

29 June 2023

Ms Joana Partyka



Dear Ms Partyka

Incident at Woodside premises - request for documents

We act for Woodside Energy Ltd (*Woodside*).

We are instructed that, on or about 10.05am on 1 June 2023, Ms Kristen Morrissey attended Woodside's head office, situated at 11 Mount Street, Perth, without permission, and discharged a gaseous substance and smoke flares on the premises (*Incident*).

We also understand that, on or about 12 June 2023, you were charged with doing an act with the intention of creating a false belief as to the existence of threats or danger, and of doing or omitting to do acts causing bodily harm or danger, both contrary to the Criminal Code (WA), in connection with your alleged role in the Incident.

Woodside has reason to believe that persons other than you and Ms Morrissey were involved in the planning, preparation and/or execution of the Incident. In this regard, we make the following observations:

- 1 At Ms Morrissey's bail hearing before Magistrate Tavener on 13 June 2023, we understand that the police prosecutor stated that four individuals had been arrested in connection with the Incident, and another individual had been brought in for questioning. Woodside is not aware of the identity of the individuals arrested or brought in for questioning. Based on the police prosecutor's statements, however, it may be inferred that the persons arrested had some involvement in the Incident, sufficient to give rise to a reasonable suspicion that they committed an offence in connection with the Incident.
- 2 The Western Australia Police Force has publicly stated that multiple search warrants were executed on 12 June 2023 in connection with the Incident, as a result of which a number of items were seized for further investigation. We understand, based on a statement attributed to you in an article published on the 'WA Today' website on 13 June 2023 (a copy of which is enclosed with this letter), that one of the search warrants related to your premises. It may nonetheless be inferred, from the issuing of the warrants, that reasonable grounds exist to suspect that individuals, other than you, may hold things relevant to offences relating to the Incident. Again, Woodside does not know the identity of the individuals who were (or whose premises were) subject to the warrants.
- 3 On the day of the Incident, a number of publications were released on websites associated with the 'Disrupt Burrup Hub' group, with which you have publicly aligned yourself. Those publications, which include press releases and Twitter posts (copies of which are enclosed with this letter), state that the

Our Ref 121156319:121156319
TRLP 805440202v8 121156319 29.6.2023

purpose of the Incident was 'to shut down business as usual for Woodside', in furtherance of 'the job we started at the Woodside AGM last month, using a harmless warning to evacuate people from potential harm' (emphasis added). We understand the 'job we started' to be a reference to a separate incident on 28 April 2023 in which two individuals, associated with the 'Disrupt Burrup Hub' group, attended the annual general meeting of Woodside Energy Group Ltd where they allegedly planned to use gas and smoke flares to cause the meeting to be evacuated. It is notable that at least some of those publications are expressly stated to have been released while Ms Morrissey was either carrying out the Incident or being held in police custody, when she would not have had access to a device which she could have used to cause the publication of the materials herself. These relevantly include a video of Ms Morrissey making a (apparently pre-recorded) statement about the Incident, which was published on the 'Disrupt Burrup Hub' Twitter account while Ms Morrissey was in custody.

We also note that the Incident occurred against a background of multiple protest actions carried out by persons associated with the 'Disrupt Burrup Hub' group, including you, with the clear intention of causing Woodside financial harm. For example, the press releases issued by the group on the day of the Incident refers to a separate incident on 19 January 2023, in which you sprayed the Woodside logo on an artwork displayed at the Art Gallery of Western Australia. That incident is the subject of other press releases by the 'Disrupt Burrup Hub' group, including one dated 23 April 2023 (a copy of which is enclosed with this letter) which describes you as a 'Disrupt Burrup Hub campaigner'.

As a result of the Incident, Woodside has suffered loss and damage, including costs associated with cleaning areas of its premises affected by the Incident, and lost productive time to Woodside's business, caused as a direct result of Woodside's workforce being required to evacuate the premises for several hours while the Incident was investigated and the safety of the premises assessed, such that they could be declared safe for re-entry.

In light of the matters set out above, Woodside believes it may have a cause of action against persons, in addition to you and Ms Morrissey, arising out of the Incident and wants to commence proceedings against them (in addition to yourself and Ms Morrissey). However, Woodside has not been able to ascertain the identity of those other persons. In light of your having been charged in connection with the Incident, and your involvement with the 'Disrupt Burrup Hub' group, Woodside considers that you may have possession of information, documents or other objects that may assist in ascertaining the description of those other persons.

Woodside therefore requests that you deliver up all documents in your possession that identify or contain a description of other persons involved in the planning, preparation and/or execution of the Incident.

For the purpose of this request, 'document' means any record of information, and includes (without limitation):

- 1 anything on which there is writing;
- 2 anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- 3 anything from which sounds, images or writings can be reproduced with or without the aid or anything else;
- 4 a map, plan, drawing or photograph; or
- 5 emails, text messages, instant messages (including messages sent via WhatsApp, Facebook, Instagram, Twitter, Microsoft Teams, Telegram, Viber, Discord, Skype, Signal, Wickr, WeChat or Snapchat) or any other electronic communication.

'Possession' includes information, documents or any object in your custody or power.

Please provide the documents requested within seven (7) days from the date of this letter. You may provide the documents electronically, by email to the undersigned, or in hard copy (in which case, please contact either of the authors to arrange a suitable location to deliver the documents).

If you do not comply with the request set out above, we are instructed to apply to the Supreme Court of Western Australia for pre-action discovery orders against you and/or an order for you to personally attend the Court to be examined in relation to the description of any party Woodside may have a cause of action against, pursuant to Order 26A rule 3 of the *Rules of the Supreme Court 1971 (WA)* (**Supreme Court Rules**).

If you do not intend to comply with Woodside's request, please advise us of your availability for conferral, for the purpose of Order 59 rule 9 of the Supreme Court Rules, to attempt to resolve the matters giving rise to the foreshadowed application for pre-action discovery.

Finally, as you are now on notice of the possibility that an application for pre-action discovery, or other civil proceedings, may be brought against you in connection with the Incident, we note that you must preserve, and not destroy, all documents which may be relevant to the Incident, including both hard copy and electronic records.

All of Woodside's rights are reserved.

Yours sincerely



Philip Blaxill
Partner
Allens
Philip.Blaxill@allens.com.au
T +61 8 9488 3739

Richard Lilly
Partner
Allens
Richard.Lilly@allens.com.au
T +61 8 9488 3805

End