

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application for Judicial Review - Form 66 - Rule 31.01(1)
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File Number: VID1357/2025
File Title: FRIENDS OF AUSTRALIAN ROCK ART INC v MINISTER FOR ENVIRONMENT AND WATER & 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.



Originating application for judicial review

No. of 20

Federal Court of Australia
District Registry: Victoria
Division: General

Friends of Australian Rock Art Inc

Applicant

Minister for the Environment and Water 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.

Time and date for hearing:

Place:

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

Date: 10 October 2025

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

Filed on behalf of (name & role of party) Friends of Australian Rock Art Inc
Prepared by (name of person/lawyer) Anita O'Hart
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(include state and postcode)



The Applicant applies to the Court to review the decision of the First Respondent dated 12 September 2025 made under s 130(1) and s 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) that approved the action of the Second Respondent, to continue and extend the operating life of the North West Shelf (**NWS**) Project (**NWSx Project**) through the long-term processing of third-party gas and fluids and NWS Joint Venture field resources through the NWS Project facilities (the **Decision**). The approval has effect until 31 December 2070.

The First Respondent attached 48 conditions to the Decision (the **Final Conditions**). The First Respondent provided a Statement of Reasons for the Decision on 12 September 2025 (**Statement of Reasons**).

The application for judicial review is made pursuant to s 5(1) of the *Administrative Decision (Judicial Review) Act 1977* (Cth) (**ADJR Act**) and s 39B of the *Judiciary Act 1903* (Cth).

Details of claim

The Applicant is taken to be a person aggrieved by the Decision pursuant to s 487(3) of the *EPBC Act* because:

1. The Applicant is an association incorporated in Australia; and
2. In the two years prior to the Decision, the Applicant has engaged in a series of activities in Australia for protection or conservation of, or research into, the environment, including:
 - a. activities associated with the decision-making processes relating to the approval of the NWSx Project; and
3. An object of the Applicant's association under its Rules is (and was at the time of the Decision, pending approval by the Department of Consumer Protection WA) to:
 - a. promote, lobby and campaign for conservation and protection of the natural environment; including in relation to greenhouse gas emissions and climate change.

Grounds of application

The Decision was and is invalid or otherwise beyond power, on the grounds set out in paragraphs 1, 2, 3 and/or 4 below.

1. The First Respondent failed to exercise his jurisdiction under ss 130(1) and 133(1) when purportedly making the Decision because he failed to comply with s 136(1)(b) of the *EPBC Act*.



Particulars

- a. The First Respondent's power to decide whether or not to approve the taking of the action under ss 130(1) and 133(1) and power to decide what conditions to attach to an approval under s 134 are conditioned by s 136(1)(b) of the *EPBC Act*.
 - b. In considering the mandatory considerations in s 136(1)(b), the First Respondent must take account of the applicable factors in s 136(2) of the *EPBC Act*.
 - c. The First Respondent accepted that the conditions (**WA Conditions**) under the decision of the Western Australian Minister for Environment; Climate Action published in Ministerial Statement 1233 are insufficient to manage the likely impacts to the Dampier Archipelago (including the Burrup Peninsula) national heritage place (**NHP**) resulting from the NWSx Project. Statement of Reasons at [234].
 - d. The First Respondent accepted that the taking of the action, in conjunction with the WA Conditions and the Final Conditions, is likely to result in residual impacts to the values of the NHP. Statement of Reasons at [235].
 - e. The Applicant provided information to the First Respondent relating to the adverse economic and social consequences of the NWSx Project.
 - f. The First Respondent, in considering s 136(1)(b), and deciding whether to approve the NWSx Project and what conditions to attach to an approval:
 - i. failed to have any, or sufficient regard to the adverse social consequences of the NWSx Project; and/or
 - ii. failed to have any, or sufficient regard to the adverse economic consequences of the NWSx Project; and/or
 - iii. failed to take sufficient account of s 136(2)(a).
 - g. By reason of paragraphs (a)-(f) above, the First Respondent failed to comply with s 136(1)(b) and, therefore, failed to exercise his jurisdiction under ss 130(1) and 133(1).
2. The First Respondent made a legal error, misunderstood the applicable law and/or asked himself the wrong question, by failing to have any, or sufficient regard to the adverse economic and social consequences of the NWSx Project under s 136(1).

Particulars

- a. By reason of the allegations at paragraphs (a)-(f) in the particulars to Ground 1 above.



3. The First Respondent's Decision was unreasonable because he failed to have sufficient regard to the adverse economic and social consequences of the NWSx Project pursuant to s 136(1) of the *EPBC Act*.

Particulars

- a. In considering s 136(1)(b), having regard to the subject matter of the decision, the decision-making process taken under the *EPBC Act*, and the information before him, the First Respondent was obliged to act in a manner that was legally reasonable by having regard to all the considerations which the law required in order to decide whether to approve the NWSx Project and what conditions to attach to the approval.
- b. In making the Decision, the First Respondent:
- i. made the findings alleged in paragraphs (c)-(d) in the particulars to Ground 1 above;
 - ii. failed to have sufficient regard to:
 1. the adverse economic consequences of the NWSx Project; and/or
 2. the adverse social consequences of the NWSx Project; and/or
 - iii. failed to take sufficient account of the principles of ecologically sustainable development pursuant to s 136(2)(a) of the *EPBC Act*.
4. The First Respondent failed to consider a mandatory consideration under s 136(1)(b) of the *EPBC Act*, being the adverse economic and social consequences of the NWSx Project.

Particulars

- a. In considering s 136(1)(b), having regard to the text, object and purpose of the *EPBC Act*, the First Respondent was required to consider the adverse economic and social consequences of the NWSx Project.
- b. In making the Decision, the First Respondent:
- i. failed to have regard to the adverse social consequences of the NWSx Project; and/or
 - ii. failed to have regard to the adverse economic consequences of the NWSx Project.



Orders sought

1. An order declaring that the Decision made by the First Respondent for the Second Respondent to continue and extend the operating life of the North West Shelf (NWS) Project through the long-term processing of third-party gas and fluids and NWS Joint Venture field resources through the NWS Project facilities, is invalid.
2. Further, pursuant to s 16(1) of the *ADJR Act*, an order to quash the Decision from the date it was made and an order referring the Second Respondent's application for approval to take an action to the First Respondent to reconsider according to law.
3. In the alternative to order 2, pursuant to s 39B of the *Judiciary Act*, an order in the nature of certiorari quashing the Decision and an order in the nature of mandamus directing the First Respondent to reconsider the Second Respondent's application for approval to take an action according to law.
4. Costs.

Applicant's address

The Applicant's address for service is:

Place: Level 21, 8 Chifley Square, Sydney NSW 2000

Email: anita@johnsonlegal.au

The Applicant's address is 1 / 2nd Floor, 143 Barrack St, Perth WA 6000.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 10 October 2025

A handwritten signature in black ink, appearing to read 'A O'Hart'.

Signed by Anita O'Hart
Lawyer for the Applicant



Schedule

No. of 20

Federal Court of Australia
District Registry: Victoria
Division: General

Respondent

Second Respondent: Woodside Energy Ltd (ACN: 005 482 986)

Date: 10 October 2025