BACKGROUND

- The Mount Pleasant open-cut coal mine sits 3km upwind and northwest of Muswellbrook in the Upper Hunter Valley, NSW. It is owned by MACH Energy Australia Pty Ltd, a subsidiary of Indonesia's Salim Group. MACH Energy sought to double the mine's output to 21 million tonnes per year and extend its life to 2048 — generating an additional 870 million tonnes of CO_2, 98% of it as Scope 3 emissions from coal burned overseas.

- The NSW Court of Appeal ruled unanimously on 24 July 2025 that the Independent Planning Commission had failed a mandatory obligation under s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979 to consider the local climate impacts of the mine's emissions. MACH Energy was granted special leave to appeal before the Australian High Court on 4 December 2025.

- The ICJ Advisory Opinion on climate change obligations of states was handed down on 23 July 2025 — on the eve of the NSW Court of Appeal ruling — finding that fossil fuel production, export licensing and subsidies can constitute internationally wrongful acts.

- Four institutions were granted leave to intervene in the High Court with evidence which supported DAMS HEG: Melbourne Law School Climate Futures (Prof. Jacquie Peel), Cambridge Centre for Climate Engagement, Sabin Centre for Climate Change Law (Columbia University), and the Union of Concerned Scientists (Dr Christopher Callahan). Melbourne Climate Futures and the Union of Concerned Scientists made oral submissions at the hearing on 13 May 2026.

- DAMS HEG is represented by Johnson Legal. Lead barrister at the High Court hearing was Naomi Sharp SC, with Matthias Thompson and Stephanie Patterson of counsel.

- Johnson Legal case page: www.johnsonlegal.au/newsfeed/mach-energy-v-denman-high-court-of-australia