

## **Senator Hanson-Young, Second Interim Report, Tabling Notes**

### **Tamboran - Fracking the Beetaloo**

The Environment and Communications committee was forced to make an interim report on the conduct of a U.S gas company named Tamboran.

Earlier this month, Tamboran's recently acquired wholly owned subsidiary, Sweetpea Petroleum - a company registered to a notorious tax secrecy building in Delaware, received \$7.5 million in public money from the Morrison government.

As part of the Senate's inquiry into this Beetaloo Drilling Program, the Committee wrote to them on three occasions, inviting them to appear and answer questions in light of receiving public money.

In the first two requests they replied saying they did not want to appear. With the last request inviting them to reconsider there was a delay in response, but they again refused and made the claim 'we understand we are absolutely entitled not to appear if we wish.'

The committee then resolved to issue a summons to compel them to attend.

This is a power of compulsion that is not very often used. Santos and Origin had also refused to attend, but after being issued with a summons by the committee, they agreed to turn up and answer questions in Canberra.

Tamboran however, didn't even bother to turn up. No phone calls or emails have been sent to the committee explaining why they will not comply with the summons.

Tamboran have thumbed their nose at the committee and they have thumbed their nose at the Senate. They have pocketed their millions from the Morrison government to frack the NT and they must feel like they sit above parliamentary supremacy.

I have some news for these U.S cowboys - they don't.

The High Court confirmed this power of compulsion in 2018, with Justice Gordon stating:

Section 49 of the Constitution provides a source of coercive authority for the two Houses of the Commonwealth Parliament and the members and committees of each House to summon witnesses or require production of documents, under pain of punishment for contempt; a power that can be traced to English practices pre-dating Federation.

The Committee has agreed that Tamboran's actions, on their face, may constitute contempt of the Senate, pursuant to Senate Privilege Resolution 6(13), which states 'a person shall not, without reasonable excuse...refuse or fail to attend before the Senate or a committee when ordered to do so'.

We understand that there will not be sufficient time to allow for a referral of this matter to, and consideration by, the Privileges Committee in this 46<sup>th</sup> Parliament.

However, the committee has resolved to commence this process by notifying the President of the grounds for the referral under Privilege Resolution 7, and then pursue this matter further in the 47<sup>th</sup> Parliament.

This is really quite extra ordinary behaviour. Odgers mentions times where contempts have occurred. Unauthorised disclosures, harassment of a Senator and penalties imposed on witnesses for communicating with Senators.

But never in our Senate's history of contempts has a witness refused to comply with a summons.

But this episode appears to represent a pattern of behaviour from this U.S fracking company.

In response to a request from the committee, the Directors of pastoral company Rallen provided us with legal letters from the solicitors of Tamboran and Sweetpea which the committee has published.

What is apparent from these letters is that they are highly aggressive and threatening to the directors of Rallen and their solicitor.

Tamboran are quite clearly used to getting what they want and they seek to intimidate anyone who stands in their way.

On the first occasion in May last year, Tamboran issued a cease and desist letter after Rallen asserted their legal rights about them entering onto their land. Rallen alleged that Tamboran's joint venture partner hadn't followed legal requirements to access their land. These are hardly grounds to issue a cease and desist.

Then in August, Tamboran's solicitors sent a further threatening letter after Tamboran listed on the Australian Stock Exchange. Their initial share price offering was lower than what they had hoped for. To quote Angela McDonald-Smith at the AFR:

*Outback shale gas explorer Tamboran Resources had a rough start to life as a publicly listed company, with its shares sliding 12.5 per cent on their debut day of trading in what has become a particularly difficult market for fossil fuel producers.*

Tamboran were then forced by ASIC to reissue their prospectus because they were relying on data up to two years out of date to paint a rosy picture of gas exports.

Without any evidence or grounds for complaint, they threatened a tort claim against Rallen for making - and I quote "misleading statements" - about them to the ASX and ASIC. These are claims which Rallen never made publicly or privately and this legal threat left them - quite frankly, confused.

Tamboran's share price has tumbled further since then, in the midst of a gas price boom caused by the Russian invasion of Ukraine which is supposed to

lift all boats, the price is sitting at 25 cents a share, below the 40 cents they received in July when they listed.

Finally, I note that Tamboran just recently disclosed to the ASX that they will be drilling in Tanumbirini, on Rallen's pastoral lease this year. This is a very ambitious claim. They are still yet to secure a drilling environmental management plan, an access agreement and an Aboriginal Areas Protection Authority certificate.

But more importantly, Tamboran has not disclosed to the ASX that Rallen has appealed the NT Civil and Administrative Tribunal's land access dispute to the Supreme Court.

This - one would think - is a significant matter to disclose to your shareholders.

In conclusion, this is not a company that we should trust to deal respectfully with First Nations in the NT, we shouldn't trust them to frack the fragile pastoral lands in the outback and threaten those precious groundwater resources.

There is still a long way to go in this Beetaloo saga and Tamboran should now be on notice that neither Australians nor their Parliament will not tolerate this kind of behaviour.