

NOTICE OF FILING

Details of Filing

Document Lodged:	Outline of Submissions
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	VID1400/2025
File Title:	AUSTRALIAN CONSERVATION FOUNDATION INC. v MINISTER FOR THE ENVIRONMENT AND WATER & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "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.

AUSTRALIAN CONSERVATION FOUNDATION INC
Applicant

MINISTER FOR THE ENVIRONMENT AND WATER
First Respondent

WOODSIDE ENERGY LTD (ACN 005 482 986)
Second Respondent

APPLICANT'S OUTLINE OF SUBMISSIONS

1. By originating application filed on 27 October 2025, the Applicant (**ACF**) seeks judicial review of the decision of the First Respondent (**Minister**) pursuant to s 78(1) and s 78C(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) (as then in force)¹ to decline to reconsider and revoke a “controlled action” decision relating to an action proposed by the Second Respondent described as the North West Shelf Project Extension (**Reconsideration Decision**). The application is brought pursuant to s 5(1) of the *Administrative Decision (Judicial Review) Act 1977* (Cth) and s 39B of the *Judiciary Act 1903* (Cth).
2. One ground of review is advanced, namely, that in making the Reconsideration Decision, the “Minister erred in failing to take into account information he had about the physical effects of climate change on relevant protected matters”.
3. ACF seeks orders that the Reconsideration Decision be set aside and remitted to the Minister for reconsideration according to law.
4. The present proceeding is ancillary to proceeding VID1356/2025. Comprehensive submissions have been filed in that proceeding, which also explain the background, statutory framework, and submissions relevant to this proceeding. To avoid duplication, ACF relies upon those submissions in this proceeding. Specifically, ACF relies upon:
 - a. Section B — Standing;

¹ As it stood at the time of the Approval Decision (12 September 2025), being compilation number 64. Amendments to the EPBC Act were enacted on 1 December 2025 by way of the *Environment Protection Reform Act 2025* (Cth).

- b. Section C.1 — Factual background
 - c. Section C.2 (specifically sections C.2.7 and C.2.8) — Procedural background;
 - d. Section D — Statutory Framework; and
 - e. Section E.3 — Ground 4, misconstruction of “substantial cause”.
5. The critical passage of the Minister’s reasons for the Reconsideration Decision is:

[163] I determined that the proposed action is not a substantial cause of the stated physical effects of climate change on the world heritage values of declared World Heritage properties. Therefore, the information is not about impacts the proposed action has or will have, or is likely to have, on the world heritage values of declared World Heritage properties. As explained below, this is because:

- a. The information does not demonstrate that the proposed action will cause any net increase in global GHG emissions and global average temperature (and so, any of the stated physical effects of climate change on the world heritage values of declared World Heritage properties). I considered that whether this will happen is subject to multiple variables; and
 - b. Even if that were demonstrated, any contribution from the proposed action to global GHG emissions would be very small. It is therefore not possible to say that the proposed action will be a substantial cause of the stated physical effects of climate change on the world heritage values of declared World Heritage properties.
6. For the reasons given in section E.3 of the submissions filed in VID1356/2025, ACF submits that the conclusion and reasoning in that passage is in error. The Minister misinterpreted s 527E of the EPBC Act, and, as a consequence, wrongly concluded that “the proposed action is not a substantial cause of the stated physical effects of climate change on the world heritage values of declared World Heritage properties”. By extension, he also wrongly concluded that the information provided to him was “not about impacts the proposed action has or will have, or is likely to have, on the world heritage values of declared World Heritage properties”. The Reconsideration Decision is affected by legal or jurisdictional error and should be set aside.

Dated: 20 April 2026



A SCOTT KC



J UNDERWOOD



H DOUGLAS