

## NOTICE OF FILING

### Details of Filing

Document Lodged:	Statement of Claim - Form 17 - Rule 8.06(1)(a)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	21/04/2023 3:48:01 PM AEST
Date Accepted for Filing:	21/04/2023 3:51:40 PM AEST
File Number:	VID345/2022
File Title:	AUSTRALIAN CONSERVATION FOUNDATION INCORPORATED v WOODSIDE ENERGY LTD & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



**Second Further Amended Statement of claim**

(Filed pursuant to Orders of the Court made 21 April 2023)

No. VID345 of 2022

Federal Court of Australia

District Registry: Victoria

Division: General

**Australian Conservation Foundation Inc**

Applicant

**Woodside Energy Ltd and another**

Respondents

**Parties**

1. The Applicant:

(a) is a body corporate which is able to sue;

(b) is an "interested person" within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) because:

(i) it is incorporated in Australia and has operated for over 50 years;

(ii) at all times during the two years immediately before the making of the application, its objects included the protection of the environment; and

(iii) in the two years immediately before the making of the application, it engaged in a series of activities in Australia for protection and conservation of the environment.

Filed on behalf of (name & role of party)	Australian Conservation Foundation Incorporated, Applicant		
Prepared by (name of person/lawyer)	Brendan Dobbie		
Law firm (if applicable)	Environmental Defenders Office Ltd		
Tel	(02) 7229 0026	Fax	
Email	brendan.dobbie@edo.org.au		
Address for service	Suite 8.02, 6 O'Connell St, Sydney NSW 2000		

### Particulars

- i. On or around 29 June 2020, the Applicant commissioned the Australia Institute's "Weapons of gas destruction" report (published in September 2020) which details the role of gas in Australia's contribution to climate change.
- ii. In the 2020-2021 financial year, the Applicant successfully led the movement-wide campaign to ensure the Federal Parliament protected the Clean Energy Finance Corporation (CEFC) and the Australian Renewable Energy Agency (ARENA).
- iii. In the 2020-2021 financial year, the Applicant launched a campaign on energy exports and joined with the Business Council of Australia (BCA), the Australian Council of Trade Unions (ACTU) and WWF to produce a series of reports on Australia's clean exports opportunities, and the policy and investment levers federal and state governments need to replace coal and gas exports with renewable exports.
- iv. In November 2020, the Applicant made a submission to the Senate Environment and Communications Reference Committee Inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020* (Cth).
- v. On and from 16 March 2020 and until at least 1 June 2021, the Applicant was the applicant in, and an active party in, judicial review of a Commonwealth decision not to apply certain provisions of the EPBC Act to the original North Galilee Water Scheme referral in the Federal Court of Australia (*Australian Conservation Foundation Incorporated v Minister for the Environment* [2021] FCA 550).
- vi. In April 2021, the Applicant in conjunction with 350.org encouraged supporters to attend a rally in Brisbane opposing a proposed coal mine near the Great Barrier Reef.

- vii. On 23 December 2021, 28 January 2022, and 18 March 2022, the Applicant issued press releases in response to matters concerning the environment of the Great Barrier Reef and the need for greater protection of the reef; and
- viii. On 17 May 2022, the Applicant co-organised a rally in Brisbane outside the Australian Petroleum Production and Exploration Association (APPEA) national conference. APPEA is the peak national body for the oil and gas industry. The rally highlighted the need for climate solutions like renewable energy and for Australia to move away from coal and gas production.

(c) is a person with a sufficient interest to seek the injunction and declarations sought in the Amended Originating Application because:

- (i) The Applicant is the peak national conservation organisation in Australia and was established with a view, inter alia, to reconciling the use and exploitation of resources with the conservation of the natural environment.
- (ii) The Applicant has operated for more than 50 years.
- (iii) The Applicant was formed in response to oil drilling and mining that threatened the Great Barrier Reef.
- (iv) The Applicant's present objects are to "protect[...] nature and advocate[...] for all living things to live in harmony on the planet that sustains us".
- (v) The Applicant has over 700,000 supporters.
- (vi) The Commonwealth recognises the Applicant as a representative body for conservation and environmental protection by way of:
  - i. In December 2021, the Commonwealth Department of Agriculture and Environment consulted the Applicant on amendments to the "Significant Impact Guidelines" for the EPBC Act following the decision in *Australian Conservation Foundation Incorporated v Minister for the Environment* [2021] FCA 550;

- ii. On 16 June 2022, the Applicant attended the signing of Australia's new greenhouse gas emissions reduction target on the invitation of the Prime Minister and Minister for Climate Change and Energy;
  - iii. In April 2022, the Hydrogen Initiatives section of the Commonwealth Department of Industry, Science, Energy and Resources contacted the Applicant to discuss the work of the section; and
  - iv. The Applicant was invited, and participated in, the reference committee for the 2019 Five Yearly Review of the EPBC Act conducted by Professor Graeme Samuel.
- (vii) The Applicant is a large enterprise, with revenues for the financial year 2020-2021 of \$18.39 million and expenditure of \$14.56 million.
- (viii) In the 2020-2021 financial year, the Applicant spent \$8.4 million or about 56% of its revenue on environmental protection activities in Australia.
- (ix) Throughout its history, the Applicant has played a leading role in the protection of and advocacy for the environment, Australia-wide.
- (x) Anthropogenic climate change is the subject of one of the Applicant's 7 major campaigns or areas of activity.
- (xi) Protection of the Great Barrier Reef from the effects of anthropogenic climate change is one of the Applicant's major concerns.
- (xii) The Applicant played a major role in achieving World Heritage listing for the Great Barrier Reef.
- (xiii) In recent years, the Applicant has coordinated and engaged in a series of activities in Australia concerning climate change and/or the Great Barrier Reef, including but not limited to those set out in the particulars to paragraph 1(b)(iii) above.

(xiv) The Scarborough Project (defined in paragraph 47 below) and the Actions will affect the Applicant's objectives.

(xv) On 6 June 2022, the Applicant wrote to the Respondents to notify them that it considers that the carrying out of the Scarborough Project is conduct constituting an offence or other contravention of the EPBC Act.

(xvi) On 15 July 2022, the Applicant wrote to the Respondents requesting that it be consulted in respect of Environment Plans relating to the Scarborough Project under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth).

2. The First Respondent (**Woodside**):

(a) is a body corporate which is able to be sued;

(b) is a constitutional corporation within the meaning of the EPBC Act.

3. The Second Respondent (**Woodside Energy Scarborough**):

(a) is a body corporate which is able to be sued;

(b) is a constitutional corporation within the meaning of the EPBC Act.

**Sources of jurisdiction and power to grant the relief sought**

4. If a person has engaged, engages or proposes to engage in conduct consisting of an act or omission that constitutes an offence or other contravention of the EPBC Act, an "interested person" (as defined in s 475(7)) may apply to the Federal Court for an injunction (EPBC Act s 475(1)).

5. If a person has engaged, is engaging in or is proposing to engage in conduct constituting an offence or other contravention of the EPBC Act, the Court may grant an injunction restraining the person from engaging in that conduct (EPBC Act s 475(2)).

6. The Federal Court may, in civil proceedings in relation to a matter in which it has original jurisdiction, make binding declarations of right, whether or not any consequential relief is or could be claimed (*Federal Court of Australia Act 1976* (Cth) s 21(1)).
7. The Federal Court has power, in relation to matters in which it has jurisdiction, to make orders of such kinds, including interlocutory orders, as the Court considers appropriate (*Federal Court of Australia Act 1976* (Cth) s 23).

### The EPBC Act

8. Section 12(1) of the EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on the world heritage values of a declared World Heritage property.
9. ~~[Not used] Section 15A(2) of the EPBC Act provides that a person commits an offence if:~~
  - ~~(a) the person takes an action; and~~
  - ~~(b) the action is likely to have a significant impact on the world heritage values of a property; and~~
  - ~~(c) the property is a declared World Heritage Property.~~
10. ~~[Not used] In respect of s 15A(2):~~
  - ~~(a) paragraph (2)(a) identifies a conduct element of the offence for the purposes of the *Criminal Code* (Cth);~~
  - ~~(b) in respect of the element identified in paragraph (2)(a), the fault element is intention (*Criminal Code* s 5.6(1));~~
  - ~~(c) paragraph (2)(b) identifies a circumstance or, alternatively, result element of the offence for the purposes of the *Criminal Code* (Cth);~~

~~(d) in respect of the element identified in paragraph (2)(b), the fault element is recklessness (*Criminal Code* s 5.6(2));~~

~~(e) strict liability applies to paragraph (2)(c) (*EPBC Act* s 15A(2A)).~~

11. Section 15B(1) of the EPBC Act provides that a constitutional corporation must not take an action that has, will have or is likely to have a significant impact on the National Heritage values of a National Heritage place.

~~12. Section 15B(4) of the EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on the National Heritage values, to the extent that they are indigenous heritage values, of a National Heritage place.~~

13. [Not used] ~~Section 15C(2) of the EPBC Act provides that a constitutional corporation commits an offence if:~~

~~(a) the corporation or agency takes an action; and~~

~~(b) the action is likely to have a significant impact on the heritage values of place; and~~

~~(c) the heritage values are National Heritage values of the place; and~~

~~(d) the place is a National Heritage place.~~

14. [Not used] In respect of s 15C(2):

~~(a) paragraph (2)(a) identifies a conduct element of the offence for the purposes of the *Criminal Code*;~~

~~(b) in respect of the element identified in paragraph (2)(a), the fault element is intention (*Criminal Code* s 5.6(1));~~

~~(c) paragraph (2)(b) identifies a circumstance or, alternatively, result element of the offence for the purposes of the *Criminal Code* (Cth);~~



~~(d) in respect of the element identified in paragraph (2)(b), the fault element is recklessness (*Criminal Code* s 5.6(2));~~

~~(e) strict liability applies to s 15C(2)(c) and (d) (s 15C(2A)).~~

15. [Not used] For the purposes of ss 15A(2) and 15C(2):

~~(a) so far as the physical elements of the offence are circumstances, a person is reckless with respect to those circumstances if:~~

~~(i) he or she is aware of a substantial risk that the circumstance exists or will exist; and~~

~~(ii) having regard to the circumstances known to him or her, it is unjustifiable to take the risk (*Criminal Code* s 5.4(1)); and~~

~~(b) so far as the physical elements of the offence are results, a person is reckless with respect to those results:~~

~~(i) he or she is aware of a substantial risk that the result will occur; and~~

~~(ii) having regard to the circumstances known to him or her, it is unjustifiable to take the risk (*Criminal Code* s 5.4(2)); and~~

~~(c) so far as recklessness is the fault element, proof of intention, knowledge or recklessness will satisfy that fault element (*Criminal Code* s 5.4(4)).~~

16. For the purposes of the EPBC Act, including ss 12, ~~15A, 15B and 15C~~ and 15B, a “significant” impact includes an impact which is important, notable or of consequence having regard to its context or intensity.

17. For the purposes of the EPBC Act, including ss 12, ~~15A, 15B and 15C~~ and 15B, a “likely” impact includes an impact which has a real or not remote chance or possibility of occurring.

18. Where the word “likely” is used in this Statement of Claim, unless otherwise specified, it is used in this sense.

18A. Section 25AA(1) and (3) of the EPBC Act provide that, inter alia, ss 12(1) and 15B(1) do not apply to an action (the **primary action**) if:

(a) a person (the **primary person**) takes the action; and

(b) as a consequence of the primary action, another person (the **secondary person**) takes another action (the **secondary action**); and

(c) the secondary action is not taken at the direction or request of the primary person; and

(d) the significant impact referred to in the provision is a consequence of the secondary action.

18B. On the proper construction of the EPBC Act, a defendant who wishes to rely on the disapplication effected by s 25AA:

(a) bears an evidential onus;

(b) must plead the facts which are said to enliven that evidential onus.

18C. Section 67 of the EPBC Act provides that an action that a person proposes to take is a “controlled action” if the taking of the action by the person without approval under Part 9 for the purposes of a provision of Part 3 would be (or would, but for section 25AA or 28AB, be) prohibited by the provision.

18D. Section 67A of the EPBC Act provides that a person must not take a controlled action unless an approval of the taking of the action by the person is in operation under Part 9 for the purposes of the relevant provision of Part 3.

19. For the purposes of the EPBC Act, an “action” includes (s 523(1)):

(a) a project;

(b) a development;

(c) an undertaking;

(d) an activity or series of activities; and

(e) an alteration of any of the things mentioned in paragraph (a), (b), (c) or (d).

20. For the purposes of the EPBC Act, a single item of conduct may be:

(a) an “action” in and of itself; and

(b) together with other “actions”, a collective and overarching “action”.

21. For the purposes of the EPBC Act, an event or circumstance is an “impact” of an “action” taken by a person if:

(a) the event or circumstance is a direct consequence of the action (s 527E(1)(a)); or

(b) for an event or circumstance that is an indirect consequence of the action, and subject to s 527E(2), the action is a substantial cause of that event or circumstance (s 527E(1)(b)).

22. For the purposes of s 527E(1)(b) of the EPBC Act, if (s 527E(2)):

(a) a person (the **primary person**) takes an action (the **primary action**); and

(b) as a consequence of the primary action, another person (the **secondary person**) takes another action (the **secondary action**); and

(c) the secondary action is not taken at the direction or request of the primary person; and

(d) an event or circumstance is a consequence of the secondary action;

then that event or circumstance is an **impact** of the primary action only if:

(e) the primary action facilitates, to a major extent, the secondary action; and

(f) the secondary action is:

(i) within the contemplation of the primary person; or

(ii) a reasonably foreseeable consequence of the primary action; and

(g) the event or circumstance is:

(i) within the contemplation of the primary person; or

(ii) a reasonably foreseeable consequence of the secondary action.

22A. On the proper construction of the EPBC Act and/or in the circumstances of the case, if the Respondents wish to rely on a counterfactual or counterfactuals by way of submission, it is procedurally and forensically incumbent on them to plead that counterfactual or those counterfactuals.

23. For the purposes of the EPBC Act, the “world heritage values” of a property are the “natural heritage” and “cultural heritage” contained in the property (s 12(3)).

24. For the purposes of the EPBC Act, “cultural heritage”:

(a) has the meaning given by the Convention for the Protection of the World Cultural and Natural Heritage done at Paris on 23 November 1972, as amended and in force for Australia from time to time (**the World Heritage Convention**) (ss 12(4), 528 “World Heritage Convention”); and

(b) has the meaning set out in Article 1 of the World Heritage Convention.

25. For the purposes of the World Heritage Convention, and therefore for the purposes of the EPBC Act, “cultural heritage” comprises (World Heritage Convention Art 1):
- (a) monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
  - (b) groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
  - (c) sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.
26. For the purposes of the EPBC Act, “natural heritage”:
- (a) has the meaning given by the World Heritage Convention (s 12(4)); and
  - (b) has the meaning set out in Article 2 of the World Heritage Convention.
27. For the purposes of the World Heritage Convention, and therefore for the purposes of the EPBC Act, “natural heritage” comprises (World Heritage Convention Art 2):
- (a) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
  - (b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
  - (c) natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

28. For the purposes of the EPBC Act:

- (a) a property included in the World Heritage List is a “declared World Heritage property” as long as the property is included in the List (s 13(1)); and
- (b) the “World Heritage List” is the list kept under that title under Article 11 of the World Heritage Convention (s 528).

29. For the purposes of the EPBC Act:

- (a) a place that is included in the “National Heritage List” maintained under s 324C is a “National Heritage place” (s 324C(3)); and
- (b) the “National Heritage Values” of a “National Heritage place” are the “National Heritage values” of the place included in the National Heritage List for the place (s 324D(2)).

30. For the purposes of the EPBC Act:

- ~~(a) an “indigenous heritage value” of a place means a heritage value of the place that is of significance to Indigenous persons in accordance with their practices, observances, customs, traditions, belief or history (s 528);~~
- (b) a “heritage value” of a place includes the place’s natural and cultural environment having aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians (s 528).

31. Section 146B of the EPBC Act:

- (a) empowers the Minister to approve the taking of an action or a class of action in accordance with an endorsed, policy, plan or program (s 146B(1)); and
- (b) stipulates that the approval must inter alia be in writing and specify the action or class of actions that may be taken in accordance with the endorsed policy, plan or program (s 146B(2)).

## **The Great Barrier Reef**

32. The Great Barrier Reef is a site of remarkable variety and beauty on the north-east coast of Australia.
33. The Great Barrier contains the world's largest collection of coral reefs, with about 400 species of coral, 1,500 species of fish and 4,000 species of mollusc.
34. The Great Barrier Reef holds great scientific interest as the habitat of species such as the dugong and the green turtle, which are threatened with extinction.
35. The Great Barrier Reef attracts more than 1.6 million visitors each year, contributes more than \$5 billion to the Australian economy, and generates about 63,000 jobs.

### **Particulars**

<https://www.dcceew.gov.au/parks-heritage/heritage/places/world/gbr>.

36. The Great Barrier Reef:
  - (a) is included in the World Heritage List kept under Article 11 of the World Heritage Convention, having been first inscribed on the list in 1981; and
  - (b) is a "declared World Heritage property" for the purposes of the World Heritage Convention;
  - (c) for the foreseeable future, and at all material times, will not cease to be included in the World Heritage List kept under Article 11 of the World Heritage Convention.
37. The Great Barrier Reef:
  - (a) is included in the National Heritage List maintained under s 324C of the EPBC Act;
  - (b) is a "National Heritage Place" for the purposes of the EPBC Act;

- (c) for the foreseeable future, and at all material times, will not cease to be included in the National Heritage List maintained under s 324C of the EPBC Act.

38. The “world heritage values” of the Great Barrier Reef include the following:

- (a) it is the world’s most extensive coral reef ecosystem;
- (b) it forms the world’s largest coral reef ecosystem, ranging from inshore fringing reefs to mid-shelf reefs and exposed outer reefs, including examples of all stages of reef development;
- (c) it is of superlative natural beauty above and below the water;
- (d) it contains superlative natural phenomena and areas of exceptional natural beauty and aesthetic importance;
- (e) its landscapes and seascapes provide some of the most spectacular maritime scenery in the world;
- (f) it encompasses a globally unique array of ecological communities, habitats and species;
- (g) it is one of the richest and most complex natural ecosystems on earth;
- (h) it has over 1,500 species of fish, about 400 species of coral, 4,000 species of mollusc and some 240 species of birds, plus a great diversity of sponges, anemones, marine worms, crustaceans and other species, with no other World Heritage property containing such biodiversity;
- (i) it contains a significant number of threatened species;
- (j) it is of enormous scientific and intrinsic importance;
- (k) it is one of a few living structures visible from space, appearing as a complex string of reefal structures along Australia’s northeast coast;



- (l) it contains significant tourist attractions, including the internationally renowned Cod Hole near Lizard Island;
- (m) there is an annual coral spawning, as well as migrating whales, nesting turtles and significant spawning aggregations of many fish species;
- (n) it is a globally outstanding example of an ecosystem that has evolved over millennia;
- (o) in the reef, extensive beds of Halimeda algae represent active calcification and accretion over thousands of years;
- ~~(p) there are strong ongoing links between Aboriginal and Torres Strait Islanders and their sea country, including numerous shell deposits (middens) and fish traps, plus the application of story places and marine totems;~~
- (q) the shallower marine areas support half the world's diversity of mangroves and many seagrass species;
- (r) the waters provide major feeding grounds for one of the world's largest populations of the threatened dugong;
- (s) at least 30 species of whales and dolphins occur in the Great Barrier Reef, and it is a significant area for humpback whale calving;
- (t) six of the world's seven species of marine turtles occur in the Great Barrier Reef, and the reef contains the world's largest green turtle breeding site at Raine Island and many regionally important marine turtle rookeries;
- (u) it is an outstanding example representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, and significant geomorphic and physiographic features;
- (v) it is an outstanding example representing significant ongoing ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;

- (w) it is one of the most important and significant natural habitats for in-situ conservation of biological diversity, and contains threatened species of outstanding universal value from the point of view of science or conservation;
- (x) the values set out at 20-22 of the document at <https://whc.unesco.org/archive/2012/whc12-36com-8Ee.pdf>;
- (y) it consists of natural features consisting of physical and biological formations and groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
- (z) it consists of geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science and conservation;
- (aa) it consists of natural sites and precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

**(the “world heritage values of the Great Barrier Reef”).**

### **Particulars**

<https://whc.unesco.org/archive/2012/whc12-36com-8Ee.pdf>.

Determination Regarding Including World Heritage Places in the National Heritage List, Government Gazette, No. S 99, 21 May 2007.

39. The “National Heritage Values” of the Great Barrier Reef include:

- (a) the place has outstanding heritage value to the nation because of the place’s importance in the course, or pattern, of Australia’s natural or cultural history;
- (b) the place has outstanding heritage value to the nation because of the place’s possession of uncommon, rare and endangered species of Australia’s natural and cultural history;

- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural and cultural history;
- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places (including Australia's reefs, Australia's waters, and Australia's islands), and (ii) a class of Australia's natural or cultural environments ((including Australia's reefs, Australia's waters, and Australia's islands);
- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group, with the communities and groups including Aboriginal Australians, residents of local communities, residents of Queensland, and all Australians;
- (f) the place contains superlative natural phenomena and areas of exceptional natural beauty and aesthetic importance;
- (g) the place is an outstanding example representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms and significant geomorphic or physiographic features;
- (h) the place is an outstanding example representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
- (i) the place contains some of the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of science or conservation;
- (j) the world heritage values that the World Heritage Committee identified the property as having as at 15 May 2007, including:
  - (i) it is the world's most extensive stretch of coral reef;

- (ii) it is probably the richest area in terms of faunal diversity in the world;
  - (iii) it is an ecosystem which has evolved over millions of years;
  - (iv) there are over 1500 species of fish, about 400 species of coral, 4000 species of mollusc, and 242 species of birds, plus a great diversity of sponges, anemones, marine works, crustaceans and many others;
  - (v) the reef provides the most spectacular marine scenery on earth;
  - (vi) the reef includes major feeding grounds for the endangered dugong;
  - (vii) the reef contains nesting grounds of world significance for two endangered species of marine turtles, the green turtle and the loggerhead turtle;
  - (viii) the reef contains habitat for four other species of marine turtle;
  - (ix) the reef may be the last secure stronghold for the six species of marine turtle it contains habitat for;
  - (x) the values described and referred to in World Heritage Nomination, IUCN Technical Review, 154-IUCN-172,
- (the “National Heritage Values of the Great Barrier Reef”).

### **Particulars**

Determination Regarding Including World Heritage Places in the National Heritage List, Government Gazette, No. S 99, 21 May 2007.

World Heritage Nomination, IUCN Technical Review, 154-IUCN-172.

Report of the 5<sup>th</sup> Session of the World Heritage Committee.

40. ~~The “indigenous heritage values” of the Great Barrier Reef include the heritage values of the Great Barrier Reef that are of significance to Indigenous persons in accordance with their practices, observances, customs, traditions, beliefs and history.~~

### **Particulars**

~~Further particulars will be provided after evidence addressing the practices, observations, customs, traditions, beliefs and history of Indigenous persons in respect of the Great Barrier Reef.~~

41. The Great Barrier Reef has suffered significantly from mass coral bleaching events in 1998, 2002, 2016, 2017, 2020 and 2022.

### **Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

Australian Institute of Marine Science (AIMS) (2022): Coral Bleaching Events 1998 and 2002, Great Barrier Reef. Australian Institute of Marine Science (AIMS).dataset.

<http://geo.aims.gov.au/geonetwork/geonetwork/srv/eng/search?uuid=bf722d7c-4659-471d-9864-6a8960c72a70>

<https://eatlas.org.au/data/uuid/2a17791d-8175-481b-8d31-c25f02e66ef6>

<https://www.aims.gov.au/research-topics/environmental-issues/coral-bleaching/coral-bleaching-events>

Great Barrier Reef Marine Park Authority, Australian Institute of Marine Science, and CSIRO 2022, Reef snapshot: Summer 2021-22, Great Barrier Reef Marine Park Authority, Townsville.

## The Section 146B Approval

42. On or around 27 February 2014, the Commonwealth Minister for the Environment granted an approval under s 146B(1) (**the Section 146B Approval**).

### Particulars

Instrument signed on 27 February 2014 by the Hon Greg Hunt MP, Minister for the Environment.

43. The class of actions the subject of the Section 146B Approval:
- (a) subject to identified exclusions, comprised all actions which are petroleum and greenhouse gas activities taken in Commonwealth waters and in accordance with the endorsed Program; and
  - (b) excluded actions which are petroleum and greenhouse gas activities that have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place.
44. The “Program” referred to in the Section 146B Approval was defined to be “Offshore petroleum and greenhouse gas activities taken in accordance with the *Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* February 2014”.
45. An “action” is not covered by the Section 146B Approval if:
- (a) it is not a petroleum and greenhouse gas activity taken in Commonwealth waters;
  - (b) it is not taken in accordance with the Program;

- (c) it is a petroleum and greenhouse activity that has, will have or is likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place.

**The ~~“Program”, the~~ “Scarborough Offshore Project Proposal” and the Scarborough Project**

46. In or around February 2020, Woodside prepared a document entitled “Scarborough Offshore Project Proposal – Development Division – Revision 5 Submission – February 2020” (**Scarborough OPP**).
47. The Scarborough OPP describes a project in which Woodside has engaged, is engaging and proposes to engage for the foreseeable future (**the Scarborough Project**).

**The actions the Respondents have taken, are taking and are proposing to take**

**47A. The Scarborough Project consists of:**

- (a) one overall “action”, comprising the entirety of the Scarborough Project (the Project Action);**
- (b) one “action”, comprising the series of activities comprised of extraction of petroleum from the Scarborough Fields (defined below) and the Thebe and Jupiter Fields (defined below) over the life of the Scarborough Project (the Extraction Action);**

**Particulars**

**The Extraction Action will involve:**

- (i) The construction of surface infrastructure (including a floating production unit) and subsea infrastructure, wells and a trunkline (Scarborough OPP page 29).**
- (ii) The drilling of wells.**

(iii) Petroleum recovery in areas currently covered by permits WA-1-R and WA-62-R (**the Scarborough Fields**), which are in Commonwealth waters approximately 375km north west of the Burrup Peninsula in the North West of Australia (Scarborough OPP page 29).

(iv) The use of the floating production unit (and other infrastructure constructed as part of the Scarborough Project) to receive petroleum from the “Thebe” and “Jupiter” fields, currently located in WA-63-R and WA-61-R (Scarborough OPP page 29).

(v) Petroleum extraction over a period of approximately 30 years and until approximately 2055 (Scarborough OPP pages 29, 81).

(vi) Decommissioning of facilities.

(c) one “action”, comprising the series of activities comprised of offshore processing of recovered petroleum from the Scarborough Fields and the Thebe and Jupiter fields over the life of the Scarborough Project (**the Processing Action**);

### **Particulars**

The Processing Action will involve:

(i) The use of the floating production unit (and other infrastructure constructed as part of the Scarborough Project) to process petroleum extracted from the Scarborough Fields and the Thebe and Jupiter fields (Scarborough OPP page 29).

(d) one “action”, comprising the series of activities comprised of exporting petroleum from the Scarborough Fields and the Thebe and Jupiter fields to shore over the life of the Scarborough Project (**the Export Action**).

### **Particulars**

The Export Action will involve:



(i) The use of the floating production unit and a trunkline (and other infrastructure constructed as part of the Scarborough Project) for the export of petroleum extracted from the Scarborough Fields and the Thebe and Jupiter fields away from the floating production unit (Scarborough OPP page 29).

(ii) Petroleum export to shore via pipeline (Scarborough OPP pages 30, 98).

(together, “the Actions”).

48. The precise activities to be carried out as part of the Scarborough ProjectActions, and the nature and timing of those activities, are known to the Respondents.
49. On or around 22 November 2021, Woodside made a “final investment decision” in relation to the Scarborough ProjectActions.
50. Woodside intends to commence carrying out the Scarborough ProjectActions as soon as reasonably practicable.
51. ~~[Not used]The Scarborough Project involves petroleum recovery in areas currently covered by permits WA 1 R and WA 62 R (the Scarborough Fields), which are in Commonwealth waters approximately 375km north west of the Burrup Peninsula in the North West of Australia (Scarborough OPP page 29).~~
52. ~~[Not used]The Scarborough Project includes the following items of conduct.~~
  - ~~(a) the construction of surface infrastructure (including a floating production unit) and subsea infrastructure, wells and a trunkline (Scarborough OPP page 29);~~
  - ~~(b) hydrocarbon extraction over a period of approximately 30 years and until approximately 2055 (Scarborough OPP pages 29, 81);~~
  - ~~(c) hydrocarbon processing, to occur on a floating production unit (Scarborough OPP page 29); and~~
  - ~~(d) hydrocarbon export to shore via pipeline (Scarborough OPP pages 30, 98).~~

52A. Irrespective of changes to the detail of the Actions, they will involve, at a minimum:

(a) each of the matters set out in paragraph 47A; and

(b) the extraction, offshore processing and export of at least 11 trillion cubic feet (tcf) of gas contained in the Scarborough Fields and Thebe and Jupiter fields.

53. ~~[Not used]The Scarborough Project is likely, as a matter of real possibility, to include the use of the floating production unit (and other infrastructure constructed as part of the Project) to receive, process and transport petroleum from the “Thebe” and “Jupiter” fields, currently located in WA-63-R and WA-61-R (Scarborough OPP page 29).~~

54. ~~[Not used]The Scarborough Project is likely, as a matter of real possibility, to include the use of the floating production unit (and other infrastructure constructed as part of the project) to receive, process and transport petroleum from other proximate undeveloped fields (Scarborough OPP pages 78, 80), such as the Remy, Lasen, Martell, Noblige, Kentish Knock, Brederode, Arnhem, Yellowglen, Elfin, Chandon, Equus, Bunyip and Tallaganda fields.~~

54A. It is in the Respondents’ commercial interests to maximise the volume of petroleum:

(a) Extracted as part of the Extraction Action.

(b) Received at the floating production unit as part of the Extraction Action.

(c) Processed at the floating production unit as part of the Processing Action.

(d) Exported from the floating production unit as part of the Export Action;

55. It is in the Respondents’ commercial interests to use the floating production unit (and other infrastructure constructed as part of the Scarborough Project) to:

(a) receive, process and transport petroleum from the “Thebe” and “Jupiter” fields;

- (b) ~~[Not used] receive, process and transport petroleum from any proximate undeveloped field, including those referred to at Scarborough OPP pages 78 and 80.~~

56. The Respondents intend to take all reasonable steps to achieve the commercial interests referred to in paragraphs 54A and 55.

~~The actions the Respondents have taken, are taking and are proposing to take~~

57. The Respondents ~~are implementing and~~ intend to implement each element of the ~~Scarborough Project~~Actions.

58. ~~[Not used]. The Scarborough Project consists of:~~

~~(a) multiple individual items of conduct, each constituting an “action” for the purposes of the EPBC Act;~~

~~(b) multiple related items of conduct which, together, constitute an “action” for the purposes of the EPBC Act;~~

~~(c) items of conduct involving:~~

~~(i) recovery of large volumes of gas;~~

~~(ii) transportation of recovered gas;~~

~~(d) one overall course of conduct which constitutes an “action” for the purposes of the EPBC Act,~~

~~(together, “the Actions”).~~

- 58A. In respect of each of the Actions, there is no approval of the taking of the action by the Respondents (or either of them) in operation under Part 9 of the EPBC Act or for the purposes of the relevant provision of Part 3 within the meaning of s 67A of the EPBC Act because:

(a) the Section 146B Approval does not cover actions which are petroleum and greenhouse gas activities that have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place;

(b) the Actions are petroleum and greenhouse gas activities that, by reason of the matters pleaded in paragraphs 98A and 98B below, have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place.

58B. In the premises, each of the Actions is a “controlled action” for the purposes of sections 67 and 67A of the EPBC Act.

59. In circumstances where the Respondents know the precise details of the ~~Scarborough Project~~ Actions and the steps they have taken and intend to undertake, and those details are not all publicly known, the Applicant intends to seek to supplement as necessary the description of the “action” and “actions” comprising the Scarborough Project after compulsory production.

### **Greenhouse gas emissions and climate change**

60. This section sets out matters of basic climate science in respect of greenhouse gas emissions and climate change. It is hoped that these are matters of common knowledge, and agreement with the Respondents. Further particulars in respect of this section will be provided by way of expert evidence.

61. Emissions of carbon dioxide and other greenhouse gases, such as methane and nitrous oxide, from human activity cause a build-up of greenhouse gases in the atmosphere.

62. The build-up of greenhouse gases in the atmosphere traps heat.

63. The build-up of greenhouse gases in the atmosphere leads to global warming, also known as climate change.

64. Anthropogenic greenhouse gas emissions contribute to anthropogenic climate change.

- 65. Once emitted, greenhouse gases disperse throughout the global atmosphere where they act cumulatively to contribute to anthropogenic climate change.
- 66. Anthropogenic climate change has the potential to adversely alter, and irreversibly alter, many aspects of the natural environment, including the marine environment.
- 67. Each incremental increase in anthropogenic greenhouse gas emissions causes and/or is likely to cause an incremental increase in global average surface temperature.

### **Tipping points and tipping cascades**

- 68. A 'tipping point' refers to the phenomenon when a small increase in an anthropogenic forcing factor, such as human-driven warming of the atmosphere, leads to an unexpectedly large, and often rapid, response in the system being perturbed.
- 69. Tipping points can, as a matter of real possibility, produce reinforcing feedbacks that accelerate global warming.
- 70. A tipping cascade is a process whereby one or two tipping points can activate other feedbacks or tipping points in the Earth system (of which the climate system is a major feature), leading to a cascading effect, multiplying and compounding impacts.
- 71. This cascading effect creates a global tipping point that drives the system into a new state, that is, into fundamentally different conditions.
- 72. A tipping cascade can, as a matter of real possibility, cause a "Hothouse Earth", where tipping points cause a runaway, irreversible, increase in global average surface temperature to at least 4 degrees Celsius above pre-industrial levels.
- 73. The risk of triggering a tipping cascade leading to a Hothouse Earth increases with the rise in global average surface temperature.
- 74. Even at a temperature rise of about 1 degree Celsius above pre-industrial levels there is a moderate risk of activating tipping points.

75. Every increase in global warming increases the risk that a tipping point or tipping points will be activated.
76. The risk of a very damaging global tipping cascade rises with every tipping point that is activated.
77. As the global temperature rises further above the current average level of at least 1.1 degrees Celsius above the pre-industrial baseline (over period 2011 to 2020), the risk of triggering a catastrophic global tipping cascade rises sharply.
78. A tipping cascade, if it eventuated, would have a devastating effect on coral reefs globally, and would likely destroy the Great Barrier Reef entirely and irreversibly.

### **Greenhouse gas emissions, climate change and the Great Barrier Reef**

79. This section addresses the impact of climate change on the Great Barrier Reef and its associated values. It is hoped that these are matters of common knowledge, and agreement with the Respondents. Further particulars in respect of this section will be provided by way of expert evidence.
80. Climate change is the biggest threat to the Great Barrier Reef.

### **Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/gbr-state-party-report.pdf> at 4.

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

81. Anthropogenic climate change is the single greatest threat to the survival of the Great Barrier Reef and the preservation of its world heritage values and national heritage values.
82. Oceans absorb and store most of the excess heat caused by greenhouse gas emissions.

**Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

83. Marine ecosystems become stressed as ocean temperatures rise.

**Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

84. Global warming caused by anthropogenic greenhouse gas emissions is changing weather patterns, altering ocean currents and causing sea-level rise within and in the vicinity of the Great Barrier Reef.

**Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

85. The east Australian current (which flows southward through the Great Barrier Reef) now extends approximately 350 kilometres south of where it reached historically, influenced by global warming.

**Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

86. Carbon dioxide emissions:

(a) are, in part, absorbed by the oceans, including the ocean around the Great Barrier Reef; and

- (b) after absorption, cause Great Barrier Reef waters to acidify.

### Particulars

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

#### 87. Acidification of reef waters:

- (a) reduces the ability of corals and other reef-building organisms to grow carbonate shell material;
- (b) increases the risk of corals dissolving;
- (c) lessens the reef's ability to recover from cyclones, which are in turn likely to intensify as a result of climate change.

### Particulars

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

#### 88. Anthropogenic greenhouse gas emissions:

- (a) have caused and/or contributed to acidification of the oceans around Australia;
- (b) have caused and/or contributed to a reduction in coral calcification and growth rates in the Great Barrier Reef, which adversely impacts recovery from disturbance events including coral bleaching, cyclones and freshwater influx from flooding;
- (~~a~~) (c) will, for the foreseeable future, continue to cause and/or contribute to acidification of oceans and a reduction in coral calcification and growth rates in the Great Barrier Reef.



## 89. Climate change:

- (a) causes an increase in turtle nest temperatures in the Great Barrier Reef;
- (b) increases feminisation of turtles, unnaturally skewing sex-ratios;
- (c) causes rising sea levels, coastal erosion and habitat inundation which destroy or adversely impact turtle rookeries and causes hatchlings to die;
- (d) harms populations of turtles.

**Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/gbr-state-party-report.pdf> at 12.

When incubation temperatures approach 33 degrees Celsius, 100% of the offspring are female.

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

## 90. Anthropogenic greenhouse gas emissions:

- (a) have caused and/or contributed to marine heatwaves;
- (b) have caused and/or contributed to mass bleaching events in the Great Barrier Reef in 1998, 2002, 2016, 2017, 2020 and 2022; and
- (c) will, for the foreseeable future, continue to cause and/or contribute to marine heatwaves and mass bleaching events in the Great Barrier Reef.

## 91. Each of the world heritage values of the Great Barrier Reef and the National Heritage Values of the Great Barrier Reef is adversely affected by:

- (a) ocean warming;
  - (b) ocean acidification;
  - (c) coastal erosion around the Great Barrier Reef;
  - (d) coral bleaching;
  - (e) adverse impacts on coral recruitment across the Great Barrier Reef;
  - (f) adverse impacts on coral's ability to regenerate following disturbance events;
  - (g) adverse impacts on the lifecycle of marine turtles; and
  - (h) climate change.
92. Climate change exacerbates the impacts of other threats to the Great Barrier Reef, and its world heritage values and National Heritage Values, such other threats including:
- (a) illegal, unreported or unregulated fishing;
  - (b) incidental catch;
  - (c) fragmentation of cultural knowledge;
  - (d) dredging and disposal of dredge material;
  - (e) marine debris; and
  - (f) damage to sea floor.

### **Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 7.

93. The long-term outlook of the Great Barrier Reef is critically dependent on limiting global temperature rise to the maximum extent possible, as quickly as possible.

### **Particulars**

<https://www.dcceew.gov.au/sites/default/files/documents/reef-2050-long-term-sustainability-plan-2021-2025.pdf> at 6.

94. Anthropogenic climate change is likely, both in the sense of probable and as a matter of real possibility:
- (a) to impact, and significantly impact, the Great Barrier Reef, the world heritage values of the Great Barrier Reef and the National Heritage values of the Great Barrier Reef;
  - (b) to cause serious and irreversible damage to the Great Barrier Reef, the world heritage values of the Great Barrier Reef and the National Heritage values of the Great Barrier Reef.

### **Woodside's "scope 3 emissions plan"**

95. In or around 2021, Woodside and/or the group of which Woodside is part published a "scope 3 emissions plan".
96. Woodside's scope 3 emissions plan was a "three-point" plan, comprising:
- (a) investment in new energy products and lower-carbon services;
  - (b) supporting its suppliers and customers to reduce net emissions;
  - (c) promoting global measurement and reporting.

97. Woodside's scope 3 emissions plan did not contain any specific measures calculated to materially reduce:

(a) ~~[Not used]scope 3 emissions from the Scarborough Project;~~

(b) scope 3 emissions from the Actions.

98. Woodside has no concrete plans to materially reduce scope 3 emissions from ~~the Scarborough Project and~~ the Actions.

### Particulars

[https://www.woodside.com.au/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/2021-climate-report/climate-report-2021.pdf](https://www.woodside.com.au/docs/default-source/investor-documents/major-reports-(static-pdfs)/2021-climate-report/climate-report-2021.pdf) at 20-21.

By way of example, in respect of the second point of the plan, "supporting ... suppliers and customers to reduce net emissions", the plan reads as follows:

"Woodside can support the decarbonisation goals of its suppliers and customers by forming partnerships with them and by taking action ourselves. For example, we are planning to:

- Review emissions reduction opportunities for our upstream Scope 3 emissions, such as business air travel;
- Develop a plan to address net emissions from the shipping of our products during 2022;
- Partner with customers on data-sharing and technical collaboration;
- Include emissions data reporting requirements in major contracts."

## The impacts and likely impacts of the Actions

98A. If any of the Actions occurs, including if any of the Project Action, Extraction Action, Processing Action or Export Action occurs, the following is likely:

(a) there will be extraction of at least 11 tcf of gas (**the Scarborough Project Gas**):

(b) there will be fuel combustion, flaring and fugitive greenhouse gas emissions, generating at least 0.47 million tonnes carbon dioxide-equivalent per year (**MtCO<sub>2</sub>e/yr**) and 11.52 MtCO<sub>2</sub>e over the life of the Scarborough Project, and in a precise amount to be quantified by expert evidence;

(c) there will be onshore processing of the Scarborough Project Gas, generating greenhouse gas emissions of at least 2.84 MtCO<sub>2</sub>e/yr and 87.97 MtCO<sub>2</sub>e over the life of the Scarborough Project, and in a precise amount to be quantified by expert evidence;

(d) the Respondents will transfer Scarborough Project Gas to a purchaser or assignee;

(e) there will be end use consumption of Scarborough Project Gas;

(f) end use consumption of the gas extracted and transported as part of the Scarborough Project will generate at least 25.11 MtCO<sub>2</sub>e/yr and 778.53 MtCO<sub>2</sub>e of greenhouse gas emissions over the life of the Scarborough Project (Scarborough OPP, page 380), and in a precise amount to be quantified by expert evidence;

(g) by reason of the matters pleaded in each and all of paragraphs 98A(b), (c), and (f), there will be substantial greenhouse gas emissions generated;

(h) there will be greenhouse gas emissions of at least 28.42 MtCO<sub>2</sub>e/yr and 878.02 MtCO<sub>2</sub>e over the life of the Project (Scarborough OPP, page 380);

(i) the greenhouse gas emissions generated will:

(i) in the event that the allegation in sub-paragraph (h) is correct, lead to an increase in global average surface temperature by approximately 0.000394 degrees Celsius, and in a precise amount to be quantified by expert evidence;

(ii) in the event that the allegations in sub-paragraphs (b), (c), and/or (f) are correct, lead to a material increase in global average surface temperature, in an amount to be quantified by expert evidence;

(iii) in any event, materially contribute to climate change;

(j) the matters referred to in each of sub-paragraphs (i)(i), (ii) and (iii) will:

(i) involve an increase in global average surface temperature of an amount which is material in respect of impacts on the world heritage values of the Great Barrier Reef and the National Heritage Values of the Great Barrier Reef;

(ii) lead to an increase in ocean temperatures, including an increase in ocean temperatures around the Great Barrier Reef;

(iii) lead to an increase in ocean acidification, including an increase in ocean acidification around the Great Barrier Reef;

(iv) lead to coral bleaching in the Great Barrier Reef;

(v) lead to material numbers of coral deaths in the Great Barrier Reef;

(vi) lead to a reduction in coral calcification rates in the Great Barrier Reef;

(vii) lead to a reduction in coral growth rates in the Great Barrier Reef;

(viii) via higher ocean temperatures, ocean acidification and loss of coral, lead to harm to the marine ecosystem comprising the reef and the flora and fauna which depend on it;

(ix) lead to the destruction of parts of the Great Barrier Reef;

(x) cause harm to the significant tourist attractions in around the Great Barrier Reef which depend on the reef for their success;

(xi) lead to an increased risk of a tipping cascade and therefore a Hothouse Earth;

(xii) lead to the loss of jobs in communities around the Great Barrier Reef;

(k) the matters referred to in each of sub-paragraphs (i)(i), (ii) and (iii), and the matters described in sub-paragraph (j), will significantly impact the world heritage values of the Great Barrier Reef by:

(i) damaging the coral reef ecosystem;

(ii) damaging the superlative natural beauty above and below water of the Great Barrier Reef;

(iii) damaging the landscapes and seascapes of the Great Barrier Reef, and damaging the maritime scenery;

(iv) damaging the array of ecological communities, habitats and species of the Great Barrier Reef;

(v) damaging the richness and complexity of the natural ecosystem comprising the Great Barrier Reef;

(vi) damaging, and leading to death and non-reproduction, of species of fish, coral, mollusc, birds, sponges, anemones, marine works, crustaceans and other species in the Great Barrier Reef;

(vii) damaging, and leading to death and non-reproduction, of threatened species;

(viii) damaging the scientific and intrinsic importance of the Great Barrier Reef;

(ix) damaging the significant tourist attractions of the Great Barrier Reef;

- (x) damaging and interfering with annual coral spawning, migrating whales, nesting turtles and spawning aggregations of fish species;
- (xi) damaging the status of the reef as a globally outstanding example of an ecosystem that has evolved over millennia;
- (xii)damaging and interfering with Halimeda algae;
- (xiii)       damaging mangroves and seagrass species;
- (xiv)       damaging the reef's status as a major feeding ground for the dugong;
- (xv)       damaging and interfering with occurrence of whales and dolphins, and the use of the area by humpback whales for calving;
- (xvi)       damaging and interfering with the species of marine turtles occurring in the Great Barrier reef;
- (xvii)      damaging the status of the reef as one of the most important and significant natural habitats for in-situ conservation of biological diversity, and as a location containing threatened species of outstanding universal value from the point of view of science and conservation;
- (xviii)     damaging the status of the reef as a place consisting of physical and biological formations, which are of outstanding universal value from an aesthetic or scientific point of view;
- (xix)      damaging the status of the reef as a place consisting of geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science and conservation;
- (xx)       damaging the status of the reef as a place consisting of natural sites and precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty;



(xxi) damaging each and every one of the world heritage values of the Great Barrier Reef;

(l) the matters referred to in each of sub-paragraphs (i)(i), (ii) and (iii), and the matters described in sub-paragraph (j), will significantly impact the National Heritage Values of the Great Barrier Reef by:

(i) damaging the status of the reef as a place of outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history;

(ii) damaging the status of the reef as a place of outstanding heritage value to the nation because of the place's possession of uncommon, rare and endangered species of Australia's natural and cultural history;

(iii) damaging the status of the reef as a place of outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural and cultural history;

(iv) damaging the status of the reef as a place of outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places (including Australia's reefs, Australia's waters, and Australia's islands), and (ii) a class of Australia's natural or cultural environments (including Australia's reefs, Australia's waters, and Australia's islands);

(v) damaging the status of the reef as a place of outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group, with the communities and groups including Aboriginal Australians, residents of local communities, residents of Queensland, and all Australians, and damaging the aesthetic characteristics of the reef which are valued by Australians;

(vi) damaging the status of the reef as a place containing superlative natural phenomena and areas of exceptional natural beauty and aesthetic importance,

and damaging the superlative natural phenomena and areas of exceptional natural beauty and aesthetic importance of the reef;

(vii)damaging the status of the reef as an outstanding example representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms and significant geomorphic or physiographic features;

(viii) \_\_\_\_\_ damaging the status of the reef as an outstanding example representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;

(ix) damaging important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the pint of science or conservation;

(x) damaging the coral reef;

(xi) damaging faunal diversity;

(xii)damaging the ecosystems comprising the reef;

(xiii) \_\_\_\_\_ damaging the species of fish, coral, mollusc and birds in and around the reef, and the diversity of sponges, anemones, marine works, and crustaceans in and around the reef;

(xiv) \_\_\_\_\_ damaging the marine scenery of the reef;

(xv) \_\_\_\_\_ damaging the feed grounds for dugong in the reef;

(xvi) \_\_\_\_\_ damaging the nesting grounds of world significance for the green turtle and loggerhead turtle;

(xvii) \_\_\_\_\_ damaging the habitat of the reef for other species of marine turtle;

(xviii) damaging each of the National Heritage Values of the Great Barrier Reef.

98B. If the Actions, or any of them, were not to occur, it is likely, in the sense of there being a real and not remote possibility, that:

(a) in respect of global demand for and supply of energy:

(i) the price of energy will be higher;

(ii) demand for energy will be less; and/or

(iii) rather than being met by consumption of gas, demand for energy will be met by solar, wind, hydro, hydrogen and other sources of energy which are less carbon-intensive than Scarborough Project Gas;

(b) global concentrations of greenhouse gas in the atmosphere will be:

(i) substantially less than if the Actions did occur; and

(ii) at least 28.42 MtCO<sub>2</sub>e/yr and 878.02 MtCO<sub>2</sub>e less over the life of the Project;

(c) the matters described in paragraph 98A would not occur;

(d) the impacts on the world heritage values of the Great Barrier Reef alleged in paragraph 98A would not occur; and

(e) the impacts on the National Heritage Values of the Great Barrier Reef alleged in paragraph 98A would not occur.

98C. In respect of the impacts of the Actions on the world heritage values of the Great Barrier Reef and the National Heritage Values of the Great Barrier Reef alleged in paragraph 98A:

(a) the dominant purpose of the Actions is to procure gas, to sell for profit, for ultimate end use;

(b) end use consumption is not an unintended or accidental consequence of extraction of the gas;

(c) the Respondents would not propose to carry on the Scarborough Project if there was no likelihood of a market for end use consumption of the Scarborough Project Gas;

(d) greenhouse gas emissions are an inevitable, known and immediate effect of that end use consumption;

(e) those greenhouse gas emissions are natural consequences of the extraction and transportation of Scarborough Project Gas;

(f) climate change, and increased global surface temperatures, is a natural consequence of those greenhouse gas emissions;

(g) each of the matters set out in paragraph 98A(j), (k) and (l) is a natural consequence of climate change and increased global surface temperatures;

(h) each of the impacts on the world heritage values of the Great Barrier Reef alleged in paragraph 98A is:

(i) a natural consequence of the matters set out in paragraph 98A(j);

(ii) a direct consequence of the Actions and each of them;

(i) each of the impacts on the National Heritage Values of the Great Barrier Reef alleged in paragraph 98A is:

(i) a natural consequence of the matters set out in paragraph 98A(j);

(ii) a direct consequence of the Actions and each of them.

98D. Further, or in the alternative, in respect of the impacts of the Actions on the world heritage values of the Great Barrier Reef and the National Heritage Values of the Great Barrier Reef alleged in paragraph 98A:

(a) for the reasons alleged in paragraphs 61-67, 68-78, 79-94 and 98A, 98B and 98C, each Action is a substantial cause of each impact within the meaning of s 527E(1)(b) of the EPBC Act;

(b) the Actions facilitate, to a major extent, and within the meaning of s 527E(2)(e) of the EPBC Act:

(i) on-shore processing of Scarborough Project Gas;

(ii) sale of Scarborough Project Gas;

(iii) transport to a receiving country or area of Scarborough Project Gas;

(iv) transport and sale to an end user of Scarborough Project Gas;

(v) end-use consumption of Scarborough Project Gas;

(vi) each step between, on the one hand, the Project Action, the Extraction Action, the Processing Action and the Export Action and, on the other hand, the burning of gas leading to the creation of greenhouse gas emissions;

(c) if, and to the extent, each of the matters referred to in paragraph 98D(b)(i)-(vi) is not carried out by the Respondents, then each of those matters is a “secondary action” for the purposes of s 527E(2) of the EPBC Act;

(d) at all material times, it will be within the contemplation of the Respondents that a person (or persons) will take each step between, on the one hand, the Project Action, the Extraction Action, the Processing Action and the Export Action and, on the other hand, the burning of gas;

(e) at all material times, it will be a reasonably foreseeable consequence of each of the Actions that a person (or persons) will take each step between, on the one hand, the Project Action, the Extraction Action, the Processing Action and the Export Action and, on the other hand, the burning of gas;

- (f) for the reasons alleged in paragraphs 61-67, 68-78, 79-94 and 98A, 98B and 98C, each impact alleged in paragraph 98A is a consequence of each of the actions that a person or persons will take between, on the one hand, the Project Action, the Extraction Action, the Processing Action and the Export Action and, on the other hand, the burning of gas;
- (g) each of the impacts alleged in paragraph 98A is within the contemplation of the Respondents;
- (h) each of the impacts alleged in paragraph 98A is a reasonably foreseeable consequence of each of the actions that a person or persons will take between, on the one hand, the Project Action, the Extraction Action, the Processing Action and the Export Action and, on the other hand, the burning of gas;
- (i) each of the impacts is an impact of each of the Actions by reason of s 527E(1)(b) and/or (2) of the EPBC Act;
- (j) if, which is denied, any of the impacts alleged in paragraph 98A is not a direct consequence of the Actions, then the burning of gas referred to in paragraphs 98D(d), (e) and (f) will not be taken at the direction or request of the Respondents.

98E. In respect of section 25AA(1) of the EPBC Act:

- (a) the Respondents are best positioned to know, with precision, the status of each person in the pleaded causal chain between the Actions and combustion of Scarborough Project Gas and, relevantly, whether that person is an employee or agent of the Respondents or, alternatively, a person who acts at the direction or request of the Respondents (or either of them);
- (b) the provision has not been engaged in circumstances where it has not been pleaded and no evidential onus discharged;
- (c) prior to the movement offshore of Scarborough Project Gas, each action in the causal chain between the Actions (and each of them) is taken by a person who is an employee or agent of the Respondents or, alternatively, at the direction or request of the Respondents (or either of them);

(d) s 25AA does not disapply ss 12(1) and 15B(1) in respect of the following aspects of the causal chain pleaded in paragraph 98A:

(i) there will be fuel combustion, flaring and fugitive greenhouse gas emissions, generating at least 0.47 million tonnes carbon dioxide-equivalent per year (MtCO<sub>2</sub>e/yr) and 11.52 MtCO<sub>2</sub>e over the life of the Scarborough Project;

(ii) there will be onshore processing of the Scarborough Project Gas, generating greenhouse gas emissions of at least 2.84 MtCO<sub>2</sub>e/yr and 87.97 MtCO<sub>2</sub>e over the life of the Scarborough Project; and

(iii) having regard to (i) and (ii), the matters alleged in paragraph 98A(i)(i) and (iii) and (j)-(l).

99. ~~[Not used]All greenhouse gas emissions of the Scarborough Project, including those emissions which Woodside describes as “scope 3 emissions”, are a direct consequence of the Actions~~

100. ~~[Not used]As regards greenhouse gas emissions associated with end use consumption of Scarborough Project gas produced by the Scarborough Project (**Scarborough Project Gas**):~~

~~(a) — greenhouse gas emissions are an inevitable, known and immediate effect of that end use consumption;~~

~~(b) — the dominant purpose of extraction of Scarborough Project Gas gas is to sell the gas for profit, for ultimate end use;~~

~~(c) — end use consumption is not an unintended or accidental consequence of extraction of the gas;~~

~~(d) — Woodside would not propose to carry on the Scarborough Project if there was no likelihood of a market for end use consumption of the Scarborough Project Gas project gas;~~

~~(e) those greenhouse gas emissions are a natural and probable consequence of the extraction and transportation of Scarborough Project Gas gas.~~

101. ~~[Not used] Further, the Actions facilitate, to a major extent:~~

~~(a) the end use consumption of the Scarborough Project Gas gas extracted in the course of the Scarborough Project and any other gas processed in or transported via infrastructure constructed and operated as part of that project; and~~

~~(b) all greenhouse gas emissions, including those which Woodside describes as “scope 3 emissions”, associated with the Scarborough Project.~~

102. ~~[Not used] In respect of end use consumption of the Scarborough Project Gas gas and scope 3 greenhouse gas emissions associated with the Scarborough Project:~~

~~(a) that end use consumption and those scope 3 greenhouse gas emissions are within, and at all material times will be within, the contemplation of the Respondents;~~

~~(b) that end use consumption and those scope 3 emissions are a reasonably foreseeable consequence of the Actions.~~

103. ~~[Not used] The greenhouse gas emissions associated with the Project include:~~

~~(a) — carbon dioxide;~~

~~(b) methane; and~~

~~(c) nitrous oxide.~~

104. ~~[Not used] The greenhouse gas emissions associated with the Scarborough Project via fuel combustion, flaring and fugitive emissions will be, or are likely as a matter of real possibility to be at least 0.47 million tonnes carbon dioxide equivalent per year (MtCO<sub>2</sub>e/yr) and 11.52 MtCO<sub>2</sub>e over the life of the Scarborough Project (Scarborough OPP page 377).~~



105. ~~[Not used]The greenhouse gas emissions associated with the Scarborough Project via onshore processing (fuel combustion, flaring and fugitives) and venting of reservoir carbon dioxide will be, or are likely as a matter of real possibility to be, at least 2.84 MtCO<sub>2</sub>e/yr and 87.97 MtCO<sub>2</sub>e over the life of the Scarborough Project (Scarborough OPP page 379).~~
106. ~~[Not used]The greenhouse gas emissions associated with third party consumption of Scarborough Project Gas gas extracted from the Scarborough Fields as part of the Scarborough Project will be, or are likely as a matter of real possibility to be at least 25.11 MtCO<sub>2</sub>e/yr and 778.53 MtCO<sub>2</sub>e over the life of the Scarborough Project (Scarborough OPP page 380).~~
107. ~~[Not used]The total combined greenhouse gas emissions associated with the Scarborough Project will be, or are likely as a matter of real possibility to be:~~
- ~~(a) — at least 28.42 MtCO<sub>2</sub>e/yr and 878.02 MtCO<sub>2</sub>e over the life of the Project (Scarborough OPP page 380); and~~
- ~~(b) in 2030, at least 0.115% of total annual global greenhouse gas emissions (Scarborough OPP page 381).~~
108. ~~[Not used].The Respondents intend to maximise:~~
- ~~(a) the volume of Scarborough Project Gas gas extracted from the Scarborough Fields as part of the Scarborough Project;~~
- ~~(b) the volume of gas transferred and/or sold to third parties for consumption.~~
109. ~~The greenhouse gas emissions associated with third party consumption of gas extracted from the “Thebe” and “Jupiter” fields and received, processed and transported in and via infrastructure to be constructed as part of the Scarborough Project will be, and is likely, as a matter of real possibility to be, more than 100 MtCO<sub>2</sub>e.~~

### Particulars

~~Thebe and Jupiter contain approximately 1.9 trillion cubic feet (tcf) of dry gas.~~

~~The greenhouse gas emissions from third party consumption of 1.9tcf of dry gas is approximately 133.26 MtCO<sub>2</sub>e.~~

110. ~~[Not used]The greenhouse gas emissions associated with third party consumption of gas extracted from other proximate undeveloped fields and which will be received, processed and transported in and via infrastructure to be constructed as part of the Scarborough Project:~~

~~(a) has not been estimated by the Respondents;~~

~~(b) is in the hundreds or thousands of MtCO<sub>2</sub>e.~~

111. ~~[Not used]It is likely as a matter of real possibility, that the Actions will cause:~~

~~(a) global greenhouse gas emissions to be at least 878.02 MtCO<sub>2</sub>e higher over the life of the Project; and~~

~~(b) global greenhouse gas emissions to be at least substantially higher, in the order of hundreds of MtCO<sub>2</sub>e over the life of the Project.~~

112. ~~[Not used]An increase in greenhouse gas emissions of 878 MtCO<sub>2</sub>e increases, and is likely to increase:~~

~~(a) global average surface temperature; and~~

~~(b) global average surface temperature by at least 0.000394 degrees Celsius.~~

113. ~~[Not used]It is likely, as a matter of real possibility, that the Actions will:~~

~~(a) increase global greenhouse gas emissions;~~

~~(b) increase global greenhouse gas emissions by at least 878 MtCO<sub>2</sub>e over the life of the Scarborough Project;~~

- ~~(c) contribute to climate change;~~
- ~~(d) cause an increase in global average surface temperature of at least 0.000394 degrees Celsius;~~
- ~~(e) cause an increase in global average surface temperature of an amount which is material in respect of impacts on the world heritage values of the Great Barrier Reef and the National Heritage Values of the Great Barrier Reef;~~
- ~~(f) cause an increase in ocean temperatures, including an increase in ocean temperatures around the Great Barrier Reef;~~
- ~~(g) cause an increase in ocean acidification, including an increase in ocean acidification around the Great Barrier Reef;~~
- ~~(h) cause coral bleaching in the Great Barrier Reef;~~
- ~~(i) cause millions of coral deaths in the Great Barrier Reef;~~
- ~~(j) cause a reduction in coral calcification rates in the Great Barrier Reef;~~
- ~~(k) cause a reduction in coral growth rates in the Great Barrier Reef;~~
- ~~(l) via higher ocean temperatures, ocean acidification and loss of coral, cause harm to the marine ecosystem comprising the reef and the flora and fauna which depend on it;~~
- ~~(m) cause the destruction of parts of the Great Barrier Reef;~~
- ~~(n) harm the ongoing links between local Aboriginal and Torres Strait Islanders and their sea country;~~
- ~~(o) cause harm to the significant tourist attractions in around the Great Barrier Reef which depend on the reef for their success;~~

~~(p) cause a tipping cascade leading to a Hothouse Earth;~~

~~(q) cause the loss of jobs in communities around the Great Barrier Reef;~~

~~(r) significantly impact the world heritage values of the Great Barrier Reef;~~

~~(s) significantly impact the National Heritage Values of the Great Barrier Reef.~~

114. [Not used] In respect of the matters alleged in paragraph 113:

~~(a) the Actions are a cause of real significance or importance of that matter;~~

~~(b) the Actions are a substantial cause of that matter.~~

115. [Not used] In respect of the matters alleged in paragraph 113:

~~(a) those matters are within the contemplation of the Respondents and at all material times will be;~~

~~(b) those matters are reasonably foreseeable consequences of the end use consumption of the Scarborough Project Gas gas and any other gas processed in or transported via the project infrastructure.~~

116. Each of the impacts identified in paragraph ~~113~~ 98A is:

(a) important, notable and of consequence; and

(b) “significant” within the meaning of the EPBC Act.

## The contraventions

### Mens Rea

117. ~~[Not used]If and when the Respondents take each action comprising the Scarborough Project, the Respondents will intend, within the meaning of the *Criminal Code*, to take that action and, in particular, the Respondents will intend to:~~
- ~~(a) extract gas from the subsurface;~~
  - ~~(b) process that gas on the floating production unit; and~~
  - ~~(c) export gas, or processed gas, to a place for further distribution.~~
118. ~~[Not used]The Respondents are aware of:~~
- ~~(a) each of the world heritage values of the Great Barrier Reef;~~
  - ~~(b) those matters are reasonably foreseeable consequences of the end use consumption of the Scarborough Project Gas gas and any other gas processed in or transported via the project infrastructure.~~
119. ~~[Not used]The Respondents are aware of each of the matters alleged in paragraphs 60 to 67.~~
120. ~~[Not used]In respect of gas extracted in the course of the Scarborough Project, the Respondents:~~
- ~~(a) intend the following circumstances or results to occur and/or exist; and/or~~
  - ~~(b) are aware of a substantial risk that they will occur and/or exist,~~
- ~~namely:~~
- ~~(c) the gas will be processed;~~
  - ~~(d) the gas will be delivered to third parties;~~

~~(e) the gas will be consumed and/or burnt;~~

~~(f) the consumption and/or burning of the gas will give rise to greenhouse gas emissions;~~

~~(g) the greenhouse gas emissions will contribute to anthropogenic climate change.~~

121. [Not used] ~~The Respondents are aware and/or are aware of a substantial risk that:~~

~~(a) greenhouse gas emissions contribute to climate change;~~

~~(b) climate change is likely to impact, and significantly impact, the Great Barrier Reef;~~

~~(c) climate change is likely to impact, and significantly impact, the world heritage values of the Great Barrier Reef;~~

~~(d) climate change is likely to impact, and significantly impact, the National Heritage values of the Great Barrier Reef;~~

~~(e) the Actions will, and will as a matter of real possibility, have the impacts set out in paragraph 113.~~

### **Particulars**

~~These matters are inferred from:~~

~~(i) common knowledge of the causes and effects of climate change, including effects on the Great Barrier Reef.~~

~~(ii) the Respondents' specific corporate understanding of the causes and effects of climate change identified in the document at [https://www.woodside.com.au/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/2021-sustainable-development-report/sustainable-development-report-2021.pdf](https://www.woodside.com.au/docs/default-source/investor-documents/major-reports-(static-pdfs)/2021-sustainable-development-report/sustainable-development-report-2021.pdf);~~

~~(iii) the service on the Respondents of the Concise Statement dated 21 June 2022.~~

~~Further particulars will be provided after compulsory production if these matters are genuinely disputed.~~

122. ~~[Not used] For the purposes of section 5.4(1)(b) and 5.4(2)(b) of the *Criminal Code*, the circumstances known to the Respondents comprise:~~

~~(a) the matters alleged in paragraphs 60 to 67;~~

~~(b) the matters alleged in paragraphs 79 to 94;~~

~~(c) the matters alleged in paragraphs 95 to 99;~~

~~(d) the matters alleged in paragraphs 100 to 116;~~

~~(e) the matters alleged in paragraphs 117 to 121.~~

### **Particulars**

~~Further particulars will be provided after compulsory production.~~

123. ~~[Not used] It is, and will at all material times be, unjustifiable for the Respondents to take the risks identified in paragraph 121 because of:~~

~~(a) the matters alleged and referred to in paragraph 122;~~

~~(b) the serious and irreversible nature of climate change;~~

~~(c) the fact that climate change is the single greatest threat to the Great Barrier Reef, and the long-term outlook of the Great Barrier Reef is critically dependent on limiting global temperature rise to the maximum extent possible, as quickly as possible.~~

~~(d) the serious and irreversible nature of damage to the Great Barrier Reef which the Actions are likely to cause;~~

~~(e) Australia's national commitment, via the Paris Agreement and other national policies, to reducing greenhouse gas emissions and keeping global warming to not more than 1.5 degrees Celsius above pre-industrial levels;~~

~~(f) the Respondents' professed commitments in respect of climate change set out in [https://www.woodside.com.au/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/2021-sustainable-development-report/sustainable-development-report-2021.pdf](https://www.woodside.com.au/docs/default-source/investor-documents/major-reports-(static-pdfs)/2021-sustainable-development-report/sustainable-development-report-2021.pdf)~~

#### Section 12(1)

124. In taking the Actions, and each of them, the Respondents:

~~(a) will contravene section 12(1) of the EPBC Act;~~

~~(b) alternatively, would, but for section 25AA, contravene section 12(1) of the EPBC Act.~~

#### **Particulars**

Paragraphs 8 to 116 above are repeated.

#### Section 15A(2)

125. ~~[Not used] In taking the Actions, and each of them, the Respondents will engage in conduct that constitutes an offence under section 15A(2) of the EPBC Act.~~

#### **Particulars**

~~Paragraphs 8 to 123 above are repeated.~~

#### Section 15B(1)



126. In taking the Actions, and each of them, the Respondents:

(a) will contravene section 15B(1) of the EPBC Act;

(b) alternatively, would, but for section 25AA, contravene section 15B(1) of the EPBC Act.

### **Particulars**

Paragraphs 8 to 116 above are repeated.

### Section 15B(4)

~~127. In taking the Actions, and each of them, the Respondents will contravene section 15B(4) of the EPBC Act.~~

### **Particulars**

~~Paragraphs 8 to 123 above are repeated.~~

### Section 15C(2)

128. [Not used] In taking the Actions, and each of them, the Respondents will engage in conduct that constitutes an offence under section 15C(2) of the EPBC Act.

### **Particulars**

~~Paragraphs 8 to 123 above are repeated.~~

### Section 67A

128A. In taking the Actions, and each of them, the Respondents will contravene section 67A of the EPBC Act.

### **Particulars**

Paragraphs 8 to 116, 124 and 126 above are repeated.

## Relief

129. The relief sought in the Amended Originating Application should issue.

Date: 21 April 2023



---

Signed by Brendan Dobbie  
Lawyer for the Applicant

This pleading was prepared by Brendan Dobbie, lawyer

## Certificate of lawyer

I Brendan Dobbie certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 21 April 2023



---

Signed by Brendan Dobbie  
Lawyer for the Applicant