

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
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 3:51:37 PM AEST
File Number:	VID345/2022
File Title:	AUSTRALIAN CONSERVATION FOUNDATION INCORPORATED v WOODSIDE ENERGY LTD & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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.



Amended Originating application

No. of 2022

Federal Court of Australia
District Registry: Victoria
Division: General

Australian Conservation Foundation Incorporated

Applicant

Woodside Energy Ltd (ACN 005 482 986) and another named in the Schedule

Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

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			
(include state and postcode)		Suite 8.02, 6 O'Connell St Sydney, NSW 2000	



Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar



Details of claim

On the grounds stated in the ~~accompanying Concise Second Further Amended~~ Statement of Claim, the Applicant claims:

1. Pursuant to ss 5, 19, 21 and 23 of the *Federal Court of Australia Act 1976* (Cth), the implied powers of the Federal Court of Australia and any other enabling power, the Court declares that:
 - (a) the Scarborough Gas Project, described in the document entitled “Scarborough Offshore Project Proposal – Development Division – Revision 5 Submission – February 2020”, is an “action” within the meaning of the EPBC Act;
 - (aa) each item of conduct described in paragraph 47A of the Second Further Amended Statement of Claim is an “action” within the meaning of the EPBC Act (the Actions);
 - (b) the Respondents propose to carry out the Scarborough Gas Project, ~~including by recovering gas from offshore areas;~~ and each of the Actions;
 - (c) in carrying out the Scarborough Gas Project, and engaging in any of the Actions, the Respondents will engage in conduct which consists of an act or omission contravening s 12(1) of the EPBC Act by taking an action that is likely to have a significant impact on the World Heritage Values of a declared World Heritage property, namely, the Great Barrier Reef;
 - (d) ~~[Not used] in carrying out the Scarborough Gas Project, the Respondents will engage in conduct which consists of an act or omission contravening s 15A(2) of the EPBC Act by taking an action that is likely to have a significant impact on the World Heritage Values of a property, being a declared World Heritage Property, namely the Great Barrier Reef;~~
 - (e) in carrying out the Scarborough Gas Project, and engaging in any of the Actions, the Respondents will engage in conduct which consists of an act or omission contravening s 15B(1) of the EPBC Act by taking an action that is likely to have a



significant impact on the National Heritage Values of a National Heritage place, namely, the Great Barrier Reef;

(f) ~~[Not used] in carrying out the Scarborough Gas Project, the Respondents will engage in conduct which consists of an act or omission contravening s 15C(2) of the EPBC Act by taking an action, being an action that is likely to have a significant impact on the National Heritage Values of a National Heritage place, namely, the Great Barrier Reef;~~

(fa) in carrying out the Scarborough Gas Project, and engaging in any of the Actions, the Respondents will engage in conduct which consists of an act or omission contravening section 67A of the EPBC Act;

(g) the Respondents propose to engage in conduct, namely the carrying out of the actions comprising the Scarborough Gas Project, consisting of an act or omission that constitutes ~~an offence or other~~ contravention of the EPBC Act.

2. Pursuant to ss 5, 19 and 23 of the *Federal Court of Australia Act 1976* (Cth), s 475 of the EPBC Act and any other enabling power of the Court, the Court orders that the Respondents be restrained from:

(a) engaging in conduct which constitutes ~~an offence or~~ contravention of the EPBC Act within the meaning of s 475(1) of the EPBC Act;

(b) engaging in conduct which constitutes a contravention of ss 12(1), ~~15A(2)~~ 15B(1) and 67A ~~or 15C(2)~~ of the EPBC Act;

(c) carrying out the Scarborough Gas Project; and

(d) ~~[Not used] carrying out the activities the subject of the Environment Plans.~~

(e) taking the Actions or such of them as are found by the Court to involve a contravention of the EPBC Act.

3. Such further order as the Court considers appropriate.

4. Costs.



Definitions

~~**Environment Plans** means the environment plans submitted to NOPSEMA by or on behalf of the Second Respondent pursuant to reg 9(1) of the Environment Regulations on 8 November 2021 and 23 December 2021.~~

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

NOPSEMA means the National Offshore Petroleum Safety and Environmental Management Authority.

Environment Regulations means the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth).

~~**Scarborough Gas Project** means the project which was the subject of the offshore project proposal submitted by the First Respondent to NOPSEMA in February 2019 pursuant to reg 5A(1) of the Environment Regulations and version 5 of the offshore project proposal accepted by NOPSEMA pursuant to reg 5D(5)(a) of those Regulations on 30 March 2020.~~

Applicant's address

The Applicant's address for service is:

Environmental Defenders Office Ltd
Suite 8.02, 6 O'Connell Street
Sydney NSW 2000

Email: brendan.dobbie@edo.org.au

The Applicant's address is Level 1, 60 Leicester Street, Carlton VIC 3053

Service on the Respondent

It is intended to serve this application on the Respondents.



Date: 21 April 2023

A handwritten signature in blue ink, which appears to read "Brendan Dobbie", is positioned above a horizontal dotted line.

Signed by Brendan Dobbie

Lawyer for the Applicant

**Schedule**

No. of 2022

Federal Court of Australia
District Registry: Victoria
Division: General

Respondents

Second Respondent: Woodside Energy Scarborough Pty Ltd (ACN 650 177 227)

Date: 21 April 2023