

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 21/06/2022 3:50:15 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
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



Dated: 21/06/2022 4:58:37 PM AEST

A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 15
Rules 8.01(1); 8.04(1)

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 Statement, 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 is an “action” within the meaning of the EPBC Act;
 - (b) the Respondents propose to carry out the Scarborough Gas Project, including by recovering gas from offshore areas;
 - (c) in carrying out the Scarborough Gas Project, 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) 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, 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) 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;



- (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) or 15C(2) of the EPBC Act;
 - (c) carrying out the Scarborough Gas Project;
 - (d) carrying out the activities the subject of the Environment Plans.
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 June 2022

A handwritten signature in dark ink, appearing to read "Brendan Dobbie", is written over a horizontal 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 June 2022