

BETWEEN: HUMANE SOCIETY INTERNATIONAL INC
Applicant

AND: KYODO SENPAKU KAISHA LTD
Respondent

ORDER
(Order 36)

JUDGE: JUSTICE ALLSOP

DATE OF ORDER: 15 JANUARY 2008

WHERE MADE: SYDNEY

1. THE COURT DECLARES that the respondent has killed, injured, taken and interfered with Antarctic minke whales (*Balaenoptera bonaerensis*) and fin whales (*Balaenoptera physalus*) and injured, taken and interfered with humpback whales (*Megaptera novaeangliae*) in the Australian Whale Sanctuary in contravention of sections 229, 229A, 229B and 229C of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), (the "Act"), and has treated and possessed such whales killed or taken in the Australian Whale Sanctuary in contravention of sections 229D and 230 of the Act, without permission or authorisation under sections 231, 232 or 238 of the Act.
2. THE COURT ORDERS that the respondent be restrained from killing, injuring, taking or interfering with any Antarctic minke whale (*Balaenoptera bonaerensis*), fin whale (*Balaenoptera physalus*) or humpback whale (*Megaptera novaeangliae*) in the Australian Whale Sanctuary, or treating or possessing any such whale killed or taken in the Australian Whale Sanctuary, unless permitted or authorised under sections 231, 232 or 238 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Date that entry is stamped: 16 January 2008

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District Registrar

ORDER
Filed on behalf of the applicant
Form 47, O 36

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NOTICE TO RESPONDENT
(Order 37, rule 2(3))

To the respondent, Kyodo Senpaku Kaisha Ltd of 4-5, Toyomi-cho, Chuo-ku, Tokyo, Japan:

Take notice that where an order of the Court requires you to abstain from doing an act you are liable to sequestration of property if you disobey the order.