

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Australian Gasfields Limited
9A Seaforth Crescent
SEAFORTH NSW 2092

Email: peter@agl188.com ; ewc188@netvigator.com

Your reference: EPPG00308213;

Our reference: C-CPLPO-100584714 - STAT-E-100584715

24/01/2024

Dear Directors,

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Australian Gasfields Limited by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO is issued with respect to the activities of Australian Gasfields Limited on land described as Petroleum Pipeline Licence (PPL) 45 (the premises).

A. Grounds

This EPO is issued on the following grounds:

1. To secure compliance by Australian Gasfields Limited with conditions of Environmental Authority (EA) EPPG00308213 pursuant to section 358(d)(iii) of the EP Act. Section 297 of the EP Act states: *It is a condition of an environmental authority for a resource activity that the holder must not carry out, or allow the carrying out of, a resource activity under the authority unless— (a) an ERC decision is in effect for the resource activity when the activity is carried out.*
2. To secure compliance by Australian Gasfields Limited with the “general environmental duty” pursuant to section 358(d)(i) of the Act. The General Environmental Duty is defined pursuant to in section 319 of the EP Act which states the following: *‘A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practical actions to prevent or minimise the harm (the **general environmental duty**).*

The facts and circumstances forming the basis for these grounds are:

1. Australian Gasfields Limited is the holder of environmental authority (EA) EPPG00308213 dated 8 March 2016.
2. Department of Resources records identify Australian Gasfields Limited as the sole holder of PPL45, which is authorised under the *Petroleum Act 1923*.
3. Section 107 of the EP Act states: *A resource activity is an activity that involves— (a) a geothermal activity; or (b) a GHG storage activity; or (c) a mining activity; or (d) a petroleum activity.*



4. Section 111 of the EP Act states: *A petroleum activity is— (a) an activity that, under the Petroleum Act 1923, is an authorised activity for a 1923 Act petroleum tenure under that Act; or (b) an activity that, under the P&G Act, is an authorised activity for a petroleum authority under that Act;*
5. On 28 February 2020, the Department of Environment and Science (the department) issued Australian Gasfields Limited a Deemed (Estimated Rehabilitation Cost) ERC notice in effect between 1/04/2019 to 1/04/2022. The decision notice states: *The administering authority has decided that: the ERC for the environmental authority is \$0 (excl. GST). Information regarding the circumstances where a holder must re-apply for a new ERC decision is attached to this notice. Information sheet: Re-application for estimated rehabilitation cost decision (ESR/2019/4704).*
6. On 1 March 2022, the department issued Australian Gasfields Limited with a letter outlining the requirements to re-apply for an ERC decision before expiry.
7. On 1 April 2022, the deemed ERC decision expired.
8. On 18 August 2022, the department issued a letter outlining the potential non-compliances with s302 and s297 of the EP Act and provided the opportunity to respond. The department did not receive a response.
9. On 17 October 2022, the department issued Australian Gasfields Limited with a penalty infringement notice for a contravention of section 302 of the EP Act.
10. On 16 May 2023, authorised officers conducted an inspection of Australian Gasfields Limited petroleum tenures in the presence of Australian Gasfields Limited Director, Peter Reinke. During the inspection:
 - a. Department officers were advised by REINKE several wells were being refurbished and set to produce via PPL45 by 2024.
 - b. Department officers were also advised by REINKE that the gas processing facility associated with PPL45 is being refurbished by a subcontracting company, this was observed in field. This work is being undertaken consistently with processing facility refurbishment a priority.
11. On 29 August 2023, Australian Gasfields Limited met with multiple departmental agencies including DES, and provided an update on the operations stating that *'Recently the pipelines have undergone a DCVG survey and low points have been excavated and inspected. The pipelines have been found to be in good condition except for a single defect that has been repaired.'*
12. During the same presentation Australian Gasfields Limited state *'The gas plant is undergoing several modifications to ensure it can be operated safely and effectively:*
 - *Inlet Separation Pipework: To deal with high liquid loads at the plant inlet the pipework has been modified to make better use of the inlet slug catching and inlet separation.*
 - *Gas Chromatograph: A gas chromatograph is being installed at the outlet of the gas plant so as not to fill the export pipeline with off spec gas.*
 - *Flare Relocation: The flare is being moved to a safer location.'*
13. On 12 September 2023, the department provided Australian Gasfields Limited with a summary of all current identified non-compliances including outlining the expired ERC decision.
14. The department considers that Australian Gasfields Limited have conducted a resource activity without an Estimated Rehabilitation Cost decision in effect when the activity was carried out.
15. The department requires you to take reasonable measures to secure compliance with your obligations as an environmental authority holder including holding a current ERC decision.
16. General Environmental Duty (GED) under section 319 of the EP Act requires you to take all reasonable and practicable measures to ensure that activities occurring on EPPG00308213 do not cause or have the potential to cause environmental harm.

B. Requirements

In accordance with this EPO, you are required to do the following:

1. Immediately cease carrying out all petroleum activities on PPL45, except for rehabilitation activities until you have obtained a current Estimated Rehabilitation Decision.
2. By **15 March 2024**, submit an estimated rehabilitation cost application to the administering authority that meets the requirements of section 298 of the EP Act.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the EP Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

Failure to comply with an EPO is an offence.

- The maximum penalty for wilfully contravening an EPO is 6250 penalty units, totalling \$ \$967,500 or five years imprisonment for an individual or \$ \$4,837,500 for a corporation.
- The maximum penalty for contravening an EPO is 4500 penalty units, totalling \$696,600 for an individual or \$3,483,000 for a corporation.

Failure to provide written notice to the buyer of the existence of the order is an offence.

- The maximum penalty is 50 penalty units, totalling \$7,740, for an individual or \$ \$38,700 for a corporation.

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an environmental protection order relates is an offence.

- The maximum penalty is 50 penalty units, totalling \$7,740 for an individual or \$38,700 for a corporation.

Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the EP Act.

A person who is dissatisfied with an original decision made by the Department of Environment and Science (the department) may apply to have that decision internally reviewed.

Information about initiating an appeal in relation to this notice is contained within the [Internal Reviews and Appeals Information Sheet](#) (available at www.qld.gov.au using the publication number ESR /2015/1742 as a search term)

A request for review or appeal is to be made using the approved form '[Application for review of original decision](#)' (available at www.qld.gov.au using the publication number ESR/2015/1573 as a search term.

Applications for reviews are to be sent to Permit and Licence Management, Department of Environment and Science: via email at palm@des.qld.gov.au , or by mail to the following address: GPO. Box 2454, Brisbane, QLD, 4001.

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

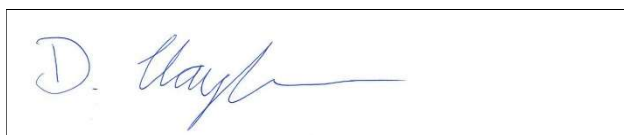
Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

You may have other legal rights or obligations and should seek your own legal advice.

Pursuant to section 540 of the Act, the department is required to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the Act. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register. For more information on the department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Should you have any queries in relation to the notice, please contact Zali Domrow on 07 4529 8396 telephone number.



Signature

24/01/2024

Date

Dayna Claybourn

Manager Compliance

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries: Zali Domrow

COMPLIANCE CENTRE: Toowoomba

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