

IN THE FEDERAL COURT OF AUSTRALIA
SOUTH AUSTRALIA DISTRICT REGISTRY
GENERAL DIVISION

No: SAD 182/2007

MINISTER FOR ENVIRONMENT, HERITAGE AND THE ARTS
Applicant

ROCKY LAMATTINA AND SONS PTY LTD
First Respondent

ROCCO LAMATTINA
Second Respondent

ORDER

JUDGE: Mansfield J

DATE OF ORDER: 17 July 2009

WHERE MADE: Adelaide

THE COURT DECLARES THAT:

1. The first respondent, by causing the clearance of native vegetation from the property known as Acacia Downs and more properly described as Certificate of Title Volume 5400 Folio 622 Sections 324, 325, 326, 327 and 328 in the Hundred of Hynam in the State of South Australia (the property) between April 2004 and July 2005, took an action likely to have a significant impact on a listed threatened species included in the endangered category, namely the South-eastern Red-tailed Black Cockatoo (*Cayptorhynchus banksii graptogyne*), in contravention of s 18(3) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act).

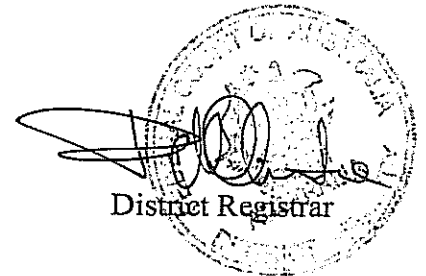
THE COURT ORDERS THAT:

1. Pursuant to s 481 of the EPBC Act, the first respondent pay the Commonwealth of Australia a pecuniary penalty of \$220,000 in respect of the conduct set out at paragraph 1 above.



2. The first respondent pay the applicant's costs of the application fixed at \$22,500.
3. There be no order in relation to the second respondent.

Date that entry is stamped: 20 August 2009



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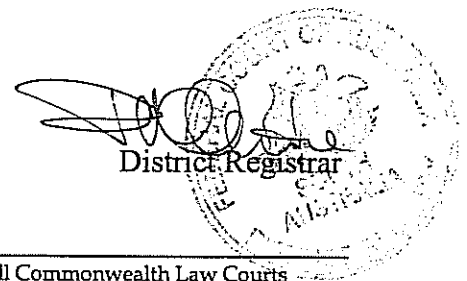
ORDER

JUDGE: Mansfield J
DATE OF ORDER: 12 August 2009
WHERE MADE: Sydney

THE COURT ORDERS BY CONSENT THAT:

1. Pursuant to the orders of 17 July 2009, the first respondent pay the pecuniary penalty of \$220,000 to the Commonwealth of Australia by way of twenty two (22) monthly payments of \$10,000 which are to be made on or before the dates set out in Annexure A to these orders.
2. In the event of default by the first respondent in the making of a monthly payment referred to in Order 1, which default has continued for 14 days, then the whole of the outstanding pecuniary penalty payable by the first respondent shall thereupon become due and payable.
3. Pursuant to the Orders of 17 July 2009, the first respondent pay the applicant's costs fixed in the amount of \$22,500 on or before 12 August 2009.

Date that entry is stamped: **20 AUG 2009**



Annexure "A" – payments required pursuant to Order 1

Payment Number	Date required to be paid by
1	12 August 2009
2	14 September 2009
3	12 October 2009
4	12 November 2009
5	14 December 2009
6	12 January 2010
7	12 February 2010
8	12 March 2010
9	12 April 2010
10	12 May 2010
11	14 June 2010
12	12 July 2010
13	12 August 2010
14	13 September 2010
15	12 October 2010
16	12 November 2010
17	13 December 2010
18	12 January 2011
19	14 February 2011
20	14 March 2011
21	14 April 2011
21	16 May 2011