# Notice

***Environmental Protection Act 1994***

## Decision to accept an Enforceable Undertaking

*This notice is issued by the administering authority pursuant to sections 507 of the Environmental Protection Act 1994 to advise of a decision made on an enforceable undertaking.*

Australia Pacific LNG Pty Ltd (ACN 001 646 331)
Level 4, Little Cribb Street
Milton QLD 4064

Our reference: EPPG00968013
3 July 2023

**Take notice**: that under the provisions of the *Environmental Protection Act 1994*, this decision notice advises of the administering authority's decision to accept the application for an Enforceable Undertaking (EU) made by Australia Pacific LNG Pty Ltd (APLNG) on 1 June 2023. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

### A. Application details

On 2 June 2023, the department received an application for an EU from APLNG. The application includes a Statutory Declaration signed by an authorised representative of APLNG and was made in the approved form.

The objectives, as stated in the application for the EU are, to paraphrase:

1. Ensure petroleum activities are carried out in accordance with the environmental authority (EA) EPPG00968013; and
2. Delivering benefits to the environment and the local community.

### B. Material considered by the department in making the decision

In making the decision, the department had before it;

a. *Environmental Protection Act 1994*;
b. Application Form - Enforceable Undertaking, dated 1 June 2023;
c. The Enforceable Undertaking, as attached to the application form;
d. Signed Statutory Declaration dated 1 June 2023;



ABN 46 640 294 485

e. The department's guideline for Enforceable Undertakings under the Environmental Protection Act 1994 (ESR/2016/2272); and

f. Department of Environment and Science Enforcement Guidelines (ESR/2021/5549).

## C. Application of legislation to the decision

Section 507 of the Environmental Protection Act 1994 provides that:

a. the administering authority may accept a written undertaking (Enforceable Undertaking) made by a person in relation to a contravention or alleged contravention by the person of the *Environmental Protection Act 1994*, other than an indictable offence; and

b. the administering authority must give the person written notice of the administering authority's decision to accept or reject the EU, and the reasons for the decision.

## D. Decision

The administering authority has decided to accept APLNG's application for an EU. The approved EU is attached to this decision notice.

## E. Reasons for the decision

1. The alleged contravention is not an indictable offence.
2. The alleged contravention is the subject of a complaint before the Dalby Magistrates Court and the likely outcome of the prosecution proceedings (if successful) would not better achieve the object of the *Environmental Protection Act 1994.*
3. The locations the incident occurred has been remediated.
4. APLNG has declared that it has no convictions or findings of guilt under the *Environmental Protection Act 1994* or other corresponding law in Queensland, or elsewhere in any Australian jurisdiction.
5. the administering authority reasonably believes that the EU will:
    i. secure compliance with the *Environmental Protection Act 1994*; and
    ii. enhance the protection of the environment.

## F. Additional information

### Obligations under the Environmental Protection Act 1994

In addition to the requirements of the EU and the conditions imposed, you must also meet your obligations under the *Environmental Protection Act 1994*, and associated regulations. For example:

- you must comply with the following provisions of the Act:
    - general environmental duty (section 319); and

- duty to notify of environmental harm (sections 320 - 320G);

- you must also ensure that you do not commit offences in relation to the *Environmental Protection Act 1994*, including but not limited to, the following:
  - causing serious or material environmental harm (sections 437 - 439);
  - causing environmental nuisance (section 440);
  - depositing prescribed water contaminants in waters and related matters (section 440ZG); and
  - placing contaminant where environmental harm or nuisance may be caused (section 443).

Should you have any queries in relation to this notice, please contact David Darvall, Director, Southwest Queensland Compliance, of the department on telephone number 0439 875 965.

Rachel BDean

Signature

3 July 2023

Date

Rachel Burgess-Dean
Delegate of the Chief Executive
Department of Environment and Science
*Environmental Protection Act 1994*

**Enquiries:**
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