



# Notice

## *Environmental Protection Act 1994*

### **Environmental Enforcement Order**

*This environmental enforcement order is issued by the administering authority pursuant to section 362 of the Environmental Protection Act 1994.*

Ausam Resources Pty Ltd (ACN 090 935 738)  
Level 7, 238 George Street  
SYDNEY NSW 2000

Your reference: EPPG00770413

Our reference: C-CPLPO-100405674 / STAT-E-100650159

4/07/2024

Dear Director(s),

**Take notice:** That under the *Environmental Protection Act 1994* (the Act), this environmental enforcement order (EEO) is issued to Ausam Resources Pty Ltd (ACN 090 935 738) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment, Science, and Innovation (the department).

The EEO is issued with respect to the activities of Ausam Resources Pty Ltd on land described as Petroleum Lease (PL) 441 situated at Downlands Oil Field (the premises).

#### **A. Grounds**

This EEO is issued on the following grounds:

1. In accordance with section 359(c) of the Act, the department requires you to take reasonable measures to secure compliance with the General Environment Duty (GED). The General Environmental Duty is detailed in s319 of the Act which states:  
  
‘A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the general environmental duty)’.
2. In accordance with section 359(e)(ii), the department requires you to take reasonable measures to secure compliance with the following conditions of environmental authority EPPG00770413 (the EA) dated 08 November 2018:



**Condition F5**

*Progressive rehabilitation of significantly disturbed land caused by the carrying out of the petroleum activity(ies) (other than constructing pipelines) which is not required for the ongoing conduct of the petroleum activity(ies) must commence as soon as practicable, but not longer than nine (9) months following the completion of any construction or operational works associated with the petroleum activity(ies).*

**Condition F6**

*Progressive rehabilitation of significantly disturbed land caused by the carrying out of the petroleum activity(ies) must:*

- (a) Remediate any contaminated land (e.g. contaminated soils, decommissioned dams containing salt);*
  - (b) Reshape all significantly disturbed land to a stable landform;*
  - (c) Reprofile all significantly disturbed land to original contours;*
  - (d) On all significantly disturbed land:*
    - i. Re-establish surface drainage lines;*
    - ii. Reinstate the top layer of the soil profile;*
    - iii. Establish groundcover to ensure the erosion is minimised;*
    - iv. Establish vegetation of floristic species composition found in analogue sites;*
  - (e) Undertake rehabilitation in a manner such that any actual and potential acid sulfate soils in or on the site are either not disturbed, or submerged, or are treated to prevent and/or minimise environmental harm.*
3. In accordance with section 359(e)(viii) of the Act, the department requires you to take reasonable measures to secure compliance with a surrender notice.

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

1. Ausam Resources Pty Ltd is the holder of environmental authority EPPG00770413 (the EA) effective from 8 November 2018.
2. The EA provides Ausam Resources Pty Ltd authorisation and obligations in relation to activities carried out under the Act on the former petroleum tenure known as Petroleum Lease (PL) 441.
3. The Resource Authority Public Report for PL 441 indicates that at the time the tenure ended on 24 January 2023, Ausam Resources Pty Ltd held 100% of the share in the tenure.
4. The EA EPPG00770413 continues in effect, despite the cancellation of the relevant tenure, as per section 201(2) of the Act. Section 201(2) of the Act states:
  1. *An environmental authority continues in force until the earlier of the following to happen—*
    - a. if the environmental authority states it will lapse after a stated period—the end of the stated period;*
    - b. the authority is cancelled, surrendered, or suspended under this chapter.*
  2. *To remove any doubt, it is declared that an environmental authority continues in force in relation to an ERA carried out on land identified by reference to a resource tenure even if the resource tenure expires or is cancelled.*

5. The department is satisfied that you were the entity operating petroleum lease PL441 immediately prior to the tenure expiration and are responsible for the construction, operation, maintenance, and rehabilitation of PL441 under the EA.
6. On the 24 January 2023, petroleum lease PL441 was cancelled.
7. On 8 February 2023, Ausam Resources Pty Ltd was issued a notice requiring a surrender application for the EA by 22 March 2023. No surrender application was received by the department by this date.
8. On 24 March 2023, Ausam Resources Pty Ltd was contacted by the department to obtain an update on the status of the surrender application.
9. On 10 May 2023, Ausam Resources Pty Ltd submitted email correspondence to the department requesting an extension of 10 days to lodge the surrender application.
10. On 12 May 2023, Ausam Resources Pty Ltd submitted further email correspondence to the department requesting further time to prepare the surrender application and advised that it would update the department by 30 June 2023.
11. On 10 July 2023, Ausam Resources Pty Ltd was again contacted by the department in relation to the surrender application.
12. On 12 July 2023, Ausam Resources Pty Ltd submitted email correspondence to the department advising plugging and abandonment of PL441 wells was being progressed.
13. On 19 July 2023, Ausam Resources Pty Ltd was issued a further notice requiring a surrender application for the EA with a due date of 20 August 2023.
14. On 21 August 2023, the department contacted Ausam Resources Pty Ltd seeking an update on the status of remedial works.
15. On 21 August 2023, Ausam Resources Pty Ltd submitted email correspondence to the department advising the surrender application would be lodged by 28 August 2023.
16. On 31 August 2023, the department contacted Ausam Resources Pty Ltd seeking a further update on the surrender application. Ausam Resources Pty Ltd provided an email on the same day advising the application would be submitted by 3 September 2023.
17. On 6 September 2023, Ausam Resources Pty Ltd submitted further correspondence to the department advising the application would be submitted by 7 September 2023.
18. On 13 November 2023, Ausam Resources Pty Ltd made an application for surrender of the EA. On 21 November 2023 the department determined that the application was invalid, as it did not meet the requirements of section 262 of the Act.
19. On 15 November 2023, Resources Safety and Health Queensland (RSHQ) advised the department of an issue with the Ausam Resources Pty Ltd Downlands East-1 well, where bore water access lines were bypassing gas.
20. The department considers the rehabilitation of Downlands East-1 to be of high importance due to its potential to cause environmental harm and must be rectified as a matter of priority.
21. On 4 March 2024, authorised officers of the department conducted an inspection of activities on former petroleum lease PL441 and observed that active rehabilitation had not been completed of disturbance surrounding petroleum the following sites: Downlands-2, Downlands-3, Downlands-4, Downlands East-1, Downlands East-2, and Downlands Processing Facility near GDA2020 -27.11005, 149.08260.

22. The rehabilitation of sites Downlands-2, Downlands-3, Downlands-4, Downlands East-1, Downlands East-2, and Downlands Processing Facility remains outstanding, as of 27 June 2024.
23. Condition F5 of the EA requires that *'progressive rehabilitation of significantly disturbed land caused by the carrying out of the petroleum activity(ies) (other than constructing pipelines) which is not required for the ongoing conduct of the petroleum activity(ies) must commence as soon as practicable, but no longer than nine (9) months following the completion of any construction or operational works associated with the petroleum activity(ies).'*
24. The significantly disturbed land is considered to be no longer required for the ongoing conduct of the petroleum activity as the lawful means of conducting the petroleum activity ended with the lease cancellation on 24 January 2023.
25. Condition F6 of the EA requires that *'Progressive rehabilitation of significantly disturbed land caused by the carrying out of the petroleum activity(ies) must:*
- a. remediate any contaminated land (e.g. contaminated soils, decommissioned dams containing salt);*
  - b. reshape all significantly disturbed land to a stable landform;*
  - c. reprofile all significantly disturbed land to original contours;*
  - d. on all significantly disturbed land:*
    - i. re-establish surface drainage lines;*
    - ii. reinstate the top layer of the soil profile;*
    - iii. establish groundcover to ensure that erosion is minimised;*
    - iv. establish vegetation of floristic species composition found in analogue sites;*
  - e. undertake rehabilitation in a manner such that any actual and potential acid sulfate soils in or on the site are either not disturbed, or submerged, or are treated to prevent and / or minimise environmental harm.'*
26. The development activities at Downlands-2, Downlands-3, Downlands-4, Downlands East-1, Downlands East-2 (Downlands oil wells) and Downlands Processing Facility include significant disturbance to land because the activity caused disturbance and human intervention is required to rehabilitate these areas.
27. You have not demonstrated that you have implemented measures as soon as practicable to comply with condition F5 and to achieve the rehabilitation outcomes required by condition F6.
28. The department considers it is necessary to require you to take reasonable and practicable measures to fulfill your GED and to secure compliance with EA conditions F5 and F6 and to require the subsequent surrender of the EA.

The standard criteria, principles of environmental protection, emission criteria and human rights were considered prior to issuing this EEO.

## B. Requirements

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

1. You must engage an **appropriately qualified person(s)** to carry out the requirements of this EEO.
2. **As soon as possible, but no later than 5PM on 1 November 2024**, you must complete rehabilitation of Downlands East-1 (located at GDA2020 -27.105745, 149.076120) and any surrounding significantly disturbed land from the petroleum activity, in accordance with conditions F5 and F6 of environmental authority EPPG00770413.
3. **By 5PM on 29 November 2024**, you must complete rehabilitation of Downlands Processing Facility (located at GDA2020 -27.11005, 149.08260) in accordance with conditions F5 and F6 of environmental authority EPPG00770413.
4. **By 5PM on 30 September 2025**, you must complete rehabilitation of Downlands-2 (located at GDA2020 -27.114707, 149.054859) and Downlands-3 (located at GDA2020 -27.118240, 149.050154) and any surrounding significantly disturbed land from the petroleum activity, in accordance with conditions F5 and F6 of environmental authority EPPG00770413.
5. **By 5PM on 30 September 2026**, you must complete rehabilitation of Downlands-4 (located at GDA2020 -27.104198, 149.064190) and Downlands East-2 (located at GDA2020 -27.121309, 149.080879) and any surrounding significantly disturbed land from the petroleum activity, in accordance with conditions F5 and F6 of environmental authority EPPG00770413.
6. **By 5PM on 27 November 2026**, you must submit to the department a surrender application that meets the requirements of section 262 of the *Act* for environmental authority EPPG00770413. The surrender application must be submitted:
  - via email to [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au); OR
  - via mail to,  
Permit and Licence Management  
Department of Environment, Science, and Innovation  
GPO Box 2454  
BRISBANE QLD 4001.

## Definitions

**appropriately qualified person(s)** means a person who has qualifications, training, skills, and experience relevant to the nominated subject matter, and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, legislation, methods, or literature.

**significantly disturbed land** means land that has been contaminated or disturbed by you and human intervention is needed to rehabilitate it. Land requires human intervention to rehabilitate it if:

- (a) the disturbance has made the land more susceptible to erosion; or
- (b) the land use capability or suitability of the land is diminished; or
- (c) the quality of water in a watercourse downstream of the land is likely to be reduced.

## **C. Obligations**

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

If you cease to carry out the activity to which this EEO 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 Act;
- this order remains in force until further notice from the administering authority.

## **D. Offences**

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 this EEO is an offence unless you have a reasonable excuse. The maximum penalties are significant and are provided in s369A of the Act.

Failure to provide a written notice to the buyer of the existence of the order is an offence. The maximum penalty is provided in s369C of the Act.

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an EEO relates is an offence. The maximum penalty is provided in s369D of the Act.

## **E. Reviews and appeals**

The provisions regarding reviews of decisions and appeals are found in s519 to s539 of the Act.

A person who is dissatisfied with an original decision made by 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](http://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](http://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, Science and Innovation via email at [palm@des.qld.gov.au](mailto: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.

For a decision that is not an original decision, there are no formal review and appeal rights for a person who is dissatisfied with the decision made by the administering authority. The person may have other legal rights and may wish to seek legal advice.

## **F. Public Register**

Pursuant to s540 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 to 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](http://www.qld.gov.au). For queries about privacy matters, please email [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au) or telephone 13 74 68.

## **G. Signature and contact details**

Should you have any queries in relation to the notice, please contact Will McBryde at **Toowoomba** compliance centre by Mail: PO Box 731 TOOWOOMBA QLD 4350 or Email: [southwest.es@des.qld.gov.au](mailto:southwest.es@des.qld.gov.au) or on (07) 3330 5210.



Signature

**Delegate: Joe Winzenberg**

Department of Environment, Science and  
Innovation

*Environmental Protection Act 1994*

4 July 2024

Date

**Administering Authority Details**

Department of Environment, Science and  
Innovation PO Box 731, TOOWOOMBA QLD  
4350

