

## **MEDIA STATEMENT**

**1 July 2021**

### **Supreme Court judgement – legal proceedings against anti-fossil fuel activist**

**Please attribute the below to an Adani spokesperson:**

*“We welcome the Supreme Court’s decision, released today, which orders that Mr Pennings has restricted, and supervised, access to limited parts of our confidential information. This is expressly what we had asked the Court to order.*

*“We have gone to great lengths to ensure that our confidential commercial information, including the identity of our contractors, remains protected. This decision, and the additional undertakings the Court required Mr Pennings to give, vindicates that effort.*

*We look forward to progressing our case in accordance with the Court Orders, including making submissions regarding the costs of this proceeding, as invited by the Court.*

*“This decision is a small part of our larger legal case against Mr Pennings, where we claim that Mr Penning has orchestrated a sustained campaign of harassment and intimidation against Adani’s business, employees, contractors and potential business partners spanning almost a decade.*

*“This is not about inflicting hardship on Mr Pennings, rather we are enforcing our rights to carry out our business and give regional Queenslanders a fair go in terms of jobs and contracting opportunities.*

*“This legal action does not seek to limit free speech. As we have repeatedly stated, we believe a diversity of views is an important part of democracy.*

*“And while this behaviour has had no immediate impact on our progress, it has put our employees, contractors and the activists themselves in potential danger.”*

**ENDS**

### **Editor's Note:**

- Today's decision is part of the civil legal proceedings that Adani began last year in the Queensland Supreme Court against anti-fossil fuel activist Mr Ben Pennings to enforce our rights, and allow our employees and contractors, to carry out legal and legitimate business activities free from intimidation and harassment.
- The full decision can be read via the following link. Key paragraphs are: 72, 74 and 89. <https://www.sclqld.org.au/caselaw/QSC/2021/162>
- Adani is alleging that Mr Pennings has been instrumental in organising blockades and the occupation of offices and industrial premises of many of our existing and potential suppliers, as well as some organisations that have absolutely no association with Adani.
- We claim that he has caused distress to workers whose offices he has entered and he has used intimidation in an attempt to force meetings with executives.
- He has live-streamed video of our employees and our contractors and used their images without their consent or knowledge across social media channels in an alleged attempt to belittle and intimidate them.
- Construction of the Carmichael Mine and Rail project commenced in June 2019 and works are continuing in line with COVID-19 restrictions.
- Throughout the construction phase of the project, activists have repeatedly sought to disrupt our operations, blocking entry and exit points to our mine camp and access roads.

### **Further background on the legal action by Adani against Mr Pennings**

This document summarises the legal nature of the case that Adani has initiated.

#### 1. The underlying Adani case.

The underlying case against Mr Pennings is not to do with freedom of speech, or "activism".

The case pursues Mr Pennings, and potentially some of his associates, for the commission of multiple torts against Adani. Chief among them are:

- a. Trespass on land;
- b. Trespass against goods;
- c. Inducing breach of contract;
- d. Tort of intimidation;

All of these causes of action are founded in common law and are available to us. Adani is not attempting to create "new law" in this action.



Mr Pennings will have the opportunity to defend every claim put forward by Adani.

2. Remedy

Adani is seeking compensation for the loss arising from the torts listed above.

Adani is also seeking permanent injunctions against Mr Pennings and any of his associates who have been involved in tortious activities against Adani. The injunctions do not in any way seek to inhibit speech or “activism”, for so long as those activities do not constitute torts against Adani’s activities in the future.

(ENDS)