

Our reference [REDACTED]

Phone [REDACTED]

Email [REDACTED]

Your reference [REDACTED]

21 December 2021

Baker & McKenzie

By email: [REDACTED]

350 Australia - Empire Energy Group Ltd

We refer to your letter of 17 December 2021 and our email reply of the same day. Our client considers that it would be worthwhile providing a more fulsome response to your letter.

Our client makes the following comments regarding the alleged “additional misstatements” referred to in your letter. It does not agree that any misstatements have been made.

Paragraph 5(a)

It is our client’s opinion that the spills were serious and substantial, based on the matters recorded in the Order. According to the EPA, both the spills “reached and caused the observable presence of oil and a sheen in the Saline River” and “was in a quantity that has been determined may be harmful”.

Paragraph 5(b)

It is our client’s opinion that the facts are not in dispute. Your clients did not admit the EPA’s factual allegations, which does not advance the matter one way or the other; it chose to take no position. Our client sees no basis for suggesting that there is any dispute over the facts.

Paragraph 5(c)

The Order was entitled “Complaint and Consent Agreement, Final Order”. Our client has not suggested that a complaint was formally filed, however it clearly was issued by the EPA.

Paragraphs 6 to 14

These paragraphs restate your client’s central assertion that it followed the legal requirements to obtain consent. Our client’s point is that there was and remains opposition to the project, expressed and maintained by some of the traditional owners. The evidentiary record of this is clear. It is obviously not your client’s preference that it be highlighted, but our client is entitled to do just that.

Paragraphs 15 to 16

Our client maintains its opinion on this matter and sees no reason to qualify it.



Publication

The correspondence between us has been published by our client at this link:
<https://350.org.au/update-regarding-our-video-reckless-empire-energy/>

This letter will also be published at the same location.

Yours sincerely




Managing Partner