arguments and evidence which link the individual decision maker to intentionally progressing decisions which will cause the crime, when aware of the circumstance of harm that exists and with knowledge of the consequences due as a result of inflicting such harm. Please detail the scientific evidence that calculates the physical destruction of the National Group.

Please list the danger that the individual will pose risk of intimidation or harm to the victims, providers of evidence or contributors to the case, if remaining without arrest;

Please detail the risk that the individual will obstruct justice, obstruct this investigation or continue to order the commission of the crime;

Please detail requests for an order from the court to halt the industrial activity so as to protect the victims from further harm or risk;
 Please detail a request for an order from the court to freeze and/or seize the personal and financial activities/assets of the accused so as to protect value for future orders of financial and asset forfeiture, to protect victims and to protect the investigation and evidence profiles;
 Please detail the beneficiaries of any harm caused since 2002 and/or detail the beneficiaries of any financial benefit and otherwise, due in the future.

Please provide other general arguments, information, evidence or rationale to propose that the accused individual has a warrant issued by the court for their arrest

Please specify what elements of evidence, arguments, information provided must remain a private, unpublished contribution. Not all evidence or profile uploads will be made public. Generally only an overview of specific individual and group focus will be registered and highlighted to other contributors. Protection of evidence, victims and sensitive case information will be protected offline and provided only to the court or high level contracted and approved experts for validation and verification.

Register Participation for

A. CASES

We are compiling a broad range of cases relevant to the SQP-ICC context, where the local judicial system is 'unable or unwilling to investigate or prosecute', from leading global NGO's, communities, lawyers, companies, individuals and all others who have evidence, value or time to contribute.

Each case is compiled with various relevant contributors, who can collectively add value to substantiate evidence, legal arguments, financing, promotion and other elements necessary to submit the strongest case of international concern to the ICC and compile an overview for history.

Register Participation for

B. COUNTRIES

We are building alliances with local national organisations globally, to lobby local leaders, parliamentarians, organisations and all others relevant, so as to secure support for the United Nations Assembly of State Party votes to support:

*. the financing and resource of the ICC extension for sustainability cases to gain priority with a clear intent to investigate.

*. to vote in favor of amending the 'Elements of the Crime' text, so that the law may protect all life groups.

Register Participation for

C. ISSUES

SCIENCE and ECONOMICS. We are building alliances with local scientists, intellectuals, universities and others relevant who may help to evidence the 'calculations' of 'physical destruction of the national groups.'

LAW. We are building a network of existing environmental legal experts, lawyers, and legal intellectuals to help contribute perspective to each case argument.

TRANSITION. We are building a network and overview of existing and new industry transition mechanisms, technologies and diplomats to facilitate this transition and the commercialisation and legislative mechanisms necessary to allow their market installation.

For further details, please contact the author;

Author: Miriam Clements of Sustainable Quality Purpose [SQP]
www.sustainablequalitypurpose.com | www.victoryamazon.com
 contact : miriam.clements@sustainablequalitypremium.com

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