

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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File Number: WAD36/2025
File Title: ASSET ENERGY PTY LTD ACN 120 013 390 v THE COMMONWEALTH
MINISTER FOR INDUSTRY AND SCIENCE AS THE RESPONSIBLE
COMMONWEALTH MINISTER OF THE COMMONWEALTH-NEW
SOUTH WALES OFFSHORE PETROLEUM JOINT AUTHORITY & ANOR
Registry: WESTERN AUSTRALIA 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.



Form 59
Rule 29.02(1)

Affidavit

No. WAD 36 of 2025

Federal Court of Australia
District Registry: Western Australia Registry
Division: General

Asset Energy Pty Ltd (ACN 120 013 390)
Applicant

The Commonwealth Minister for Industry and Science, as the Responsible Commonwealth Minister of the Commonwealth-New South Wales Offshore Petroleum Joint Authority and another named in the schedule

Respondents

Second Affidavit of: **David Leslie Breeze**

Address: Unit 12, 114 Cedric Street, Stirling WA 6021
Occupation: Director
Date: 20 May 2025

I, David Leslie Breeze, Managing Director, say on oath:

1. I am the Managing Director of the applicant and I am authorised to make this affidavit on the applicant's behalf.
2. The facts and matters deposed to in this affidavit are, unless stated to the contrary, within my personal knowledge and belief and are true. Where matters contained in this affidavit are outside my personal knowledge, I believe them to be true and have identified the source of my information and belief.

Filed on behalf of (name & role of party) Asset Energy Pty Ltd, Applicant
 Prepared by (name of person/lawyer) Timothy Masson
 Law firm (if applicable) Ensign Legal
 Tel (08) 9216 7127 Fax _____
 Email enquiries@ensignlegal.com.au
Address for service Level 9, 200 St Georges Terrace, Perth WA 6000
 (include state and postcode)

3. I have also sworn in these proceedings a first affidavit of David Leslie Breeze dated 12 February 2025 (**First Breeze Affidavit**). Unless otherwise stated in this affidavit, capitalised and defined terms in this affidavit have the meaning given in the First Breeze Affidavit.

What the applicant would have done had it received the confidential advice.

4. At paragraph 53 of the First Breeze Affidavit, I stated that the Joint Authority received confidential advice from NOPTA that was used in the final statement of reasons and that that confidential advice was never provided to the applicant.
5. I have reviewed the confidential advice which is contained as annexures 51 and 52 to **DLB51** of the First Breeze Affidavit. The confidential advice includes an estimate by NOPTA of the potential well costings for the applicant's proposed exploration program attaching to the Permit.
6. I am aware that paragraph 97 of the final statement of reasons provides that the applicant did not consider that more precise information regarding the cost of its proposed exploration well in the Permit area was required to be provided to the Joint Authority. In my view, that is a correct description of the applicant's views prior to the final decisions regarding the First Application and Second Application being made. I know this as I am the Managing Director of the applicant.
7. Had the applicant been provided with the confidential advice and knew that more precise information regarding the cost of its proposed exploration well was required before the Joint Authority made the final decisions regarding the First Application and Second Application then I would have caused the applicant to:
- (a) request an explanation as to how NOPTA calculated the estimated well costings in the confidential advice;
 - (b) make further submissions as to whether the proposed well costings in the confidential advice were accurate;
 - (c) make further submissions as to whether the proposed well costings in the confidential advice were based on projects that were sufficiently similar to the proposed exploration program for the Permit; and

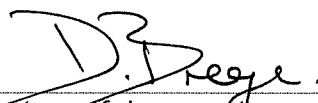
DLBreeze.

DLBreeze


(d) obtain updated quotations for the proposed drilling of an exploration well in the Permit area given that the previous quotations (notably from COSL Drilling Europe) were then some 5 years old due to it taking approximately 1,941 days for the First Application to be determined and 1,563 days for the Second Application to be determined.

Sworn by the deponent
at Perth
in Western Australia
on 20 May 2025
Before me:

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Signature of deponent



Signature of witness

Oscar Sergio Dell'Anna
A legal practitioner who has held a practice certificate
for at least 2 years and who holds a current practice certificate