

SUPREME COURT OF QUEENSLAND

CITATION: *Australia Pacific LNG Pty Limited & Ors v The Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport* [2019] QSC 132

PARTIES: **AUSTRALIA PACIFIC LNG PTY LIMITED**

ACN 001 646 331

(first applicant)

AUSTRALIA PACIFIC LNG (CSG) PTY LIMITED

ACN 099 577 769

(second applicant)

AUSTRALIA PACIFIC LNG CSG MARKETING PTY LIMITED

ACN 008 750 945

(third applicant)

AUSTRALIA PACIFIC LNG (MOURA) PTY LIMITED

ACN 064 989 813

(fourth applicant)

v

**THE TREASURER, MINISTER FOR ABORIGINAL
AND TORRES STRAIT ISLANDER PARTNERSHIPS
AND MINISTER FOR SPORT**

(respondent)

FILE NO/S: SC No 1027 of 2016

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED ON: 29 May 2019

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGE: Bond J

ORDER: **The order of the Court is that the orders made on 24 May 2019 are amended to insert a new paragraph 1A as follows:**

“The applicants’ claim for the declaration set out in paragraph 2 of the applicants’ application for a statutory order of review is dismissed.”

COUNSEL: LF Kelly QC, with MF Johnston for the applicants
P Looney QC, with AD Scott for the respondent

P Dunning QC, with D Quayle for the intervenor

SOLICITORS: Clayton Utz for the applicants
Crown law for the respondent
Crown Law for the intervenor

- [1] On 24 May 2019 I made the following orders in this matter:
1. It is declared that the respondent's petroleum royalty decision dated 16 December 2015 was invalid and of no effect.
 2. The respondent's petroleum royalty decision dated 16 December 2015 is set aside with effect from the date it was made.
 3. The matter to which the respondent's petroleum royalty decision dated 16 December 2015 relates is referred back to the respondent for further consideration and determination according to law.
 4. I will hear the parties on the question of costs.
- [2] The applicants have pointed out that my orders have not formally dealt with one of the claims for relief advanced in their application for a statutory order of review. I say "formally" because it was apparent from my reasons that –
- (a) I had recognised that the applicants had made a claim that I should make the declaration set out in paragraph 2 of their application for a statutory order of review; and
 - (b) I had refused to do so.
- [3] The applicants submit that as I refused that aspect of their claim, my orders should reflect that refusal.
- [4] The applicants' point is a good one. Amending the orders I made will serve the important purpose of ensuring that they more accurately reflect my intention at the time I made them. It may also serve to give the applicants a proper foundation for any appeal which they wish to pursue in respect of their failure to obtain the declaration they sought by paragraph 2 of their application for a statutory order of review.
- [5] Accordingly, I will amend the orders that I made on 24 May 2019 by inserting a new paragraph 1A as follows:
- "The applicants' claim for the declaration set out in paragraph 2 of the applicants' application for a statutory order of review is dismissed."