

School of Media, Creative Arts and Social Inquiry

**Representation of the Montara Oil Spill
in Australian and Indonesian Media**

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Abstract

This thesis addresses the question of how news reports on the Montana oil field disaster vary between Indonesian and Australian online newspapers. Articles published by three online newspapers in each country between December 2006 and May 2017 were analysed with particular attention to which newspaper reported which event using which source in the lead up, during and after the oil leak from a well at the Montara platform in the Timor Sea. Analysis of the corpus of articles identifies key absences in the reporting of events by different newspapers and provides insights into the relationships between these absences, intended readerships and sources of information on the unfolding disaster and subsequent compensation case. The study describes dynamics in the play between sources becoming authorities, for affected people to be heard and for blame to be shifted or levelled at others. This study indicates the importance of proximity in relationships between locations of environmental disaster, news production and news sources is being maintained in the age of online news production.

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Montara Event Timeline

8 December 2006

Due to its IPO being under subscribed, Coogee Resources withdraw its float. Despite the funding setback, the company maintains its production date for the Montara oil field.

15 October 2008

Gordon Martin announces that Coogee Resources is for sale.

26 December 2008

A deal between the Martin family and PTT is announced. On Christmas eve, PTT agreed to buy Coogee Resources for \$170 million in late January 2009.

21 August 2009

A wellhead leaks oil at the Montara platform. The oil spill is reported to be closing in to Indonesian coast in September.

3 November 2009

The leak is plugged. Discussions and negotiation for compensation begin.

25 November 2010

Montara Inquiry report is released to the public.

1 September 2012

PTTEP is fined \$510,000 for the Montara oil disaster in Northern Territory court.

22 August 2016

First class action trial starts. The lawsuit was filed on 3 August 2016 by Daniel Sanda representing 13,000 seaweed farmers.

February 2017

President Joko Widodo visits Australia. YPTB tries to make Montara one of his main discussion topics during the state visit.

April – May 2017

Indonesian Government sues PTTEP, PTT PCL and PTTEP Australasia over the Montara oil spill.

Abbreviations

Antlamor : Aliansi Nelayan Tradisional Laut Timor (Alliance of Timor Sea Traditional Fishermen)

APPEA: Australian Petroleum Production and Exploration Association

B&B: Babcock & Brown

HLFL: Harbour Litigation Funding Limited

IPO: Initial Public Offering

MoU: Memorandum of Understanding

NOPSA: National Offshore Petroleum Safety Authority

NT: Northern Territory

NTT: Nusa Tenggara Timur / East Nusa Tenggara

PESA: Petroleum Exploration Society of Australia

PTT PCL: PTT Public Company Limited

PTTEP: PTT Exploration and Production

PTTEPAA: PTT Exploration and Production Company Australasia

WA: Western Australia

WTCF: West Timor Care Foundation (Yayasan Peduli Timor Barat)

YPTB : Yayasan Peduli Timor Barat (West Timor Care Foundation)

Chapter 1: Introduction

On 21 August 2009, a leak occurred in the wellhead operated by Petroleum Authority of Thailand Exploration and Production Australasia (PTTEPAA) in Montara oil field in the Timor Sea (Australia Lawyers Alliance, 2015). The leak was finally plugged on 3 November 2009, after 74 days and five attempts (Department of Resources, Energy and Tourism, 2011). This leak would later be dubbed as the largest offshore spill in Australian history (Temper et al., 2015). This thesis examines how Australian and Indonesian news media dealt with the Montara oil field disaster.

1.1 Context and Research Question



Figure 1. Montara oil platform ruptured in 2009 (Lannin, 2016)

The massive spill involves many parties. PTTEPAA as the owner and operator of the leaking well has an obvious position in the case, but there are many other parties, such as the Australian Maritime Safety Authority (AMSA) that took charge of tackling and cleaning up the spill; the oil and gas industry represented by Petroleum Exploration Society of Australia (PESA), Australian Petroleum Production & Exploration Association (APPEA) and other organisations; the Federal Government of Australia, National Offshore Petroleum Safety Authority (NOPSA) and the Northern Territory (NT) Government.

The well is located in Australian waters, but the spill flowed into Indonesian waters. This increased the number of parties involved in the case. With the spill located 250 km from the coast (White, 2011), on-site reporting by journalists was restricted, yet most people in Indonesia and Australia

learned of the disaster through news reports produced by large media organisations. Oligarchic news organisations continue to play an important role in influencing public opinion despite the prolific uptake of social media (Tapsell, 2017, p. 150-153). Journalists sourced information from various parties involved in the case, and each party had an interest in providing or withholding information that was, ultimately, selected for inclusion or exclusion in the reports produced by news organisations for their particular readerships. The Montara oil spill has provided an opportunity for investigating and comparing how Indonesian and Australian news organizations report on an environmental issue affecting both countries. Therefore, this study addresses the research question: How do online newspaper reports on the Montana spill by Indonesian media differ from reports on the same topic by Australian media?

1.2 Research Methodology and Steps

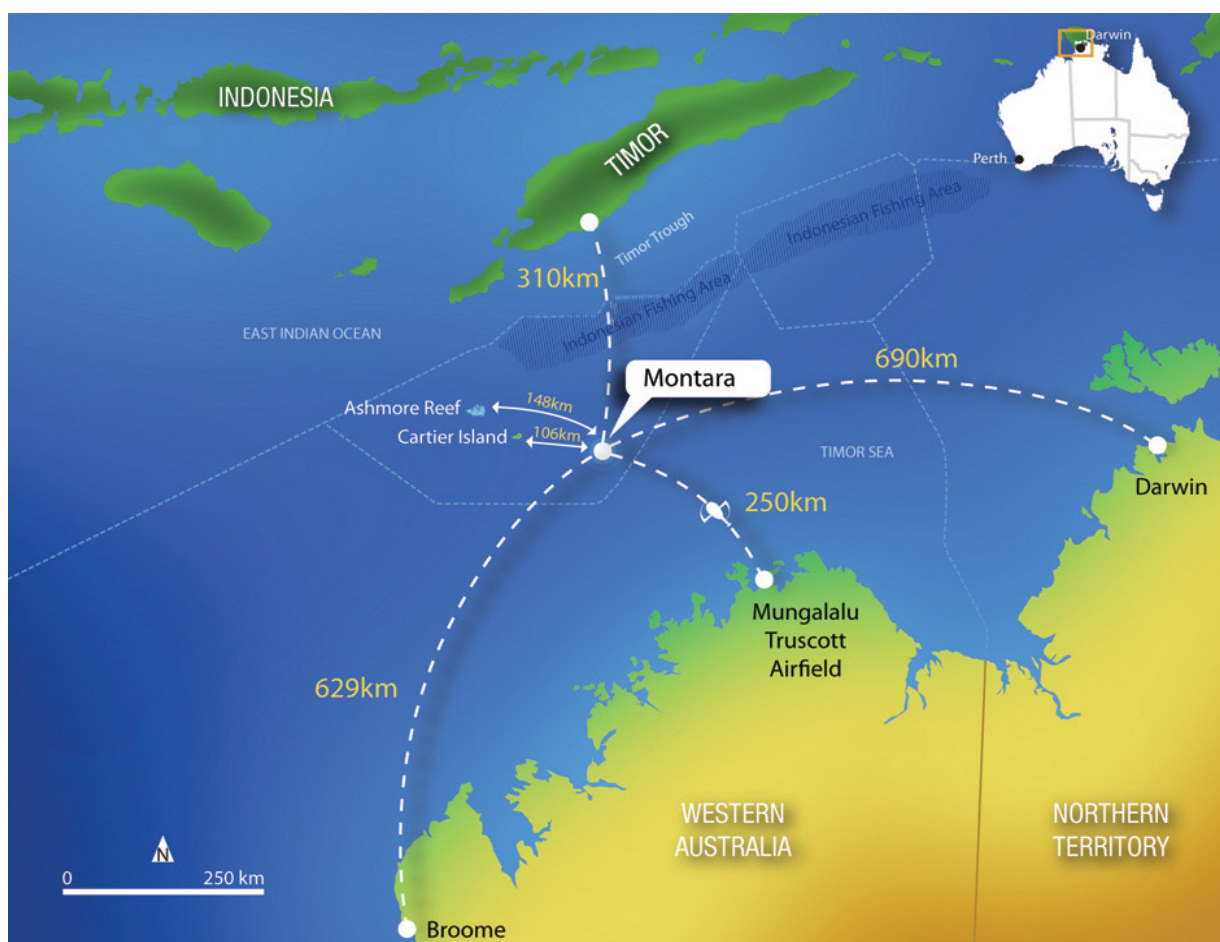


Figure 2. Montara-Map. (PTTEP, n.d.)

In examining how oligarchic media reports on the case and in making comparisons between Indonesian and Australian media, three large online newspapers with different readerships from each country has been selected for analysis: *Kompas*, *Pos Kupang*, *Bisnis Indonesia* from Indonesia; and, *The Australian*, *The West Australian* and *The Australian Financial Review* from Australia. These newspapers are directed at national, provincial and business readerships respectively in their respective countries. Three hundred and thirty-four articles from these

newspapers referring to “Montara” were identified, from which a corpus of 41 articles was selected. Articles were included in the corpus “according to the *intensity* with which the interesting features, processes, experiences, etc., are given or assumed in them” (Patton as cited by Flick, 2007, p. 28). The first article in the corpus was published on 8 December 2006 regarding an unsuccessful Initial Public Offering for the Montara oil production project. The last article in the corpus was published on 9 May 2017 regarding the Indonesian Government’s pursuit of compensation. Texts in the corpus have been analysed using an approach suggested by Bob Hodge (2017), which uses multimodality as a base, providing flexibility and capability to see from many different angles (Hodge, 2017, p. 14). This approach discussed in chapter two enables us to pursue “meaning in all form and contexts” (Hodge, 2017, p. xi).

1.3 Organisation of Thesis

This thesis is set out in five chapters. The first chapter states the research question and introduces the background and context surrounding the Montara oil spill. It also introduces the methodological approach to answering the research question and how the thesis is organised. The second chapter discusses the approach in more detail and in relation to literature on similar studies. The third chapter provides a detailed analysis of the corpus of Australian news articles. The fourth chapter analyses the Indonesians news articles. Chapter five discusses interesting themes emerging from the analysis, and compares relevant examples from the different publications. The sixth chapter synthesises these themes into three key findings, discusses their implications and offers an overall conclusion in answering the research question.

Chapter 2

This chapter reviews literature that informs this investigation of media reports on the Montara oil spill. The selected literature describes theories of semiotics, multimodality, transformation, ideology and imagined communities as well as recent studies of media reporting on oil and gas disasters.

2.1 Social Semiotics for a Complex World

In *Social Semiotics for a Complex World*, Bob Hodge writes about language, meaning and society (Hodge, 2017). He describes various approaches synthesised into a “chaos theory” quest for finding meanings (Hodge, 2017, p. xiii); that is “better equipped to deal with mess, confusion and relative disorder” (John Law as quoted by Hodge, 2017, p. 14). For this purpose, Hodge uses multimodality (Halliday as cited by Hodge, 2017, p. 14) in analysing the multiple dimensions of “language and meaning in social contexts”. The quest for meaning means we have to trespass various boundaries, looking at points of interactions and their source wherever they might be. Even a single symbol can carry deep meaning when you consider its interaction points such as culture and time. This approach is flexible and can be applied to different languages, making it suitable for this study. Using this approach, it is possible to take meaning from anything that could be considered as signs and understand how signs are influenced and are being influenced by other signs, situation, sources and other possible interaction points.

The semiotic system in which words reside can be analysed with this approach and Hodge presents Chomsky’s transformation as his main tool for this analysis. With transformation, “boundaries between wholes and parts are created and dissolved” (Hodge, 2017, p.13), forcing hidden meanings, “traces of meanings and thoughts” to surface (p. 107). Ambiguity is also “a powerful tool” within “normal product of co-construction of texts and meanings” (p. 134).

Another point of interaction is ideology, which Hodge (2017) called “an important yet problematic term for analysing language and social meaning” (p. 168). Hodge adopts a model described by Marx and Engels emphasising ideology as representation and focussing “on the relations of signs to reality, which it sees as so functionally distorted that it invites attention both to the semiotic dimension and to the political and social reasons and forces which create it” (Hodge, 2017, p. 168). John Frow also emphasises the importance of ideology in perceiving meaning, in understanding how ideology forms and is formed by one’s reality (Engels, Godelier as cited by Frow, 1986).

Hodge also looks to Stuart Hall in examining representation of race and ethnicity that distinguish people (Hodge, 2017, pp. 168-169). This, ultimately, leads us to consider how communities are imagined in order to conduct an informed analysis of news reports addressing different audiences in different languages.

2.2 Imagined Communities

Imagined Communities, written by Benedict Anderson (1992), describes how humans divide themselves into groups, and what influences them to do so. Anderson shows that media and language are highly influential. For example, separation of the catholic church was influenced by Martin Luther translating the bible into a language outside Latin (pp. 39-40) and how English united what is now known as England (p. 41).

Anderson also stated that “Print-language ... invents nationalism” (1992, p. 134), showing how humans group themselves within groups of people who understand the meanings they convey. Within this idea, Anderson described how geographic, political and economic factors influenced people’s understanding of reality, which in turn can be influenced through the consumption of media contents. With the rise of the internet, there are expectations that these factors are no longer limited in the same way as before. Volkmer argued in favour of this expectation, stating that the internet fueled a new type of communication called “public interdependence” which was not limited by space and that those engaged in it shared the same non-national public values (Volkmer, 2014, pp. 93-94, 102, 107).

Tapsell (2017) described the evolution of media organisations in Indonesia. From state control of the media, to control being usurped by and handed to oligarchs, and eventually the current situation, where internet and social media give people a way to voice unfiltered opinion, while enabling the oligarchs to use the internet to consolidate their media business. According to Tapsell, oligarchic news organisations continue to play an important role in influencing public opinion despite the prolific uptake of social media (Tapsell, 2017, pp. 150 – 153).

2.3 Similar studies

This study has been informed by contemporary studies of media reporting and representation of petroleum industry disasters from the Bhopal leak in India (Sharma, 2014) to an oil tanker collision in Trinidad and Tobago (Steele, 2016), the Deepwater Horizon oil spill in the Gulf of Florida (Chewning, 2014; Johnson & Goggin, 2015; Kleinnijenhuis et al, 2015; Watson, 2014; Watson, 2016), and to the Lapindo disaster in East Java (Drake, 2017).

The Deepwater Horizon oil spill is somewhat similar to Montara oil spill: both are major oil spill cases in which blame shifted to foreign oil companies. Deepwater Horizon rig, located in the Gulf of Mexico, US, was leased to BP, a British company, at the time of the spill (Pallardy, 2018); Montara oil rig was owned by PTTEP, a Thailand company, when the spill occurred.

Chewning (2014) studied the crisis response to the BP oil spill in the Gulf of Mexico, examining texts by the Associated Press, News Releases, BP Facebook, and Facebook stakeholders. Chewning focuses on the most influential words from each of these and mapped them. Chewning uses Centering Resonance Analysis (CRA) method “to estimate a word’s influence in the text” (Chewning, 2014, pp. 74). Watson’s (2014) study asked if journalists’ political belief biased their

coverage of the spill. Watson matched a survey done on an individual level against articles written by the journalists. Watson's (2016) other study compared discourses produced by news organisations and Twitter users. Kleinnijenhuis and colleagues (2015) researched how public relations as sources influenced news on the BP oil spill, which in turn influenced the public awareness and opinion on the issue, including the movement of BP's share price. This study focused on how the media responded towards sources in publishing their articles. Johnston and Goggin (2015) researched how media coverage of the BP oil spill influenced public opinion on President Obama. They looked into how the blame was being shifted in the media and found out about opinion shifting during the spill.

The media study on the Trinidad and Tobago oil spill (Steele, 2016) is broader than the media studies on BP. Steele looked at how media framed the issue, and if the way they did influenced conflict among stakeholder parties. The spill in Trinidad and Tobago is not as well known as the Deepwater Horizon spill, just like Montara, and Steele's study is the first media study done on the case.

Bhopal gas incident has some similarities with Montara oil spill. Sharma (2014) found the case went underreported at some moments and describes the people struggling for justice against the company responsible for the gas incident.

On the Lapindo disaster, Drake (2017) describes a company trying to control the narrative around the mudflow triggered by its project, and examines representation of the mudflow in the media and what it in turn influences.

These studies provides insight on necessary points which could become focus for media study on a disaster, including blame attribution, framing, and bias.

Chapter 3: Australian Media

This chapter will examine how the Montara project, disaster and subsequent court case were reported by oligarchic media organisations in Australia. All three selected Australian media organisations published reports on the Montara oil project long before the spill occurred and all three reported a major event on 8 December 2006, when the Initial Public Offering (IPO) failed to raise fundings for the project.

3.1 The West Australian

The West Australian published the most articles on Montara . *The West Australian*, owned by Seven West Media, is based in Perth and known for its high daily market penetration (Seven West Media, 2017). *The West Australian* started its first article (Appendix 1), dated 8 December 2006, by citing analysts, whose identities were not disclosed, blaming the company advisors for the IPO's failure:

Analysts accuse blue-chip advisers of botching pricing on Coogee Resources' Timor Sea oil project raising

The West Australian also named these advisors:

Analysts said the company's advisers, Credit Suisse and Goldman Sachs JBWere, botched the pricing, despite earlier warnings not to alienate potential investors by chasing too much cash.

Although Goldman Sachs JBWere was among the advisors accused of ruining the float, this firm would be referred to again later when Martin sells his company two years later.

A subsequent sentence repeats not only the blame that the advisers botched the pricing, it also tells the readers that there were previous. The article provided pricing details for investors, beginning with the price of the failed float:

A lukewarm response from major investors has forced Perth chemicals tycoon Gordon Martin into an embarrassing decision to scrap the \$800 million float of his Timor Sea oil developer, Coogee Resources.

Then:

Mr Martin was auctioning off a 45 percent stake in Coogee to part-fund development of its \$460 million Montara oil project ...

It is questionable why and how the value of the float could be higher than the whole project.

The article discussed the pricing set by Coogee Resources:

Coogee set an indicative price range of \$1.90 to \$2.33 a share in a bid to raise \$380 million, with the final price to determine the number of shares auctioned off.

And the price offered by institutional investors:

... few are believed to have offered more than \$1.75 a share, meaning Coogee would have been able to raise no more than \$369 million before costs if the maximum 211 million shares were issued.

Notice that [few] probably means most of the institutional investors offered less than the amount indicated, and [believed] probably means the author of the article had no idea of the actual exact amount of price offered by the institutional investors. The amount of maximum shares given in this sentence gives a sense of the [cost] mentioned, combined with the previous sentence. The lower set by Coogee Resources is \$1.90 a share. With 211 million shares issued, they would raise about \$400 million. The previous sentence that the amount of capital Coogee Resources is looking to raise is \$380 million. Therefore, it's safe to assume that the [cost] mentioned amounts to around \$20 million. Even without the cost, Coogee would need to sell the stake for about 1.80 per share. The article stated that Peter Hood declined to comment about the price, which becomes the reason for the guessing game.

The article also quoted Peter Strachan, the author of StockAnalysis:

The price was clearly too high ... something between \$1.70 and \$1.80 was probably fair value ...

By quoting an authority on the price, the article probably strengthened its accusation that the advisers were [chasing too much cash].

On the last paragraph, the article quoted Peter Hood who said that "the development schedule for Montara should not be affected by the float's cancellation". Would the development schedule really not be affected by the cancellation? Questionable.

The next article (Appendix 2), dated 15 October 2008, is about the sale of Coogee Resources. The reason given for the sale is because potential investors weren't interested in acquiring only one-third of the company (which is the amount of stake owned by B&B). This begs the question why Martin, who owned about 60 percent of the company, put his shares of the stake on the market too.

Goldman Sachs JBWere, accused of ruining the float on the previous article, took care of the sale of Coogee Resources and said that "it expected to conclude a sale by the end of next month". While it's not clear, but Goldman Sachs JBWere might be the link that could explain why Martin put his shares on the market. Another possible reason is the cost blowout reported to be suffered by Coogee Resources.

This article also mentions the value of Coogee Resources, informing the readers that B&B investment in the previous year valued Coogee "at more than \$570 million". Although coming from different authors, the articles somehow could be linked to one another. One is the link about Goldman Sachs from the previous article to this one, then the link about the price which goes to the

next article in the corpus. The *West Australian* probably didn't link them deliberately, but for the readers that follow the case through *The West Australian* will notice these links.

The article cited Martin that he was disappointed about the sale, and quoted Martin:

... We haven't breached any covenant with the bank ... we have had an overrun so do we go out and get more debt or do we put the whole company on the block?

While shaped as a rhetorical question, given they had announced about the sale of Coogee Resources, this sentence provided a choice Martin could have made instead of selling Coogee Resources. Given Gordon Martin seemed to be a reluctant seller, this had probably been his first choice.

A day after Christmas in 2008, *The West Australian* published an article (Appendix 3) on the deal of Coogee's sale to PTT. The deal came more than a month after Martin announced the sale, the time expected by Goldman Sachs to conclude a sale in the previous article. The first sentence gives us the price of the company:

WA multi-millionaire Gordon Martin has struck a \$US170 million (\$250 million) deal to sell his unlisted oil and gas company, Coogee Resources, to Thailand's national energy group.

The price of the company somehow is much less than the value that was given by the previous article. The last article cited Coogee's value at more than \$570 million. The latter part of the article gives hints of why Martin agreed to the price:

Plunging oil prices, a cost blowout at Montara and the uncertain global financial environment — Coogee has \$US270 million of debt — influenced Mr Martin's decision to later put the whole group on the market.

While it's not clear if these were the reason, the article does inform that Gordon Martin hinted some regret, and despite doing that, he was quoted to have said that PTT "bought themselves a very good company and, in the circumstances, we are delighted". Calling Coogee "a very good company" might be a way to convince PTT that they had a terrific deal. Additionally, if he was regretting the sale, it is questionable why he was "delighted", which might as well be a sign that something troublesome was up and he was delighted because this deal freed him from his trouble.

Cost blowout could also be a hint that Coogee couldn't continue its business activities as usual because they lack the capital to do so and they probably had been cutting corners to keep the company surviving.

The article also mentioned that PTT bought Coogee mainly not because of the Montara oil project, but rather "as a springboard for expansion in Australia". Of course, that doesn't mean they abandoned the project:

The deal ensured continuity, with Coogee's management and staff to be retained by PTT, and also guaranteed completion of Montara.

It's possible that for the employees nothing really changed.

On 29 August 2009, *The West Australian* published its first article on the spill (Appendix 4). Most of the information in this article attributed to Mike Groves, PTTEP's spokesman. Most of the information from Mike Groves, however, was summarised in one sentence in the leading paragraph:

The company behind the West Atlas oil spill has admitted it has no idea how much oil has leaked into the Timor Sea, or how much will be lost before the leak can be plugged.

Additionally, the only additional information is that there was a plan to intercept the flow in six weeks since then.

While *The West Australian* didn't have another article about the spill before this, the article was written as if the readers had known about the leak all along as seen from the second sentence:

The admission came yesterday amid accusations that the public had been misled about the true size of the spill, and that the slick now spans 180km.

For there to be [accusations that the public had been misled about the true size of the spill], there must be an estimate that was stated by the company or authority. A media with more reach than *The West Australian* might spread the earlier estimate.

Using transformation, we can see that the blame isn't directly attributed. Here we put [Public had been misled about the true size of the spill] into parts [Public + had been + misled + about the true size of the spill + (by X)] and transform it into [X misled the public about the true size of the spill]. Now we have X, whose identity isn't made clear. The way the first sentence was written, however, implied that X is likely to be the oil firm, which at that moment admitted that it [had no idea] about the size of the spill. In this case, we might be able to determine that the company fed the press an estimate before and at the moment it had just admitted that it was lying but tried to smoothen it up by saying that they had no idea of the size of the spill instead.

While the identity of the accuser isn't made clear, after several paragraphs, the article cited and quoted Greens Senator Rachel Siewert that told the media that:

The spill is far bigger than we have been told, and closer to the coast than expected

Additionally, the article cited Senator Siewert on the details of the plan PTTEP had to stop the spill:

She said the current plan to bring the relief drilling rig, West Triton, from Singapore would take too long. The rig ... is not expected to arrive on site for another 16 days, and will take a further four weeks to cap the stricken oil well.

These sentences paint PTTEP as untrustworthy and incompetent.

The next article (Appendix 5) analysed is about the success of stopping the leak, dated 4 November 2009. Jose Martins, the company director, was cited and quoted on the details on the operation, and also that he would "co-operate fully with the investigation into the incident planned by Federal

Resources Minister Martin Ferguson”. While it was not specified, but this probably was a statement of co-operation from the company, not just Jose Martins, given that he was speaking on behalf of the company.

The article also quoted Senator Siewert as she called an inquiry into the spill to be conducted “at arm’s length from both the Government and the company”. This painted distrust from the senator (or maybe even the whole party) to not only PTTEP but also the Government. This might be caused by the fact that Government was the regulator, and therefore shared the guilt for giving permission or not preventing the disaster.

Additionally, this article cited Australian Embassy in Jakarta, which called that it’s unlikely for Montara oil to be in Indonesian coastal waters. This added with information unpublished on other publications studied:

Only small patches of non-hazardous “weathered oil” had crossed into Indonesia’s exclusive economic zone, the closest of which was almost 100km south-east of Indonesia’s Roti Island.

Based on the source, this is known based on daily overflights (Kedutaan Besar Australia, 2009). It’s questionable how they would know if the oil had been weathered and non-hazardous just based on overflights.

On 25 November 2010, the Montara Inquiry report was finally published. On this day, *The West Australian* published three different reports related to the inquiry (Appendix 6 and 7).

The West Australian informs the reader that PTTEP “could be stripped of its exploration licences in Australia”. It also blamed various authority figures and organisations. It quotes Martin Ferguson:

These people fingered in this report, to put it bluntly, have a lot to answer for

[These people] mentioned weren’t detailed in the article. Are they the same people as those reported to be fired by PTTEP in a different article on the same day? Shouldn’t the leak be blamed towards [organisations] instead of people?

The other article that appeared on the same day reported PTTEP “sheds staff linked to blowout”. While the article names three people and informs the readers that these three people are fired, the article also informs that:

The Commission of Inquiry was damning of PTTEP Australasia’s corporate culture from head office to workers on the rig.

This sentence shows that the problem was PTTEP’s corporate culture. This means it’s not something that could be fixed just by firing a few people. Knowing this could it be that *The West Australian* chose to use [people] in the previous article to paint the story in a certain way and back up this article?

Contrary to what Jose Martins had said in the previous article, PTTEP is reported:

... highly selective in his evidence to investigators and had sometimes withheld information in case it should reflect badly on the company.

An ironic sentence, given withholding information actually reflect badly on the company, especially after the promise of being co-operative. This might also explain the time taken by the inquiry to solve the case and publish a report.

On 1 September 2012, *The West Australian* reported the result of the lawsuit in Darwin (Appendix 8), where PTTEP Australasia pleaded guilty to four charges and fined \$510,000. The article mentioned that:

It is the only financial penalty on the company and is less than one third of the maximum \$1.7 million that could have been applied.

This sentence tells us that the company could, and maybe should, have gotten more than financial penalty and that the amount of the fine could have been higher. The article quoted and cited a couple of people that bashed the decision. The first one was Senator Siewert:

The fines are not really sending a clear message to the industry that if you do the wrong thing you will be whacked

And WWF director Gilly Llewellyn:

... the disaster had been one spark away from causing mass loss of life and the fines failed to reflect that.

Clearly painting the decision as soft. Additionally, it reported that the company could still be going to face another charge:

West Timorese fishermen are claiming the spill spoiled their fishing grounds and are preparing to launch a multimillion-dollar compensation case.

I wonder if the fishermen mentioned were supposed to be seaweed farmers. Moreover, this sentence wasn't attributed to any source.

Throughout the corpus, *The West Australian* has no mention of the seaweed farmers' class action. However, *The West Australian* did cover Indonesian Government's civil action lawsuit. On the article (Appendix 9) published on 9 May 2017, *The West Australian* implied that Indonesia is going against a Thai company and its subsidiaries, one of which happens to be based in Australia, instead of Indonesia going against Australia:

Indonesia's Maritime Ministry launched a civil action against rig operator PTTEP Australasia, as well as its parent company, the state-owned PTTEP Thailand...

Additionally, Indonesia seems to be separating PTTEP AA and its parent company, and *The West Australian* follow suit.

3.2 The Australian

The Australian, published by News Corp Australia, is read by nearly half a million people (News Corp Australia, 2017). On 8 December 2006, *The Australian* (Appendix 10) informed its readers about Coogee's IPO failure:

THE most hyped oil sector float this year, that of Coogee Resources, has collapsed after institutional investors argued the risk of potential oil price movements in the next two years was too great.

This sentence informs its readers that Coogee's float was the most hyped investment in the oil sector. The second part of the sentence informs that it fails and a possible reason behind it. *The Australian* dedicated many parts of the article's body to explain this failure. One from Coogee Resources itself:

... bookbuild process for the IPO had "resulted in prices not attractive to the company and its shareholders at this time".

Additionally, quoting Peter Hood then-CEO of Coogee:

One was the 22-month time frame from raising the capital to achieving revenue and the other was a year's hiatus in Coogee conducting further exploration in its Timor Sea acreage.

Peter Hood also denied that oil price movement was the trigger for the IPO's failure:

It was not a question of the institutions believing the oil price would fall. It was a question that the time frame did not meet their risk profile

Coogee denied that risk of oil price movement caused the failure, suggesting that oil price movement is a big concern for Coogee Resources. As a business, its reason for existence is to make money. Should the oil price collapse to a certain point, developing Montara means losing money, in which case Coogee would lose its reason for existence. This is probably why Coogee denied oil price movement as the reason for IPO's failure.

Peter Hood also added that they won't be delaying the development of Montara:

... Coogee Resources was not considering suspending its Montara development plans at this stage ... it would not be addressed by delaying the date on which the project could deliver revenue.

This might suggest that they were in a dire situation and needed to get to the stage where they could produce revenue as soon as possible. This begs the question of how they plan to move on the development without money from the IPO and keep things on schedule. Additionally, the article stated that:

The failure of the IPO means that an associated \$313 million debt facility, also slated for Montara, will not proceed.

This probably means the likelihood of commercialising the oil by the third quarter of 2008, albeit about 2 years later, was low. It might also mean that Coogee needed to hurry things up and cut corners in order to make it on time. Knowing the disaster in 2009, it's probably unfair to say this, but Coogee Resources' failure to raise the money they need while keeping the original schedule may signal the pending disaster.

The next article (Appendix 11) from the *Australian* dated 15 October 2008, when Gordon Martin, whose family owned Coogee Resources, announced the company's sale. There is, however, confusion about the roles in the company, as the article attributed "chairman" role to both Gordon Martin and John Akehurst. Using information from the *Australian Financial Review*, we know that at this time, Martin had left the chairman position to assume the CEO role (Mansell, 2008). Did the journalist write "chairman" on Martin's role because of an older source?

According to the article, the reason for this sale is because B&B needed to sell their stake of the company, but "potential suitors appeared interested in buying 100 per cent of the company, rather than just the B&B stake". While B&B was probably in need to sell their stake in Montara and therefore had an interest in the action taken by Martin, it's not clear why it would be in Martin's family best interest.

While *The Australian* didn't publish an exclusive article on the sale of Coogee Resources to PTT, it mentioned the event in a different article (Appendix 12) on 24 March 2009. It informs the readers that:

PTT recently acquired unlisted Coogee Resources for \$US170 million ...

Since the deal was done in December 2008 and the change of ownership was in January 2009, this sentence might imply that 2 or 3 months can be considered [recent] in the business world. It's also possible that this sentence was used to paint the time as [recent], to give an impression that [a Thailand energy company is gobbling up companies that have access to Australia's resources one after another] since the main topic of the article is PTT's acquisition of Straits Resources.

The next article (Appendix 13) was published on 24 August 2009, three days after the oil spill occurred. Between the texts in the corpus, this was the earliest mention of the spill. It starts with:

THE exact cause of last Friday's crude oil and gas leak is not yet known ...

Telling us that they had no idea why the spill occurred. But as the readers read through the rest of the article, an explanation of why it occurred appeared. The explanation attributed to Mark McCallum, deputy chief executive of Australian Petroleum Production and Exploration Association (APPEA):

PTTEP had previously drilled into the Montara reservoir, so it had not anticipated the unusually high pressure ... they didn't quite have the blowout preventer installed in time

From this explanation, the reader can deduce that [an unanticipated high pressure] caused the leak, and something called “blowout preventer” could have prevented the leak.

Most of the information was attributed to Dr Gregory Webb, a geologist from Queensland University of Technology and an executive member of the Petroleum Exploration Society of Australia (PESA). Dr Webb was mainly cited and quoted on PTTEP possible next course of action and how “it could have been a lot worse”. Additionally:

... because there were many natural oil and gas leaks from the Timor seabed, marine organisms were able to tolerate some pollution.

It’s doubtful that the organisms in the Timor Sea can tolerate oil pollution from an oil spill, especially not one as big as Montara, although at this point, no one had any idea of how massive this case is. As an executive member of the PESA, Dr Webb might have an interest to say this line. PESA might not want anything that can obstruct Petroleum business they are in. It is not clear if Dr Webb has any qualification in biology or any fields related to marine organisms as he was described as a geologist. It’s also not clear whether Dr Webb had any evidence to back this statement up.

The next article (Appendix 14) in the corpus, published on 3 November 2009, reports the plugging of the leaking well. It started with:

THE fireball engulfing the West Atlas drill rig has been extinguished and the oil and gas leak fuelling the blaze finally stopped ...

The article also informs its readers of the time the fire started:

The well head caught fire on Sunday several hours after PTTEP successfully intercepted a damaged pipeline 2.6km below the seabed, on the fourth attempt.

From these two sentences, it can be concluded that some oil and gas were still leaking after the damaged pipeline was “successfully intercepted”. Additionally, this leak caught fire before the leak stopped. Whether the fire had extinguished by then or had yet to, remains a question as explained before.

The article also quoted Senator Rachel Siewert’s call on inquiry, as done by *The West Australian*, painting the same picture it did.

On 25 November 2010, Montara Inquiry released their report to the public. *The Australian* published a related article (Appendix 15). Right at the start of the article, the readers are informed of the consequences that might befall PTTEP:

The company may lose its licences after the Timor Sea blowout.

We know that “the company” here refers to PTTEP because of the context spread by the title, where both [PTTEP] and [oil spill] are mentioned. The report itself, which are both the topic and main source of the article, mentioned in the next sentence:

A DAMNING inquiry report has laid the blame for Australia's worst oil spill in 25 years on Montara oilfield owner PTTEP Australasia and the lazy "tick and flick" regulation of its operations.

This sentence called the report [damning], a word, which defined by Merriam-Webster dictionary as “causing or leading to condemnation or ruin” (Damning, n.d.). This word might have told us that the writer of the article believed that the inquiry report would bring PTTEP to its end. This is in line with the first sentence, as for an oil company that operates in exploration and production, losing its licences might mean the end of its life.

Additionally, the article states that:

The company's Thai parent faces the possible cancellation of all its petroleum titles in Australia... on top of ongoing criminal investigations into potential breaches of health and safety laws.

Despite using “may” in the first sentence and “possible” in this sentence, the article has made clear that the result of the inquiry report was damaging to PTTEP, to the point it might end its operations in Australia.

Not enough, the article cited the report that the company failed “to properly investigate the blowout” and also “seriously misleading NOPSA several times over a six-month period”.

The article cited PTTEP on how it had:

... removed all supervisory and managerial drilling personnel associated with the accident from their positions and its action plan made staff accountable to ensure better checking of offshore operations.

It's not clear, however, how (1) removing these people from their position might help, and (2) making the staff accountable would ensure better checking of offshore operations. A part of the second sentence that blames [the lazy "tick and flick" regulation of its operations] and part of the second paragraph where it blames PTTEP's ["widespread and systematic" shortcomings], looks enough to nullify any positive side of PTTEP's action.

PTTEP is not the only party blamed by the inquiry report that's mentioned in this article. The NT Department of Resources for one:

... had day-to-day oversight of Montara oilfield practices ... slammed for its "minimalist" approach to regulation.

And:

It criticised the National Offshore Petroleum Safety Authority for leaving decisions about control of the blowout to PTTEP Australasia.

Additionally:

... the full environmental damage from the spill would never be known, partly because the federal Environment Department failed to monitor the pollutants soon enough.

As these are about figures of authority and regulator, however, the discussion will be moved to Chapter 5.

The last article (Appendix 16) is about Indonesia's claim of damages towards PTTEP, published on 5 May 2017. It is surprising, but *The Australian* published no exclusive articles on seaweed farmers' class action lawsuit. However, *The Australian* mentioned the class action on this article, sending a mixed signal of its position towards the class action. Maybe *The Australian* is saying that the class action lawsuit is of too little importance for them to give it its own article?

Just like *The West Australian*, *The Australian* implied that this is a matter between Indonesia and a Thai company and its subsidiaries, except *The Australian* wrote that there are three companies, instead of just two:

Mr Oegroseno said the Indonesian government would also impose a moratorium on new projects and agreements against the Thai company and all of its subsidiaries pending a resolution of the case ... freezing order of assets owned by the first, second and third defendants.

From these, we can conclude that PTT and its subsidiaries have assets that are located under Indonesia's jurisdiction, and Indonesia has ongoing projects and agreements with them. The value of assets owned by PTT and its subsidiaries that are located under Indonesia's jurisdiction is valued large enough for Indonesia to be confident that taking them hostage would be enough for PTT to take the claim seriously. Additionally, the sentence paints Indonesian Government as willing to go great lengths for this case.

3.3 The Australian Financial Review

The Australian Financial Review, owned by Fairfax Media, is Australia's top financial masthead (Fairfax Media, 2017). The first article (Appendix 17) for *The Australian Financial Review* in the corpus, dated 8 December 2006, is on Coogee's float failure. The article can be divided into two parts; the first part attributed to Coogee and the second one attributed to investors.

It is interesting that *The Australian Financial Review* started with:

Coogee Resources has pulled its \$380 million float after institutional investors balked at the share price the founders of the Timor Sea oil producer were seeking.

The float valued at \$380 million, instead of \$800 million as cited by *The West Australian*. In *The West Australian*, \$380 million is only the number Coogee tried to raise, only a part of the money needed for Montara. Here in *The Australian Financial Review*, the closest thing to the \$800 million is the expected value of Coogee Resources itself:

The company ... had been looking for a price between \$1.90 and \$2.33 a share to capitalise the company at between \$798 million and \$979 million.

The cost of Montara oil project also displayed differently:

The company, which owns 71 per cent of the Jabiru and Challis oilfields developed by BHP Petroleum in the 1980s, will now look for other ways to complete the \$US346 million (\$440 million) development of the nearby Montara oil project.

Given *The West Australian* put the amount at \$460 million, could be the difference was in converting the currency? Calculation shows that the amount is a bit lower than \$440 million, which scratches the possibility that the difference came from converting the currency. Could the two publications have different sources?

Just like the other Australian publications, *The Australian Financial Review* quoted Peter Hood about how they planned to keep developing Montara oil project and that they “won’t lose any momentum.”. *The Australian Financial Review* had, however, additional information that wasn’t included in any of *The Australian* and *The West Australian* published articles:

The floating oil production and storage ship for the field is already under construction in Singapore, and Coogee has arranged a rig for late next year to drill the wells to produce the oil.

All this despite the judgement delivered as the article’s title, that informs the readers that “Production too far off for Coogee”.

The Australian Financial Review cited various investors to inform the reader that “there were other mid-sized oil companies ... which already had production” and “Investors were also concerned about the size of the contribution they were being asked to make to the Montara development” and “there was too much development risk still in the business”, guiding the readers to understand what went wrong. It appears that the investor quoted here blamed the terms that made “the new investors ... put up all the equity and the old investors retain a 50 per cent interest”

The day after Martin put his Coogee Resources stake on sale, 15 October 2008, *The Australian Financial Review* published an article (Appendix 18) on it. It started with:

Perth entrepreneur Gordon Martin looked set to pocket at least \$360 million after Coogee Resources, the private energy company he founded in 2005, was put on the auction block yesterday.

From this sentence, it can be deduced that the 60 percent stake owned by Martin would sell for at least \$360 million. The word [pocket] here is the sign that showed us that the \$360 million mentioned would go entirely to Martin, not the price of the whole company.

The article continues with:

Mr Martin reluctantly agreed to offload a 60 per cent stake in Coogee after potential bidders for a 35 per cent holding owned by Babcock & Brown were deterred by his family's controlling interest and the company's key oil project ran into financing difficulties.

This sentence tells us that B&B needs Martin to put his stake on sale because Martin's family controlling interest became deterrence for them to sell their stake. This also informs the readers why potential bidders "interested in the whole company" as quoted from Martin in later part of the article. Additionally, the last part of the sentence informs the readers what had possibly been the actual reason Martin sold his Coogee stake: Montara oil project had run into financing difficulties.

In the previous article, PTTEP was expecting the production to start in third quarter 2008. In this article, they informed that the "production had been pushed back to next April or May". The delay might signal a problem.

This article also mentioned the resignation of Peter Hood, the former CEO of Coogee Resources:

Mr Martin, who stood down as Coogee chairman on August 18 to take up the chief executive role following the resignation of Peter Hood, denied speculation the company was in breach of its banking covenants.

This sentence contains two different pieces of information: (1) informing that [Martin stood down as Coogee chairman on August 18 to take up the chief executive role following the resignation of Peter Hood] and (2) that [Martin denied speculation the company was in breach of its banking covenants]. From (1), we understand that Peter Hood resigned, likely on August 18, and Martin took the position himself. By taking the CEO role, he put himself in charge of the company's operation, and at the same time, he is still the owner of 60 percent of the stake, effectively controlling the whole company. Here we see why the potential bidders feared [Martin's family controlling interest] so much as mentioned earlier. In this case, if Martin's decision became a problem, no one in the company would act as a deterrence. While (2) might explain Coogee's financial situation, Martin denied the speculation. It wasn't specified, however, who started the rumour.

This article also mentioned Coogee's value:

Bankers said Coogee, which owns the Montara oil project in the Timor Sea, would likely fetch between \$600 million and \$1 billion.

While *The West Australian* put up an article about the deal, they didn't publish any report concerning the actual change of ownership. *The Australian Financial Review* took a different approach. It didn't have an article about the deal itself, but on 27 January 2009, *The Australian Financial Review* published an article (Appendix 19) that informs the readers that the company ownership would move hands within days.

The article started with:

The private energy company isn't worth what it was several months ago...

Continued with:

Perth entrepreneur Gordon Martin is on track to complete the \$US413 million (\$610 million) sale of Coogee Resources, the private energy company he founded in 2005, by the end of the month.

As quoted from the previous article, and mentioned again in this article, Coogee's value initially predicted to be "between \$600 million and \$1 billion". So, isn't it worth \$610 million, which still in the prediction? *The Australian Financial Review* uses \$ for AUD and US\$ for USD so far, and it should be consistent here too. Also, note that *The Australian Financial Review* constantly uses USD values, probably as part of maintaining their image as a business newspaper.

The next bits might explain the confusion with the value:

Mr Martin, who holds a 60 per cent stake in Coogee, agreed to sell the oil and gas company to Thailand's PTT Exploration and Production Public Company (PTTEP) late on Christmas Eve for \$US170 million in cash.

...

Coogee ... has net debt of about \$US243 million ...

These sentences might have just explained where the previous US\$ 413 million came from: US\$ 170 million in cash and the US\$ 243 million debt. But apparently, the worth of the company was taken from the cash that moves hands, probably because the company's assets and liabilities are part of the deal. Of course, given US\$170 million was the value of the whole company, part of it would still go to Babcock & Brown, and there was no way Martin could have pocketed \$360 million.

The article also mentioned where Martin would be when the spill occurred later:

While Coogee's management team will stay on at the company following the acquisition, Mr Martin, currently the chief executive, has agreed only to a 12-month consultancy.

This is interesting because now we know that Martin was supposed to be there when the spill occurred about six months later, although there were no mentions about him or his activities related to the oil spill. Although consultancy means he should play no active role in the company, he would at least have some influence.

The article also cited Martin that:

... it would be business as usual at Montara ...

This probably means that for everyone that worked on the Montara oil project, nothing changed, including any problems they might have in their working culture.

Just like *The Australian*, *The Australian Financial Review* noted that PTT bought Coogee “as an acquisition platform within Australia”. Additionally, the article mentioned that:

The acquisition also gives PTTEP ... an operational licence.

These two things might be PTT’s main aim in this acquisition.

The Australian Financial Review first article on the oil spill (Appendix 20) is surprisingly late, published on 8 September 2009. By the time, the relief rig was delayed, and the spill had been continuing for 18 days. The article focuses more on regulation and pollution, which is unexpected given that *The Australian Financial Review* is a business newspaper.

In this article, Martin Ferguson was quoted about “a report into offshore petroleum regulation by Kym Bills and David Agostini”. The report “identified the need for improved regulatory powers and consideration of an independent national safety regulator”. This is the first mention of the report submitted in June 2009.

The article painted uncertainty element of the case without brought it up directly. The first mention of the harm brought by the pollution is in a sentence that uses future tense:

Oil, gas and condensate have been seeping into the Timor Sea from a leak 3.5 kilometres below the ocean floor for the past 18 days, prompting fears the spill will harm marine life, including dolphins and turtles.

The use of future sense might imply that the spill had yet to harm marine life. However, later the article cited Piers Verstegen, the Director of the WA Conservation Council:

Mr Verstegen said the federal government should declare a national emergency response to the spill after reports emerged in recent days from Broome-based fishing boats that marine life in the area was being severely affected.

This sentence told us that unlike what implied in the beginning, the oil had done damage. The difference between the information within these sentences painted uncertainties of the damage done by oil pollution.

The article mentioned that there was an offer from Woodside Petroleum that was rejected by PTTEP:

PTTEP chose to bring the West Triton on a three-week journey from Indonesia after rejecting Woodside Petroleum's offer of an oil rig, arguing the West Triton was the most appropriate and safest rig.

The sentence compared the West Triton rig PTTEP brought from Indonesia and unnamed rig offered by Woodside Petroleum while not using any comparison words. In this comparison, the author assumed that the readers would know about Woodside Petroleum. The readers also expected to compare the choice chosen by PTTEP, which was a rig located three weeks away, and one rejected

by PTTEP, which was the rig offered by Woodside Petroleum, an Australian company, presumably a closer one. While PTTEP's reasoning was presented at the end, calling the rig of their choice [the most appropriate and safest rig] was probably would be seen as a biased view or a desperate way of justifying their action, especially since there was no further explanation given. If PTTEP provided further explanation, then it didn't make it into the article.

This, added with an explanation of PTTEP's ownership earlier in the article, blamed the spill onto the hand of a foreign company. An additional blow also added later in the article, when they cited Piers Verstegen calling it "poor response to the spill by the company".

In contrast to that, the article cited AMSA, that it "was continuing to monitor the spill" and that the spill "well contained about 170 kilometres off the coast", implying that AMSA takes actions and produces results, painting AMSA as a hero. Additionally, the article cited AMSA statement about how "the spill had responded well to dispersants", which implied the dispersants as AMSA's deed and reinforced the image of AMSA that take actions and that the action had resulted in an excellent assessment. The last sentence further enhanced the hero image, telling the readers about its fast action.

On 25 November 2010, *The Australian Financial Review* published two articles (Appendix 21 and 22) related to Montara. Both of them are about the Montara inquiry report released to the public that day.

The first one, like other Australian publications, informs the readers that PTTEP AA might lose its licences. This is one of the recommendations made by the Montara inquiry report.

Just like the other two Australian publications, the article quoted the report saying:

... major shortcomings in the company's procedures were widespread and systemic ...

But unlike the other two, *The Australian Financial Review* didn't stop there. It informs the reader how these shortcomings could cost PTTEP their licences:

The parent company, PTTEP, operates seven retention leases and has interests in a further five exploration permits which it could lose if a review by the Resources Department by year's end finds it has not redressed its problems.

At the same time, it informs the readers the conditions upon which PTTEP may or may not lose its licences.

Discussion about regulator is also a major theme in this article. This will be discussed in chapter 5.

The second article on the Montara inquiry report felt like a personal attack towards Peter Garrett. Of course, it's not without its reason. While it mentioned that Environment Ministry under Garrett raised the issue of a monitoring plan two days after the spill started, the article informs the readers that:

[The Montara inquiry report] found that the Environment Department under Garrett spent 49 crucial days deciding who was responsible for monitoring the effects of the spill.

The article also further informs the readers that when the serious monitoring finally began:

... it was all but impossible to work out how bad the damage was.

The article further quoted the report about how the delay was unacceptable and “restricted the scope for assessment of the environmental damage”. Additionally, the article informs the readers that the report “questions those who claimed that damage had been minimal”, then in the following sentence informed that Peter Garrett:

... claimed the spill had caused minimal environmental damage, apparently relying on aerial surveys which the Borthwick report regards as inadequate.

That said, the article does inform the readers that:

The delay was not entirely Garrett's fault. The report found the law assigns no clear responsibility for monitoring after a spill, and it took a long time to work out with the Thai-owned operating company PTTEP Australasia who should pay and what should be done.

And that Garrett was dealing with home insulation scheme at the time. Still, these didn't stop the author from dealing the last blow:

From rock star to apologist for a negligent oil company. Sad.

And end the article while painting Peter Garrett's image into something somewhat similar to a sad clown.

Chapter 4: Indonesian Media

This chapter will analyse Indonesian media. Unlike Australian media, Indonesian media published no article on the Montara oil project before the spill, indicating they either had no interest in the oil project or no sources brought it to their attention. Among the Indonesian media chosen for this study, *Pos Kupang* was the first to publish an article on the oil spill.

4.1 Pos Kupang

Pos Kupang is part of Kompas Gramedia's group of regional newspaper (Tribunnews, n.d.). *Pos Kupang*'s first article on the Montara oil spill was published on 29 September 2009 (Appendix 23). The title of this article tells us about oil slick that was getting close to Timor island. The gap between the occurrence of the spill and this date, added with the title, suggest that it probably had no interest in the spill until when it starts to get close to them. Other possibilities are that the publication didn't know about the oil spill until some point in time between the spill and release of this article, probably finding out about it from *ABC* (they attributed some information to *ABC*) and start running the story, interviewing the locals a bit late.

Unlike *Kompas*, *Pos Kupang* fingered Montara as the source of oil straight away, as seen in the leading sentence:

Tumpahan minyak itu sudah masuk ke wilayah perairan Indonesia sejauh sekitar 50 mil dari batas wilayah perairan laut antara Indonesia-Australia, atau sekitar 70 mil dari Kolbano, wilayah pantai selatan Kabupaten Timor Tengah Selatan (TTS).

Translation:

The oil spill has entered into Indonesian waters within about 50 miles from water border between Indonesia and Australia, or about 70 miles from Kolbano, south coastal area of Middle South Timor district.

Combined with this sentence several paragraph later:

Ladang minyak Montara yang meledak itu, telah memuntahkan sekitar 500.000 liter minyak setiap hari di wilayah perairan Laut Timor yang sumber pencaharian nelayan tradisional Indonesia.

Translation:

Montara oil well that exploded, has vomited about 500,000 litre of oil everyday in the Timor Sea area that is the source of traditional fishermen livelihood.

Additionally, there is the time factor given through a witness' testimony credited to a fisherman:

Kami menemukan adanya tumpahan minyak itu pada ... tanggal 24 Agustus 2009 ...

Translation:

We found the existence of the oil spill ... on 24 August 2009 ...

The first part of the leading paragraph sentence, [Tumpahan minyak itu sudah masuk ke wilayah perairan Indonesia] informs the reader that the oil comes from outside of Indonesian territory. The second quote make it looks as though *Pos Kupang* called Montara out of nowhere, but at the same time, it gives an impression that the oil mentioned in the previous paragraph originates from Montara. The sentence also gives a certain estimate of oil leaks, even though at the time *The West Australian* and *The Australian Financial Review* had yet to give such a certain number. Testimony of the fisherman that saw the oil spill on 24 August 2009 shown several possibilities: (1) the fisherman didn't say anything until he was asked by the journalist that run this story, (2) The fishermen told *Pos Kupang* about it around then but *Pos Kupang* decided that it was not newsworthy until the oil gets closer, (3) *Pos Kupang* was told about it but was reluctant to report it just based on testimony of a handful of fishermen or (4) *Pos Kupang* journalist took some time to compile information for this article.

It's interesting to apply transformation to the first sentence, as after the shuffle, the translation could use the word [invade] instead of [enter], giving it a direr atmosphere. It also implied a question: why the authorities have yet to act or done anything about the spill? That said, the lack of direct question or appeal towards the authority is questionable.

It is interesting that the fishermen that provides the testimonies for *Pos Kupang* seemed to be members of Antlamor (Aliansi Nelayan Tradisional Laut Timor). This alliance appears only in this article and had not been mentioned by any other publication as well. Getting in touch with local fishermen alliance might be a touch unique to and can only be done by local newspaper.

Pos Kupang published no articles related to the success of plugging of the leaking well, suggesting that it has no interest on what happened in the well. The next article (Appendix 24) chosen from *Pos Kupang* is on an MoU about compensation between Indonesia and PTTEP. This article, published on 27 July 2011, is sourced from Masnellyanti Hilman from Ministry of Ecology, from a certain conference where she was one of the speaker. Three other speakers were mentioned at the end of the article but there is no information attributed to them.

The article starts with this sentence:

PTTEP AA dan Pemerintah Indonesia akan menandatangani memorandum of understanding (MoU) tentang Penanganan Pasca Pencemaran Laut Timor yang merugikan masyarakat Indonesia khusus[nya] Nusa Tenggara Timur.

Translation:

PTTEP AA and Indonesian Government are going to sign (or will be signing) a memorandum of understanding (MoU) about After Treatment of Timor Sea Pollution that cost people of Indonesia especially East Nusa Tenggara.

This sentence showed a promise that there will be a certain result (the MoU signed and therefore people getting compensated). The work and negotiation done by the government and this promise of result (although PTTEP and Indonesian government hadn't really signed the accord) becomes illusion that further reinforced by other parts of the article as *Pos Kupang* cites and quotes Masnellyanti Hilman about the progress of work and negotiation. There are, however, some signs of uncertainty around the seventh and eighth paragraph that describes PTTEP's gradual acceptance to Indonesia's claim of oil reach. The last sentence of the eight paragraph shows what seemed to be PTTEP's last resistance towards this claim, stating that:

... PTTEP AA bersedia melakukan verifikasi kerugian sos[ok] nelayan akibat perikanan tangkap di laut lepas.

Translation:

... PTTEP AA is willing to do verification towards the loss suffered by fishermen figures as the result of fisheries on the open sea.

While [akibat perikanan tangkap di laut lepas] is a bit confusing (because it's saying the loss of the fisherman caused by the fishery), most people can grasp what Masnellyanti's message is, that PTTEPAA agreed to verify the loss suffered by the fisheries as the result of the pollution from the oil spill.

By [verification], that might mean that PTTEP had yet to accept the claim made by Indonesian government by then, and there is the uncertainty of what the result of PTTEP's verification would be, not to mention that the conference referred to by this article happened in 26 July 2011, almost two years after the spill was plugged, which means that the impact won't be as visible anymore when PTTEP sent a team to do the said verification. Is the whole conference a government effort to paint an illusion that they work and produce result in people's mind?

The next article (Appendix 25), published on 23 September 2012, is taken from *Kompas*, suggesting a link between *Kompas* and *Pos Kupang*. While the article starts with informing the readers that the pollution case is being negotiated seriously, as if reinforcing the illusion painted by the previous article, middle part of the article sourced to Ferdi Tanoni, that accused the government to be avoiding the issue:

Ketua Yayasan Peduli Timor Barat Ferd[i] Tanon[i] mengatakan, Australia dan Indonesia sengaja menghindari masalah krusial dan maha penting ini.

Translation:

The Chief of West Timor Care Foundation Ferdi Tanoni said that Australia and Indonesia are intentionally avoiding this crucial and super important problem.

Adding that people of NTT has suffered loss from various side but:

... pemerintah kedua negara membiarkan masalah ini dengan melakukan kegiatan-kegiatan kecil sekedar menutupi masalah pencemaran.

Translation:

... both governments are neglecting this problem by doing little activities that are only covering the pollution problem.

By calling it [crucial and super important], Ferdi put emphasise on the pollution problem. This emphasise can be justified given this matter is related to the people's livelihood, spoiling their crops and catches. Additionally, he emphasised that both governments are neglecting the problem by doing [little activities]. What these [little activities] are, left to the readers' imagination. Using this, Ferdi tried to paint both governments as incompetent and don't care about the victims. At the same time, he might have painted himself as impatient and disregarding the governments' efforts in some readers' mind. Playing the devil's advocate, the [little activities] mentioned might actually be proper negotiation to gain compensation for the victims.

The next two articles (Appendix 26 and 27) from *Pos Kupang* released on 3 August 2016 and 21 August 2016 respectively. The first one titled [Petani Rumput Laut NTT Gugat PTTEP Australasia] and the second one titled [Petani Rumput Laut NTT Gugat Pemerintah Australia]. The reason they are analysed together is not just similarities in the title, but the fact that they are about the same thing: the class action lawsuit. The first article informed the readers that the seaweed farmers were registering the class action lawsuit in Federal Court of Australia in Sydney on the day the article was published, and the second one informed the readers about the first trial that would happen the day after the release of the article.

In contrast to its title, the second article first sentence was:

Sidang perdana gugatan class action 13.000 petani rumput laut asal Nusa Tenggara Timur (NTT) terhadap PTTEP Australasia yang mengelola kilang minyak Montara akan digelar Pengadilan Federal Australia, Senin (22/8/2016).

Translation:

The first trial of the class action lawsuit of 13,000 seaweed farmers from East Nusa Tenggara against PTTEP Australasia that managed Montara oil well will be staged by the Federal Court of Australia, Monday (22/8/2016).

While the title said that the seaweed farmers sued Australian Government, the first sentence of the article clearly stated that they sued PTTEP instead. Not only that, there is no mention of Australian government anywhere in the body of the article. Considering the articles come from online publication, can this be an effort to bait more readers to read the article? Or can it be caused by an assumption that PTTEP is less known compared to the Australian government?

The first article informed the readers the reason why the class action is registered in 2016, almost exactly seven years after the spill happened:

... gugatan secara "class action" ini terpaksa dilayangkan, setelah tim advokasi dengan PTTEP Australasia tidak mencapai kata sepakat dalam beberapa kali pertemuan di luar pengadilan.

Translation:

... this "class action" lawsuit inevitably filed, after the advocacy team and PTTEP Australasia couldn't reach agreement after several meetings outside the court.

This sentence also tell us that the victims side thought it's better if the case could be solved out of the court by using the word [terpaksa], telling us they are forced to file the case because they can't reach agreement with PTTEP. The sentence tried to paint an image that the lawsuit happened because they have no choice. Unlike conference set up by the Indonesian government before, details of these meetings weren't disclosed. Either YPTB didn't say anything about it or *Pos Kupang* editor or journalist decided that the details weren't newsworthy. The readers wouldn't know what had been offered from both sides, and why they were rejected.

The second article, published a day before the very first class action trial, on 21 August 2016 sourced mainly from Ferdi Tanoni, with a bit of information attributed to Greg Phelps. This article can be called one-sided since both of them are on the seaweed farmers' side. The information comes from a press conference in Kupang on the same day:

Ketua Tim Advokasi Petani Rumput Laut NTT dari Yayasan Peduli Timor Barat (YPTB) Ferdi Tanoni, saat menggelar jumpa pers di Kupang, Minggu (21/8/2016), mengatakan, gugatan tersebut didaftarkan Daniel Senda, petani rumput Laut asal Kabupaten Rote Ndao pada 3 Agustus 2016 lalu.

Translation:

Ferdi Tanoni, the Head of East Nusa Tenggara Advocacy Team from West Care Timor Foundation, on a press conference in Kupang, Sunday (21/8/2016), said, the lawsuit was filed by Daniel Senda, a seaweed farmer from Rote Ndao District on 3 August 2016.

This sentence establishes Ferdi Tanoni's and Daniel Senda's position regarding the lawsuit.

In this article, comes a sentence that will be used on the next article as well. The sentence inform the readers about the content of the lawsuit:

Gugatan itu ... dibagi dalam tiga bagian yakni pencemaran laut yang menghancurkan rumput laut milik petani, dampak pencemaran terhadap hasil tangkapan nelayan, dan yang terakhir yakni terhadap kesehatan warga di NTT.

Translation:

The lawsuit ... is divided into three parts that are sea pollution that destroyed seaweed belonging to farmers, effect of pollution towards fishermen catches, and the last one [effect of pollution] towards people's health in East Nusa Tenggara.

This sentence addresses the ground for the lawsuit, which is the effect of the oil spill pollution towards the livelihood of the people of NTT. The second part of the lawsuit, however, make us question if it's part of the same lawsuit, given the class action lawsuit was registered by Daniel Sanda, who, as the previous part of the article mentioned, is a seaweed farmer. Additionally, the leading paragraph of the article attributed the lawsuit to 13000 seaweed farmers from NTT. This means, analysing this sentence we can see the possibilities that it's either "The lawsuit ... is divided into three parts ..." → "There are three lawsuits" or "It's one lawsuit with three different charges". The reason for these possibilities is an article published by *Kompas* on 3 September 2017 that informs about a different class action lawsuit that was about to be filed by fishermen from NTT (Bere, 2017).

Pos Kupang didn't have any articles related to Montara when Jokowi made plan to visit Australia in December 2016, however, it published an article (Appendix 28) several days before the actual visit in February 2017. From this, it seems that *Pos Kupang* weren't trying to get more reader through a controversial title which was possible using Ferdi Tanoni's statement at the time.

The article published on 21 February 2017 was sourced from Ferdi Tanoni. Ferdi was eagerly telling the press that he had asked that the pollution to be the main agenda in Jokowi's visit to Australia. He hoped that the president would ask Australia to take responsibility of the Timor Sea pollution case.

Dated after the first trial of the class action where the group he led asks retribution from PTTEP, he provided an explanation why he wants the president to ask compensation from Australian government:

... pemerintah Federal Australia sebagai regulator dan juga sebagai pihak yang menyemprotkan bubuk kimia sangat berbahaya dispersant Corexit 9572 dan 9572 A untuk menenggelamkan tumpahan minyak Montara dari atas permukaan Laut Timor ke dalam dasar laut.

Translation:

... Federal Government of Australia as regulator and also as the party that sprayed very dangerous chemical powder dispersant Corexit 9572 dan 9572 A in order to sink the Montara oil spill from the surface of the Timor Sea to the bottom of the sea.

Here we see Ferdi gave the name of two of the dispersants used to sink the oil spill. On the submission sent by YPTB that I found on Department of Industry, Innovation and Science website, YPTB stated 7 different dispersants used by AMSA (Mason, n.d.). It piqued one's interest why

Ferdi chose to call only two of them and used their name instead of just “dispersants”. Ferdi also put [bubuk kimia sangat berbahaya] as an attribute to the dispersants, emphasising how dangerous the dispersant is. He probably thought that people won’t understand why the dispersant is a big deal, but he is calling it very dangerous without any further explanation. Australia’s figure as the regulator is also included, but somehow it wasn’t emphasised and lacks explanations.

The last article (Appendix 29) picked from *Pos Kupang* is about the civil action lawsuit filed by Indonesian government towards PTTEP, published on 2 April 2017. The highlight of this article comes from the sixth paragraph:

Ia [Hasyim Jalal] mengakui tim sudah bekerja selama 7 tahun lebih dan belum menghasilkan apa-apa.

Translation:

He [Hasyim Jalal] admitted that the team have been working for more than seven years and have yet to show any result.

The first sentence of this paragraph painted the government as incompetent, and it’s attributed to Dr Hasyim Jalal, a member of the team formed by the Government to take care of the Montara case. Additionally, in the paragraph before that, Hasyim Jalal explain the reason of government’s team arrival in Kupang:

... tim hari ini datang ke Kupang dan melanjutkan ke Rote Ndao untuk menelusuri dan mengumpulkan data atau saksi kasus Blok Montara.

Translation:

... the team go to Kupang today and continue to Rote Ndao in order to trace and collect data or witness of Montara Bloc case.

This sentence, quoted directly from Hasyim Jalal, make people question what the government team have been doing for all these seven years. Shouldn’t they have done that before? Did they lose the records? Would any useful data still be there after seven years?

The second sentence from the sixth paragraph painted the chaotic situation of the team affected by the high turnover and change of regime. This also let us question if the previous regime didn’t put enough effort and manpower towards the case, and if the ruling government do. Additionally, we can question if the any of the members that left the team brought any data or knowledge with them, with no way for the others to access it.

4.2 Kompas

Kompas, just like *Pos Kupang*, is part of Kompas Gramedia group. However, they come from different division, as *Kompas* comes from its national division. *Kompas*, published it’s first article several days after *Pos Kupang*, on 2 October 2009. Just like *Pos Kupang*, this article stated that the

oil is getting close to Indonesian coast. The article sourced from government officials and contained some misinformation, showing possibilities of unpreparedness from *Kompas* or its sources, or that they are not informed enough on the matter. *Kompas* wrote [PT. TEP] instead of [PTTEP], showing that its editors are unfamiliar with the company, as they probably had edited [PTTEP] into [PT. TEP]. [PT.] in Indonesia are understood as [Perseroan Terbatas], similar to [Limited Company] which defined by Merriam-Webster dictionary as “a company in which the liability of each shareholder is limited to the par value of his stock or to an amount fixed by a guarantee” (Limited Company, n.d.).

Kompas quoted a government official on the distance of the oil slick:

Pencemaran minyak tersebut telah mendekati perairan Pulau Rote sekitar 500 kilo meter

Translation:

The oil pollution has been closing into Rote Island waters around 500 kilometers

[500 kilometers] shows that the government official was uninformed or misinformed, as the distance from the well to Indonesian coast is only 250 km (PTTEP, 2015). *Kompas* might not be aware of this, showing their own unpreparedness, or it might have quoted this deliberately, in an attempt to paint the government as [not doing their research properly].

Despite mentioning PTTEP as the owner of the oil well, the article divided all parties related to the oil spill into two imagined communities: either they are in Australian side or in Indonesian side. This further reinforced through quoting and citing Frans Lebu Raya, then-Governor of NTT, who called on Australia to take responsibility on the matter and called the case as a matter between countries.

The next article (Appendix 31) in the corpus, published on 5 November 2009, informs the readers that the leaking well had been plugged. The article sourced mainly from Australian Embassy's press conference. In this article, PTTEP isn't mentioned, and the whole ordeal seems to be directed towards Australia. Ultimately, this following sentence from the article put the whole thing as Australia's responsibility:

Keberhasilan penutupan sumur minyak tersebut tidak berarti pekerjaan Pemerintah Australia dalam kaitannya dengan tumpahan minyak akan selesai.

Translation:

The success of the plugging of the oil well does not mean Australian Government's job in relation to the oil spill will end.

This sentence put together the plugging achievement event with Australian Government's job concerning the oil spill, implying that the plugging and other jobs related to the oil spill are Australian Government's. After checking Australian Embassy's website, It appears to be a picture

that is painted by Australian Embassy themselves, and *Kompas* took the sentence directly from their press release dated on 4 November 2009 (Kedutaan Besar Australia, 2009).

The article also stated that Australia questions whether the oil in Indonesian waters originated from Montara.

Disebutkan, sangatlah kecil kemungkinannya minyak Montara akan mencapai perairan pesisir Indonesia.

Translation:

It is said, that the possibility of Montara oil to reach Indonesian coast water is really small.

By using “Disebutkan”, it shows that *Kompas* was cautiously attributing the sentence to Australian Embassy. It might stem from how Australian Embassy called the possibility of the oil from Montara to be small, which in turn implies that *Kompas* probably aware of the existence of oil in NTT.

However, the article informs that Australia was willing to test the oil to find out if it indeed comes from Montara:

Australia akan membahas laporan ini dengan Pemerintah Indonesia dan melakukan pengujian sampel untuk dibandingkan dengan sampel dari minyak Montara atau minyak yang lazim beredar di perairan timur Indonesia.

Translation:

Australia will discuss this report with Indonesian Government and test the sample in order to compare it to oil sample from Montara or oil that commonly spreads in east Indonesian waters.

By “this report” it refers to the previous sentence in the article that stated Australia’s awareness of a report about oil from NTT. Additionally, [minyak yang lazim beredar di perairan timur Indonesia] implies that there is oil commonly going around in Indonesian water and that the oil that stated in the report mentioned might come from that source which makes little sense since if oil going around Timor sea is a common occurrence, the report shouldn't exist. Why would anyone report something that is always or usually happen?

The third article (Appendix 32) by *Kompas* dated on 25 November 2010, which is the date of the publication of Montara Inquiry report. The report, however, only written in the leading paragraph, and has no mention aside from that. This article also introduced PTTEP, blaming them as the source of the spill and clearing Australia’s intention to redirect the blame, stating:

... Ferguson menyatakan, klaim yang diajukan Indonesia adalah urusan antara Indonesia dan PTTEPAA.

Translation:

... Ferguson stated that the claim filed by Indonesia is a business between Indonesia and PTTEPAA.

The article also introduced Tim Advokasi Laut Timor, a team that was formed by the Indonesian Government to obtain retribution for damage caused by the spill.

Kompas' published its fourth article (Appendix 33) in English instead of Bahasa Indonesia, making it the only Indonesian publication article that's written in English throughout the corpus. Published in 20 September 2011, two months after *Pos Kupang* article on the MoU, the main topic of the article is a compensation accord Indonesia wanted Australia to sign. It also stated that PTTEP Australasia "was reported to have also calculated the potential losses suffered by Indonesia", which is inconsistent with the position they keep maintaining that "there has been little or no detectable impact" (PTTEP, n.d.). Furthermore, it stated that PTTEP planned to compensate through CSR activities. Looking at the article, it is possible that *Kompas* received the information not from PTTEP, but rather from Environment Minister Mohammad Gusti Hatta just like the rest of the article. Then again, it's unlikely that the Minister made up the confession and attributed it to PTTEP.

This article mentioned an estimate of oil spill that went into Indonesian territory with a number, compared to the previous article that only mentioned that Montara Inquiry report gives impression that there is only little oil:

A PTTEPAA oil well in the West Atlas Block developed a leak on August 21, 2009, and as a consequence 40 million liters of crude oil were released into the waters of Australia.

In this sentence, it is interesting that *Kompas* chose the word "released", showing an intent behind the action instead of more neutral "leak" or "spill". The perpetrator of this intent while not directly blamed, is made clear by attributing the oil well ownership to PTTEPAA. This sentence changed the course of the blaming game played in this publication, as the first and second articles blamed Australia, with no mention of PTTEP, and while the third article did mention PTTEP, here the change in blame attribution towards PTTEP is more apparent.

The most dominating source on *Kompas*' publications was Ferdi Tanoni from YPTB. By dominating the biggest national publication in Indonesia, Ferdi Tanoni reassuring his position in the readers' mind, linking him as the top and foremost authority on the case.

Ferdi Tanoni appeared on *Kompas* during PTTEP's trial on NT court, informing the reader that PTTEP acknowledged their fault in an article (Appendix 34) dated on 31 August 2012. This is probably due to PTTEP pleading guilty to all four charges. This article, however, did not mention the fines suffered by PTTEP as the result of this lawsuit.

The article started with the following sentence:

PTTEP Australasia mengakui petaka peledakan sumur minyak ladang Montara di perairan Australia, tiga tahun lalu, telah mencemari Laut Timor hingga perairan wilayah Nusa Tenggara Timur.

Translation:

PTTEP Australasia admitted that Montara oil well blowout incident in Australian water, three years ago, has polluted Timor Sea to the waters of East Nusa Tenggara.

By using PTTEPAA as the subject of the sentence, this sentence gives its readers impression that the information came from PTTEP, yet if they read the third paragraph of the article, it will be evident that *Kompas* obtained this information from Ferdi.

The next article (Appendix 35), published a day before the very first class action trial, 21 August 2016, sourced mainly from Ferdi Tanoni as well. It's identical with the article released by *Pos Kupang* on the same day and paints the same image.

The last two articles from *Kompas* (Appendix 36 and 37), published on 26 December 2016 and 26 February 2017, are centred around Joko Widodo's visit to Australia, both sourced mainly from Ferdi Tanoni. Albeit these similarities, the two articles strike different tone: the first one asks the President not to go to Australia, and the second one is hopeful that there will be talks about Timor Sea pollution during the President's visit.

The first article was titled:

Kasus Pencemaran Laut Timor, Warga NTT Minta Jokowi Tidak ke Australia

Translation:

Timor Sea Pollution Case, People of NTT ask Jokowi not to Go to Australia

The first part [Kasus Pencemaran Laut Timor], introduces the readers to the topic, telling the reader what the article is about. The second part [Warga NTT Minta Jokowi Tidak ke Australia] telling us the basic information the article contained: people of NTT ask the President not to go to Australia. Reading the article, this is taken from Ferdi Tanoni's statement:

... saya mewakili masyarakat NTT yang menjadi korban, meminta Presiden Jokowi batalkan kunjungan ke Australia tahun 2017 mendatang

Translation:

... I'm representing people of NTT that have become victims [of the effect of Timor Sea pollution], ask of President Jokowi to cancel visits to Australia in the incoming year of 2017.

Despite Ferdi Tanoni asking the President to cancel his visit to Australia, the second article started with:

Kunjungan Kenegaraan Presiden Joko Widodo ke Australia selama dua hari disambut sukacita oleh korban pencemaran Laut Timor, Nusa Tenggara Timur (NTT).

Translation:

President Joko Widodo's State Visit to Australia in 2 days is happily welcomed by victims of Timor Sea Pollution, East Nusa Tenggara.

This is intriguing. Would the very same people that asked the President to cancel his visit to Australia be happy that the President visited the very country they asked him not to visit? Or, given both of the articles were sourced mainly on Ferdi Tanoni, might this be an effort to paint Ferdi's image in a certain way?

These two articles also quoted Ferdi on a certain Memorandum of Understanding (MoU) between Indonesia and Australia signed in 2010:

Pada tahun 2010[,] kata Ferdi, Duta Besar Australia Greg Moriarty menandatangani sebuah MoU bersama Menteri Perhubungan RI tentang kesediaan Pemerintah Australia mengimplementasikan MoU 1996 tentang kesiap siagaan dan penanggulangan keadaan darurat tumpahan minyak di laut antara Pemerintah RI-Australia, guna menyelesaikan kasus tumpahan minyak Montara 2009, namun hingga kini belum ada kejelasan.

Translation:

In 2010, said Ferdi, Australia Ambassador Greg Moriarty signed an MoU with Indonesian Communication Minister about Australian Government's willingness to implement MoU 1996 about preparedness and countermeasure on oil spill emergency in the sea between Indonesian and Australian Government, to solve 2009 Montara oil spill case, but nothing has been done since.

This sentence is confusing. First, it's called MoU 1996, but according to the sentence, the MoU is signed in 2010 by Greg Moriarty. The said MoU can be found through an article (that said that the MoU is signed in 1996) published by *Sydney Morning Herald* (Topsfield, 2016). Ferdi Tanoni also implied that the MoU covers retribution for the victims, while, reading the document, it doesn't seem that retribution for the victims addressed in the MoU. For this to happen, the possibilities include: (1) *Kompas* taking Ferdi as a fool and tried to ride on a made-up controversy (this also applies to the difference of tone between the two articles), (2) *Kompas* didn't do enough research on the MoU itself. Ferdi, too, as the head of advocates representing the seaweed farmers, should know better.

4.3 Bisnis Indonesia

Unlike the other two publications from Indonesia, *Bisnis Indonesia* had no articles close to the oil spill event itself. The first article (Appendix 38) it published on the matter is dated on 24 December 2010, showing how uninterested they were in the matter. While this article that seemingly comes

out of nowhere probably showed us that they have started to gain interest in the case, the overall number of articles they have published related to Montara up to June 2017 is only 25, not to mention eleven of them are focused on oil price movement.

The first article chosen for this study from *Bisnis Indonesia* is about the class action, published in 2016 after Daniel Sanda registered the lawsuit in Federal Court of Australia. The article comes from *Antara*. Surprisingly enough, most of the article is attributed to Ben Slade, a Maurice Blackburn lawyer working on the case. It is surprising because other publications analysed never attributed any information to Ben Slade. At most, his name is called as one of the lawyers that represent the seaweed farmers. The article also contains details that weren't found elsewhere: new seeds for the seaweed won't grow and the seaweed farmers get support from Harbour Litigation Funding Limited (HLFL). Daniel Sanda, the representatives of the 13,000 seaweed farmers who filed the lawsuit wasn't attributed to any information by *Pos Kupang* and *Kompas* did only once to introduce the lawyers working on the case. Compared to that, in this article Daniel was cited on what the seaweed did for them:

... rumput laut merupakan sumber penghasilan yang telah membantu masyarakat untuk memenuhi kebutuhan keluarga, membangun rumah, dan menyekolahkan anak-anaknya hingga ke perguruan tinggi.

Translation:

... seaweed is the source of income that has helped people to fulfill family needs, build housing, and send their kids to school until university.

This sentence let the readers sympathise with Daniel Sanda, understanding that the oil spill has taken his source of income and disrupt his livelihood. It shows how they were prosper enough to be able to build their own home before the spill. It is implied that now it's no longer possible, and it might be implied that for some of them, they might lose their house or not able to pay mortgage and might have to borrow money or rent a cheap place. The sentence also implied that the seaweed farmers need to pay for their kids' schools.

The article also informed the readers that the seaweed farmers still fights with the poor condition from the oil pollution even after seven years after the oil spill:

... kondisi rumput laut membusuk dan mati dalam tiga hari dan selanjutnya para petani selalu mengalami kegagalan panen ketika mencoba menanam benih baru pada tahun-tahun selanjutnya.

Translation:

... seaweed condition rots and dead within three days and next the farmers always experience crop failure when they tried to plant new seeds in the following years.

Added with:

... dampak ekonomi dari tumpahan itu masih dirasakan oleh petani rumput laut hingga tujuh tahun setelah ledakan itu terjadi pada 21 Agustus 2009.

Translation:

... economy aftereffect from the spill can still be felt by the seaweed farmers up to seven years after the explosion occurred on 21 August 2009.

And:

Dia [Daniel Sanda] mengaku memiliki tanaman rumput laut dengan hasil yang sangat baik sebelum tumpahan minyak Montara pada tahun 2009 menghancu[r]kan semuanya karena kondisinya tidak pernah pulih.

Translation:

He [Daniel Sanda] confessed to have seaweed crops with really good result before 2009 Montara oil spill destroyed everything because the condition has never recovered.

The first sentence informs the reader that the seaweed farmers had (or have) been trying to resume their business after the incident, but it appears to be futile attempts. Combined with the second one where they were reported to still feeling the aftereffect, the article shows how dependant the seaweed farmers to the seaweed. Several additional possibilities are also implied: (1) the seaweed farmers had no other source of income, (2) the seaweed farmers had no other skills or qualification that let them live their life from another source of income, (3) their other source of income (that might be fishing or related occupation) had also obstructed by the spill or obstructed at the same time and for the same amount of time, (4) there were no such things as insurance or the insurance were rejected on some bases (like force majeure clauses) or the amount paid by the insurance were too little for them to maintain their life. One way or the other, the article inform its readers that for the seaweed farmers, the seaweeds are their very lifeline. Quoting Daniel paints authenticity, that the information comes straight from the horse's mouth.

The next article (Appendix 39), still on the class action, reports on the first trial of the class action that was going to be held on the next day after the publication of the article, 21 August 2016. As the previous article, this article informs the reader about HLFL that funds the class action lawsuit but this time it comes with a statement from Ruth Stackpool-Moore who heads their Asia-Pasific Hub:

Meskipun kami berinvestasi dalam berbagai mitigasi komersial, namun sangat bermanfaat dan mendukung keuangan kami untuk membantu orang-orang yang tidak mendapatkan akses untuk keadilan

Translation:

Even though we invest in various commercial mitigation, but it's really useful and supportive to our finance to help people that have no access to justice.

A simple web search leads to HLFL webpage. It seems that the business model of HLFL involve in helping funding claimants mitigation cases and getting a sum of “pre-agreed share of the proceeds” (Harbour Litigation Funding Limited, n.d.).

By using [Meskipun] and [namun], the sentence feels like it contradicts the first part of the sentence [kami berinvestasi dalam berbagai mitigasi komersial] with the second one [sangat bermanfaat dan mendukung keuangan kami untuk membantu orang-orang yang tidak mendapatkan akses untuk keadilan]. After knowing their business model, we should realise that this is really not the case. Their main source of income is the pre-agreed share of the claim, so [to help people that have no access to justice] is really what they do as a business – their main source of income – which makes it clear that activity is [really useful and supportive to our finance]. Investing in mitigation as said in the first part of the sentence, is part of their business model, and it makes sense that people that needs funding are mostly people that have no access to justice. By breaking this sentence into parts, added with information about their business model, it’s clear that the first part of the sentence are not contradictive with the second part, the whole sentence is just explaining HLFL’s business model.

The information we have from analysing the previous sentence can be used in analysing the next one:

Tanoni menyatakan langkah yang diambil "Harbour Litigation Funding Limited" tersebut, setelah membiayai sebuah penelitian ilmiah yang independen terkait dengan kasus pencemaran tersebut di sejumlah wilayah pencemaran di perairan pantai Nusa Tenggara Timur.

Translation:

Tanoni stated that the move taken by "Harbour Litigation Funding Limited" after they funded an independent scientific research related to the pollution case in a number of pollution area in the East Nusa Tenggara coastal waters.

Using the information we had before, we can assume that this scientific research was funded by HLFL in order to find out how likely it is for the seaweed farmers to win before they decided whether to support them or not. Without the information, readers most likely think that the scientific research comes first, then the funding for the lawsuit, but with this knowledge, it might be that the lawsuit comes first, the scientific research is only done in order to find out the chance of winning the case. By arranging the sentences and words in them, HLFL might have been painted in a better image. Looking at how the sentences was sourced from Ferdi Tanoni, Ben Slade and their own head of Asia-Pacific hub, this was probably planned.

The third article (Appendix 40) from Bisnis Indonesia is the article on Jokowi plan to visit Australia that was published on 26 December 2016. Just like Kompas’ article on it, it’s sourced mainly from Ferdi Tanoni.

In this article, however, the journalist that wrote the article quoted Julie Bishop's letter directly instead of receiving all the information directly from Ferdi Tanoni:

Kami (pemerintah Australia) belum pernah didekati oleh Pemerintah Indonesia untuk membantu masyarakat yang terkena dampak akibat pencemaran minyak di Laut Timor

Translation:

We (Australian Government) has never been approached by the Indonesian Government to help people that was affected by the oil pollution in the Timor Sea

It was clear that there were approaches from Indonesian Government. Although it is possible that Australian Government understood [help people] differently and assumed that the Government of Indonesia approached them for retribution instead of helping people that affected by the oil spill, or given there were regime change between the time the leak occurred and the time the letter was written, it might be a case of [approaches have never come to the current government] because it was happened with the previous government.

Other things in this article has discussed in previous subchapters, like MoU1996 or how Ferdi Tanoni accused Australian Government of avoiding the issue and lying.

The last article (Appendix 41) analysed from Bisnis Indonesia is about Indonesian government's lawsuit against PTTEP. It starts with the following sentence:

Janji pemerintah untuk menggugat ganti rugi pada PTT Exploration and Production Company (PTTEP) Australasia Montara akan segera diwujudkan bulan depan.

Translation:

Government's promise to sue PTT Exploration and Production Company (PTTEP) Australasia Montara will be made to happen next month.

There are no article in the corpus that stated that the trial has started or the lawsuit has been registered dated on April 2017.

Most of this article's body talk about the efforts the government had put into the case and why it's taking so long. It also informs that the government was putting effort into the case:

Tidak ingin kasus ini lepas begitu saja, kini pemerintah sedang menyusun amunisi untuk kembali mengangkat kasus itu.

Translation:

Not wanting to let the case go just like that, now the government is arranging ammunition to take the case back up.

Note the words [kembali mengangkat]. These words implied that the government has dropped the case before. News about the class action lawsuit not too long before might have caught their attention, resulting in the government trying their hands on this case once again.

The article is closed with a paragraph about the class action lawsuit. The sentence that closed the article is misleading:

Gugatan itu dikabulkan oleh majelis hakim lima bulan kemudian.

Translation:

The lawsuit was granted by the judge five months later.

This sentence implies that the seaweed farmers won the trial, when they actually haven't. The thing that was granted by the judge is their ability to file the lawsuit itself following objections from PTTEP's lawyers.

Chapter 5

The research themes emerging from the last two chapters will be examined in details in the five sections of this chapter. The themes relate to media reporting of dispersants, lawsuits, pollution effects, the volume of spilt oil, and the role of regulators and regulations.

5.1 Dispersants: the villain praised as a hero

Dispersants was one of the biggest controversy discussed by the media during BP oil spill case in the US (Fahrenthold & Mufson, 2010). Whereas media reporting of the Montara oil spill case rarely mentioned dispersants. Looking at ALA's report on the spill, dispersants played a big role in poisoning the seaweed and sickness that spread among the victims. Thus, the little mentions of the dispersant is a questionable matter. Even in Indonesian media that clearly sides with the victims and Indonesian government, the number of attention given to dispersant is little. *Pos Kupang* mentioned the dispersant twice out of seven articles analysed, and both *Kompas* and *Bisnis Indonesia* only mentioned the dispersant once each.

Among Indonesian media, only *Bisnis Indonesia* used "dispersant" to refer to dispersants, quoting Ben Slade:

Ia [Ben Slade] mengatakan bahwa tu[m]pahan minyak menyerupai ukuran 10 kolam renang kelas olimpiade itu berisi lumpur beracun yang terdiri dari zat kimia dan timah hitam serta dispersant yang disemprotkan Otoritas Keselamatan Maritim Australia (AMSA) untuk mene[ng]gelamkan tumpahan minyak ke dasar laut pada saat itu.

Translation:

He [Ben Slade] said that the oil slick resembling around 10 olympic grade pools contained toxic mud consisted of chemicals and lead and dispersant sprayed by Australian Maritime Safety Authority (AMSA) to sink the oil slick to the bottom of the sea at that moment.

It is interesting to see that dispersant is not put in quote marks or italicized, since it should be an english word (not Indonesian).

Kompas sourced Ferdi Tanoni and called the dispersants "zat kimia yang sangat beracun yakni dispersant jenis Corexit 9572 dan 9572 A":

Pihak Australia juga telah mengirimkan polusi minyak bercampur zat kimia yang sangat beracun yakni dispersant jenis Corexit 9572 dan 9572 A ke perairan Indonesia dan menghancurkan sekitar 78.000 kilo meter persegi perairan Indonesia dan sejak itu telah pula mengorbankan lebih dari 100.000 masyarakat miskin yang tinggal di pesisir laut.

Translation:

Australian side had also sent oil pollution mixed with very toxic chemicals that are dispersant type Corexit 9572 and 9572 A to Indonesian waters and destroyed around 78,000 kilometer

square of Indonesian waters and since then sacrificed more than 100,000 poor people living on the coast.

Pos Kupang, on February, around the time *Kompas* published its article that mentioned the dispersants called “bubuk kimia sangat berbahaya dispersant Corexit 9572 dan 9572 A”, also using Ferdi Tanoni as the source:

... karena pemerintah Federal Australia sebagai regulator dan juga sebagai pihak yang menyemprotkan bubuk kimia sangat berbahaya dispersant Corexit 9572 dan 9572 A untuk menenggelamkan tumpahan minyak Montara dari atas permukaan Laut Timor ke dalam dasar laut.

Translation:

... because the Federal Government of Australia as the regulator and also as the side that sprayed very dangerous chemical powders dispersant Corexit 9572 and 9572 A to sink Montara oil spill from the surface of Timor sea to its bottom.

And on the later publication it called the dispersants as “bubuk kimia beracun Corexit 9500”, citing Yayasan Peduli Timor Barat where Ferdi Tanoni is the Head:

Menurut YPTB, ini disebabkan karena tumpahan minyak telah ditenggelamkan oleh AMSA (Australia Maritime Safety Authority) dengan menggunakan bubuk kimia beracun Corexit 9500 dalam jumlah yang sangat besar.

Translation:

According to WTCF, this happened because the oil spill has sunk by AMSA (Australia Maritime Safety Authority) by using toxic chemical powder Corexit 9500 in a large quantity.

The Australian also didn't mention the dispersant at all.

The West Australian mentioned the dispersant once, on the very first article it released after the spill occurred:

Mr Kindleysides said chemical dispersants were the correct strategy for dealing with the oil, forcing it to form droplets that sink into the water column rather than remain on the surface. But he said plans should be put in place for a comprehensive assessment of the spill's effects on fish and seabed species that would be contaminated as a result.

The Australian Financial Review mentioned the dispersant once. Sourced to Tracey Jiggins from AMSA (Australian Maritime Safety Authority), it says:

AMSA spokeswoman Tracey Jiggins said the spill had responded well to dispersants.

As we had mentioned in the previous chapter, this is part of the painting where AMSA portrayed as the hero of the story.

The two Australian publications that mentioned dispersants mentioned them in a positive way. It's possible that as the story went along, the dispersants stopped being something positive. As the dispersants were an action of AMSA, which in turn represented the Federal Government of Australia in taking action on the spill, discourses about dispersants were probably dropped the moment this change of image happened.

The mentions on dispersants on Australian publications happened early in the case. The earliest being *The Australian Financial Review* article dated on 8 September 2009. While it's not clear what exactly made them stop, a Hansard dated on 16 September 2009 recorded that Senator Rachel Siewert gave a Matter of Public Interest speech and addressed the Montara issue. In the speech, dispersants and their effects are mentioned as "can have an adverse impact on the environment".

5.2 Lawsuits: the fight for retribution

Lawsuits related to the Montara oil spill can be divided into three: Northern Territory court, class action lawsuit by the seaweed farmers and civil action lawsuit by Indonesian Government. The oldest and the only one that had reached verdict was the Northern Territory court. Surprisingly enough, the only publication that published an exclusive article about it out of the six publications studied in this dissertation is *The West Australian*. While *Kompas* did an article at the time, *Kompas* showed no care towards the lawsuit itself, only blindly quoting and citing Ferdi Tanoni who used the fact that PTTEP pleaded guilty in Northern Territory court to tell people that they would definitely win the planned class action.

The West Australian article on the lawsuit, written by Jane Hammond, informs the readers about the details of the case. The article informs the readers that there were four different charges and the fines they carried:

Three of the charges, laid last month under the Offshore Petroleum and Gas Storage Act, each carries a maximum penalty of \$550,000 and the fourth, that the company failed to ensure its operations were carried out in a proper manner, \$55,000.

The article informs the readers that PTTEP pleaded guilty to all four charges and were fined \$510,000, criticising Magistrate John Lowndes' decision:

It is the only financial penalty on the company and is less than one third of the maximum \$1.7 million that could have been applied.

The article offered no explanation about the decision from the judge himself, but it quoted PTTEP's CEO Ken Fitzpatrick who said that PTTEP took a co-operative approach and accepted responsibilities.

As discussed in Chapter 3, there are reproaches towards the decision made by Senator Rachel Siewert and WWF director Gilly Llewellyn. The decision was assessed as not sending the strong message needed.

As we can see, the lawsuit didn't seem to have anything to do with marine pollution. As quoted, three of them were under Offshore Petroleum and Gas Storage Act, and the fourth one was about the way PTTEP carried the operations.

The article also told us that there were other court actions that were being faced by PTTEP. One was by West Timorese fishermen, whose fishing ground were spoiled, and the other by three workers that were forced to evacuate the rig, seeking damages for PTSD. For the later, no continuation found for the later.

As mentioned, the lawsuit carried in the Northern Territory court in Darwin had nothing to do with the damage caused by the leak. This doesn't mean PTTEP get away with it. People of NTT and the Government of Indonesia were seeking compensation over it. Just like how it usually is in Indonesia, they started with negotiation and asking PTTEP to sign compensation accords. When the negotiation dragged on, and finally failed, lawsuits were filed.

August 2016, the fishermen from NTT filed the \$200 million class action lawsuit. All three Indonesian publications analysed in this study published an article on it, while none of the three Australian publications published exclusive article on it. Only *The Australian* mentioned this event on the article about the civil action launched by Indonesia against PTTEP. This begs the question if the class action lawsuit was of too little importance for the three Australian publication for it to be mentioned, or on *The Australian* case, given its own exclusive article.

Bisnis Indonesia, surprisingly, published article that discussed the event thoroughly, given its absence during all important events of the Montara case prior to the class action. Not only that, *Bisnis Indonesia* included information that weren't found on other publication, which is about Harbour Litigation Funding Limited, informing the public about the source of funds that allows the seaweed farmers to carry the class action lawsuits against PTTEP.

The class action also the stage where Daniel Senda entered the readers' mind. Too bad, only *Bisnis Indonesia* actually quoted and cited him, and only about the seaweed farmers livelihood too. It was done, probably, to fish sympathy for the seaweed farmers.

One thing that appears on all three Indonesian publications, and on the same way too, were the content of the lawsuit. All three attributed the statement to Ferdi Tanoni, and continued the sentence by citing Ferdi Tanoni.

Between the class action lawsuit by the seaweed farmers and the civil action lawsuit by the government of Indonesia, there were an article from *Kompas* which title stated that the seaweed farmers won the case on Federal Court of Australia. It's not in the corpus due to the misleading content. The article's title stated that the seaweed farmers won the case, but reading the content, it was just that the judge in charge of the case overruled an objection from PTTEP's side, that the seaweed farmers' time to file the lawsuit has passed. Therefore, the information contained by the article only informs the readers that the seaweed farmers could carry on with the lawsuit.

The last lawsuit is the civil action lawsuit launched by the government of Indonesia against PTTEP in Jakarta. I called it civil action following the way it's called by *The West Australian*. There aren't one exact date for the articles on this event to be published, but they were published around March to May 2017. *Bisnis Indonesia* published its article on the civil action on 17 March 2017 and *Pos Kupang* on 2 April 2017. *The West Australian* published theirs on 9 May 2017 and *The Australian* on 5 May 2017. *Kompas* and *The Australian Financial Review* didn't publish article on the topic around this time. For *The Australian Financial Review*, their interest in the whole Montara case seemed to disappear gradually after the Montara inquiry report were released to the public. As for *Kompas*, it published more article on the topic later and mentioned about the civil action on those article.

Note the time they published the articles. It is interesting to see the name they use for the oil firm. *Pos Kupang* called it PTTEP Australias Sea Operations, indicating that there was only one company. *Bisnis Indonesia* called it PTT Exploration and Production Company (PTTEP) Australasia, also indicating one company. *The West Australian* and *The Australian* published their article more than a month after, has different information on the defendant. *The Australian* informs its reader that there were three defendants and named two of them:

... Petroleum Authority of Thailand Ltd (PTT) and two of its subsidiaries, including Australian-based PTT Exploration and Production Company Australasia...

The West Australian had only indicated two, instead of three and named both of them:

... rig operator PTTEP Australasia, as well as its parent company, the state-owned PTTEP Thailand...

The difference in time was the key in this difference. By the time the two Australian publication published their articles, the civil action lawsuit had already lodged, while at the time the two Indonesian publication did, it hadn't.

5.3 Effect of Pollution: the deliverer of misery

Media reporting of three pollution effects will be discussed in this section: health hazard suffered by the people of NTT, the effect towards marine life and lastly the effect towards the livelihood of the people of NTT.

One of the effect of the oil spill pollution (and likely the effect from the dispersants too) was a certain health hazard suffered by the people of NTT. The Australian publications didn't mention the sickness at all. This begs the question if they are keeping the whole thing about the spill effects to the health of people of NTT a secret from public's eye.

The number of times the health effect of the oil pollution mentioned was surprisingly small in Indonesian publications. *Kompas* mentioned it twice, *Pos Kupang* once, *Bisnis Indonesia* once. Both *Kompas* and *Pos Kupang* only have it mentioned as they cited Ferdi Tanoni on the content of

the class action lawsuit, all three was basically the same sentence. One of the mention of this matter on *Bisnis Indonesia* was also the time *Bisnis Indonesia* cited Ferdi Tanoni on the content of the class action lawsuit. The other one happened when *Bisnis Indonesia* cited ALA's report:

Pada bulan Juli 2015, Aliansi Pengacara Australia (ALA) merilis sebuah laporan yang menggambarkan bagaimana kondi[s]i ribuan nelayan dan petani rumput laut menjadi lebih buruk dan menderita berbagai penyakit seperti gangguan pernapasan dan penyakit kulit yang tidak pernah dialami para petani sebelumnya.

Translation:

On July 2015, Australia Lawyers' Alliance (ALA) published an article that described how the condition of thousands of fishermen and seaweed farmers become worse and [how they] suffered various diseases like breathing problems and skin conditions that had never suffered by the farmers before.

This sentence is different compared to the other, as it described the health problem suffered by the people of NTT in more details than the others. It specifies that people that suffered the conditions are [fishermen and seaweed farmers]. It also gives two examples of the conditions suffered by the fishermen and seaweed farmers, and informs that they had never suffered the conditions before, leading us to make the connection between the sickness and the pollution caused by the oil spill.

The second effect we need to focus on is the effect of the oil spill towards marine life. As the dispersant increased toxicity of the oil, it can be argued that dispersant is included. This matter had been one of the main focus of Montara oil spill from the start of the leak. On its first article about Montara that was published after the spill, *The West Australian* cited the environmentalists:

Environmentalists have warned that allowing the leak to continue for weeks will endanger the Kimberley's coastal mangroves, and the important reef ecosystem on Ashmore Island, 300km west of the spill's source.

The Australian Financial Review also mentioned this matter on its first article on the oil spill:

... prompting fears the spill will harm marine life, including dolphins and turtles.

Even added an information about a certain report:

... reports emerged in recent days from Broome-based fishing boats that marine life in the area was being severely affected.

However, *The Australian* had a different view:

Dr Webb added that because there were many natural oil and gas leaks from the Timor seabed, marine organisms were able to tolerate some pollution.

Granted that *The Australian* published its article earlier than other Australian publications, maybe the statement about the harm done to marine life came out a bit late.

Pos Kupang quoted a fisherman on its first article, accusing the oil to have killed fishes straight away:

Banyak ikan dasar laut dan permukaan yang mati akibat mencium aroma minyak.

Translation:

A lot of fishes under and over the sea were dead from smelling the oil's aroma.

The environmental impact of the spill has never fully understood. The damage is massive, but we just had no idea of how big it actually is. The Montara inquiry report, for one, was cited to inform that it's:

... impossible to work out how bad the damage was.

Blaming the Environment Department for spending too much time to decide who was responsible to monitor the effects of the spill. An article saved for this part, dated on 23 October 2009, published by *The West Australian* cited scientists who warned that tests performed "may not be a proper indicator of the environmental impact". The article also informs that:

Numerous tests have been conducted on marine life near the leak, but only one report has so far been released by the Federal Environment Department which found no oil contamination in the fish studied.

But the test studied just four fish and the fish were delivered to the scientists frozen — which precluded examination of bile, the best guide to oil contamination.

By saying that [numerous tests have been conducted] and that [only one report has so far been released by the Federal Environment Department] *The West Australian* roused suspicion towards the Australian Government, and possibly painting them as incompetent. Then the article informs the reader the reason to doubt the one report that had released by the Government, plunging them even further into the hole.

Another article that appeared the day after also concerned about the harm brought by the oil to marine life. *The West Australian* cited professor of marine ecology Euan Harvey, on his worry that "posed a major risk to the larvae of large finfish, which spawn in October". Next, *The West Australian* continued the barrage, citing information that comes from the WWF:

A marine wildlife survey released yesterday found the area polluted by the slick was teeming with wildlife and had many more dolphins than Ningaloo Reef.

The survey by WWF Australia found thousands of marine creatures could be at risk of being poisoned.

The survey was conducted as part of a week-long expedition to the area last month. Its 75-page report details the number and diversity of species seen in the slick over 72 hours.

Many of the animals were seen swimming or resting in the oil.

The Australian didn't really mention the damage the oil spill did or could have done to the marine life. With the exception of *Kompas* which mentioned it a couple of times and calling it indirect losses, neither did Indonesian publications. They did, however, mentioned the effect of the spill towards people's livelihood.

The spill effect towards people livelihood basically summarised into the content of the class action lawsuit that kept repeated by the Indonesian media:

... pencemaran laut yang menghancurkan rumput laut milik petani, dampak pencemaran terhadap hasil tangkapan nelayan, dan yang terakhir yakni terhadap kesehatan warga di NTT.

Translation:

... sea pollution that destroyed the farmers' seaweeds, the pollution effects towards the fishermen's catch, and the last one towards people of NTT's health.

The last of the effect mentioned here, about the spill effect towards people health, has been discussed before, and the other two are basically robbing the people from their source of income.

While the other two are basically about the pollution killing marine organisms, it's here because it's more about people than marine life itself. Compared to other publications, *Bisnis Indonesia* has articles that best elaborated the effect of spill to people's life. It cited and quoted Daniel Sanda explaining the details.

Unlike other topics, this one draw attention of all publications. Even if it was only a line somewhere, they have mentioned it somewhere. *The Australian* cited ALA's report on the seaweed condition and called it "white sickness". Still, while unexpected due to the low number of articles on Montara, this topic is best covered by *Bisnis Indonesia*. *Bisnis Indonesia* even quoted Ben Slade that explained that new seaweed dies within three days, explaining why the seaweed farmers' misery continued even after so long.

5.4 The amount of oil spilt: confusion over numbers

The volume of oil spilt was a subject of controversy during the Montara case. The amount kept changing and the publications cited and quoted many different people or organisations that gave them different estimates of the spill.

The first mention of an exact amount of oil spill in the corpus came from *The Australian Financial Review* on its very first article after the spill, dated on 8 September 2009. The article cited Environment Minister Peter Garrett who said that the leak amounts to 300 to 400 barrels of oil every day.

The next one came from *Pos Kupang*, giving the estimate of 500,000 liters of oil a day. Converting this number into barrels, it amounts to over 3000 barrels a day. This article is dated on 29 September 2009. Did the number change within twenty days? Or maybe they come from different

source? This is the second highest estimate of oil leak in the corpus, along with one from *The Australian* that also gave the same estimate.

The third and fourth mention came from *The West Australian*. On 23 October 2009, *The West Australian* cited two different amount of oil leaks. The first one, attributed to the Greens and said to have come from a Resources Department official in a Senate hearing, informs the readers that the amount of oil leak “was calculated to be ... 2000 barrels a day”. The second one, attributed to PTTEP Australasia and the Government, informs the readers that the well “has been leaking no more than 300-400 barrels a day”. While this looks like giving the readers a choice of what to believe, after an article talking about how unreliable the tests that had been conducted by the Government on marine life near the leak, it seems to be more of an attempt of painting the image of a Government that’s trying to do and say anything to protect the oil industry.

About a year later, on 27 October 2010, an article published by *The West Australian*, took both estimation and combine them:

Between 400 barrels and 2000 barrels a day leaked into the Timor Sea over a three-month period.

Its over a year later and *The West Australian* gave no explanation where the number came from. While *The West Australian* published an article between them that gave an estimate on 27 May 2010, it wasn’t estimate per day, but estimate of the whole spill:

... a spill off WA that spewed 3500 tonnes of oil and gas into the Timor Sea.

As you can see, not only it’s estimated in its weight, unlike the others, the estimate mixed oil and gas. Moreover, there were no source attributed to the information.

The next estimate came from *Kompas*, on the article published on 20 September 2011. The article put the number as 40 million liters. While the information wasn’t attributed to anyone, it’s likely that the information comes from Environment Minister Mohammad Gusti Hatta. This is the highest estimate amount of oil spill in the corpus, putting the daily amount of the spill to over than 540,000 liters during 74 days period.

The next estimates in the corpus came from *Bisnis Indonesia* on an article published on 4 August 2016. While the article cited Ben Slade, the information is somehow attributed to PTTEP Australasia. The article cited that the amount of oil spilt daily during the incident amounted to over than 300,000 liters.

The same amount was reported by *The West Australian* on the article published on 9 May 2017. This information wasn’t attributed to anyone, but it looks as if it came from Indonesian government. On the article 4 days before it, *The Australian* reported a different number, 500,000 liters a day, just like the one reported by *Pos Kupang* in 2009. This information is attributed to the Indonesian government. As both article are on the topic of the civil action lawsuit, and information mainly

attributed to Arif Havas Oegroseno as a deputy for the Ministry for Maritime affairs, it's unlikely for the amount reported by *The West Australian* to come from the Indonesian government.

As we can see here, big estimates are more likely happen when they were attributed to the Indonesian government or when the case was reported by Indonesian publication. The company behind the case and surprisingly Australian authority gave the public a smaller estimates. The only estimate that somewhat being in the middle was attributed to the Greens, which in turn claimed to have cited a Government official. The number kept changing, going up and down. While there are estimates, it's argueably safe to say that no one actually knows how much oil leaked and pollute the sea from the Montara oil well.

5.5 Regulator and Regulations: “the regulatory dog did not bark”

When such a massive oil spill happened, it's normal to question the regulation and the regulator. One would question if the tragedy could have been avoided through regulations in place. If not, what should be changed so similar things won't happen in the future? If the regulations was good enough, what went wrong? Did anyone not do their job properly?

The first one to mention regulation among the publication analysed in this study was *The Australian Financial Review*. They mentioned “a report into offshore petroleum regulation by Kym Bills and David Agostini identified the need for improved regulatory powers and consideration of an independent national safety regulator”. By mentioning the report, and that it was submitted in June 2009 (before the spill occurred), they painted a situation where there was a need for a change in regulation and that need had been acknowledged and that the government had moved to address the issue. They also used this to partially blamed the regulation that was in place. *The Australian Financial Review* quoted from Montara inquiry report, confirming what feared by Kym Bills and David Agostini happened in this Montara oil spill case:

The way the regulator conducted its responsibilities gave it little chance of discovering PTTEPA's poor practices. In this case the regulatory dog did not bark

As a business publication, *The Australian Financial Review* might have put special attention towards change in regulation as it would affect the oil industry as a whole.

The next mention of regulation made by *The Australian* in the article that reported that the leak had managed to be stopped. *The Australian* cited Joshua Coates from The Wilderness Society, who called for “a tighter regulatory approvals process for offshore oil and gas”. *The Australian* also quoted Colin Barnett, West Australian Premier at the time, who said that the disaster “will also raise questions about the supervision and the regulatory framework around that”.

The next mention about regulation and the regulators came from all three Australian publication. All of them came from articles dated on 25 November 2010. The Inquiry report listed what went wrong,

and fingered the regulator and the regulation as part of those to blame. This wasn't missed by all three Australian publications studied.

An important part of this topic is the effect of the incident towards the regulation. The changes that were reported as going to happen were "new rules that would require any company applying for an oil lease to show they have the money to tackle any major spill" and a single national offshore petroleum regulator.

The new rules to require the companies to show that they have the money to tackle any major spill was called by *The West Australian* to be "a move sure to unsettle smaller oil and gas explorers". It's questionable how this new rule is going to stop spill from happening. PTTEP sure had the money to tackle the problem. Of course, it might have stopped Coogee Resources from even forming if we go back further in time.

The second change that was being talked about had opposition from WA Premier Colin Barnett. *The West Australian* even had this on its own exclusive article. *The Australian* reported that the Greens and opposition welcomed the response, and *The Australian Financial Review* added the APPEA to the list.

Chapter 6: Findings and Conclusion

This chapter will present the three key findings emerging from the previous chapters and conclusion taken from them.

6.1 Findings

The first finding is about *absence*. Many things were simply absent or underrepresented by the media. Dispersant being among the most important. Dispersant only appeared in the Australian news reports early in the spill, and then never mentioned again. In Indonesian news reports, dispersant made its way later in the coverage, when Ferdi Tanoni condemned it, and the media cited or quoted him. Still, it was rarely mentioned even in Indonesian publications. Another notable absence is lawsuits, with different lawsuit missing in reports by media in different countries. The NT Court lawsuit is missing from Indonesian publications and the seaweed farmers' class action lawsuit is missing from Australian publications. That said, the lawsuit launched by the Indonesian Government was reported by publications in both countries. Could this be because the case is between Indonesia and a Thailand company? This brings us to the next finding.

The second finding is about *groups*. Indonesian publications tend to use us-versus-them discourses. It's Indonesia against Australia, or Indonesia against a Thai oil company, or something similar. Australian publications use more groups in their reports, including the Federal Government, Ministry of Resources, Ministry of Environment, AMSA, PTTEPAA, and so on. While Indonesian publications do use TALT and Ministry of Environment, they are clearly described as part of Indonesian Government. On the other hand, Australian publications painted a picture where diverse groups within the Australian Government cast blame against each other, aside from throwing it towards PTTEPAA. Whereas, when the Indonesian media presents the seaweed farmers' group and the Government's group in the same article they are not shown to be against each other, even if they are not always in agreement. Meanwhile, Australian media presented more segregated groups, even while they blame a foreign oil company. And 'foreign' is a key element in the corpus. Aside from PTTEPAA, that kept being blamed by both sides, interest in any foreign group was very limited by both Australian and Indonesian media. Indonesian publications often just blamed the whole thing on Australia, lumping PTTEP together with Australia and uninterested in the complex segregation between groups within. The Australian publications do more or less the same thing when reporting PTTEPAA as a foreign organisation. Rarely is the foreign organisation's view offered to readers.

The third finding is that the publications mostly respond towards to *sources within their reach*. As examples, we can see how the first article from *Pos Kupang* sourced Antlamor fishermen, and the second article from *Kompas* sourced the Australian Embassy in Jakarta. Australian publications similarly sourced their information from nearby Australian sources. This use of proximate sources provides the different standpoints offered by Indonesian and Australian media.

6.2 Conclusion

The standpoint of news reports differs by on the location of media organisation. Location limits journalists access to trusted sources of information, for one. This, in turn, makes some things absent from media reports. The difference of what influences media reports in each country might explain the difference of what is absent or underrepresented in the news reports. Their geographic positioning means news organisations also need to cater for their readers viewpoints too, which tends to be used as a basis for grouping the parties involved in the case, and for determining what is foreign – and, therefore, has no voice – and what is not.

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Appendix 1

Martin pulls \$800m float - 08/12/2006

Blue-chip advisers accused of botching the price on Perth tycoon's Coogee Resources Timor oil project raising.

Analysts accuse blue-chip advisers of botching pricing on Coogee Resources' Timor Sea oil project raising

A lukewarm response from major investors has forced Perth chemicals tycoon Gordon Martin into an embarrassing decision to scrap the \$800 million float of his Timor Sea oil developer, Coogee Resources.

The company was to have listed today but the float was pulled after institutional investors refused to pay Coogee's asking price for its shares.

Analysts said the company's advisers, Credit Suisse and Goldman Sachs JBWere, botched the pricing, despite earlier warnings not to alienate potential investors by chasing too much cash.

Mr Martin was auctioning off a 45 per cent stake in Coogee to part-fund development of its \$460 million **Montara** oil project, which it hopes to bring into production by September 2008.

Coogee set an indicative price range of \$1.90 to \$2.33 a share in a bid to raise \$380 million, with the final price to determine the number of shares auctioned off.

Institutions were invited to bid in a bookbuild overnight Wednesday but few are believed to have offered more than \$1.75 a share, meaning Coogee would have been able to raise no more than \$369 million before costs if the maximum 211 million shares were issued.

Coogee chief executive Peter Hood yesterday declined to comment on the price institutions had offered, but said the company was not prepared to sell off its assets at a discount and that it would now look at alternative funding options.

"We were not satisfied with the price we would have received for the assets," Mr Hood said.

"We have various options in front of us in terms of how we approach the oil project and approach funding. We will work our way through those, and see what the beginning of 2007 says to us."

Critically, the group must now renegotiate a \$US235 million (\$298.5 million) debt facility that was conditional on it raising \$380 million in the float.

Mr Hood said institutions had highlighted the long lead time to production at **Montara** as their main concern.

"The main feedback was that the 18 months lead time to bring **Montara** into production would have left them with an oil price exposure, and I think that was the hardest piece for them to reconcile," he said.

He said the big pullback in oil prices over the past two months from about \$US70 a barrel to just over \$US60 had also had an impact.

"It certainly didn't make it any easier, but we weren't sitting there trying to pick the oil price. But if you're asking would I have preferred to float two months ago, the answer would be yes," he said. Analysts said Coogee appeared to have been badly advised in misjudging the market so heavily.

"The price was clearly too high -I've been saying that something between \$1.70 and \$1.80 was probably fair value ... and there didn't appear to be much upside in the exploration," StockAnalysis author Peter Strachan said. "My feeling is that it was mis-priced for this market."

Mr Hood said Coogee hoped to decide on its funding options, which could include a second attempt to float the business, by the start of the second quarter of 2007.

"Having decided today to delay while we look at other approaches, we're really talking about March or April next year realistically," he said. "I think in the four months that elapse, there are things we can do to add value."

Mr Hood said the development schedule for **Montara** should not be affected by the float's cancellation, and that Coogee would now revisit earlier funding options, including the possibility of introducing joint venture partners to its 100 per cent-owned flagship asset.

Appendix 2

Martin puts his Coogeeoil play on the market – 15/10/2008

Perth chemicals tycoon Gordon Martin's Coogee Resources has become the latest company to suffer a cost blowout after problems with one of its contractors forced a delay of up to five months before oil is produced from its \$US1 billion (\$1.4 billion) Timor Sea project.

Mr Martin said yesterday the project delay and associated cost overrun — he would not quantify the budget blowout nor name the contractor in question — meant Coogee would need more money in a financial climate where “people get the jitters”.

Given that Coogee's troubled cornerstone investor, Babcock & Brown, had already decided to offload its 35 per cent stake, Mr Martin said the obvious option was for the entire company to be put up for sale.

Babcock & Brown invested about \$200 million for its stake last year, nominally valuing Coogee at more than \$570 million. The investment came after Mr Martin pulled Coogee's float at a time when oil was trading around \$US55 a barrel.

Mr Martin said that, despite strong interest from Australian and international groups in Coogee's projects, none of the potential buyers was interested in acquiring merely a one third stake, forcing him to put the whole company on the block.

Mr Martin controls about 60 per cent, with minorities accounting for the remaining equity.

Investment bank Goldman Sachs JBWere, which had been mandated by Babcock & Brown to set up a data room and find a buyer, has expanded its brief and told Mr Martin it expected to conclude a sale by the end of next month.

Mr Martin said he was disappointed to have to put Coogee up for sale, given his confidence in its flagship Montara asset, “but sometimes I am quite pragmatic”.

“There is serious interest but many of the big players said they were not interested in 35 per cent, they want the whole company,” he said.

“The current financial climate means that people get the jitters. We haven't breached any covenant with the bank, I say that in black and white. But we have had an overrun so do we go out and get more debt or do we put the whole company on the block?”

Coogee's sale comes amid turbulence on global financial markets and the sell-off in particular among energy stocks, given that the oil price has fallen from above \$US140/b to \$US80/b.

Investor sentiment has also taken a battering because of Mitsui's decision last week not to take a 25 per cent, \$US255 million stake in Nexus Energy's Crux light oil project in the Browse Basin. Mitsui blamed the financial turmoil.

Coogee's key attraction is Montara, which contains proven and probable reserves of 39.9 million barrels of oil. Projects costs have been put at \$US1 billion, which will include nine wells and a floating production vessel.

Appendix 3

Thais swoop on Martin's Coogee in \$US170m deal - 26/12/2008

WA multi-millionaire Gordon Martin has struck a \$US170 million (\$250 million) deal to sell his unlisted oil and gas company, Coogee Resources, to Thailand's national energy group.

As flagged in WestBusiness two weeks ago, PTT will buy full ownership of the group as a springboard for expansion in Australia.

The agreement, announced late on Christmas Eve, should be completed next month subject to approvals, including the green light from the Foreign Investment Review Board.

Coogee has estimated proven and probable oil reserves of about 45 million barrels, mainly through its \$US1 billion Montara project in the Timor Sea, which is due to enter production in the third quarter of next year.

It also holds controlling stakes in the producing Jabiru and Challis fields and has a portfolio of promising regional exploration interests.

Mr Martin yesterday hinted at some regrets over the sale, given the time and money invested in building Coogee. "We have a few dreams that won't be fulfilled," he said. However, PTT had "bought themselves a very good company and, in the circumstances, we are delighted", he said.

The deal ensured continuity, with Coogee's management and staff to be retained by PTT, and also guaranteed completion of Montara. Troubled investment bank Babcock & Brown lit the sale process about five months ago by deciding to seek buyers for its 35 per cent stake.

Plunging oil prices, a cost blowout at Montara and the uncertain global financial environment — Coogee has \$US270 million of debt — influenced Mr Martin's decision to later put the whole group on the market.

A float of the company was pulled two years ago after institutional investors balked at the asking price.

PTT said the purchase of Coogee provided an opportunity to buy high-quality development and exploration assets in the Bonaparte Basin and could enable the group to commercialise stranded gasfields in the region. "This acquisition is aligned with PTT's key strategic objectives of growing its international operations and provides a unique platform for expansion in the low sovereign risk Australian oil and gas market," chief executive Anon Sirisaengtaksin said.

Appendix 4

Oil firm has ‘no idea of spill size’ - 29/08/2009

The company behind the West Atlas oil spill has admitted it has no idea how much oil has leaked into the Timor Sea, or how much will be lost before the leak can be plugged.

The admission came yesterday amid accusations that the public had been misled about the true size of the spill, and that the slick now spans 180km.

Oil firm PTTEP Australasia said it had not been able to estimate the volume of oil spilt from its Montara platform since the incident eight days ago.

“We are not in a position to calculate that at the moment,” spokesman Mike Groves said yesterday. “We could make a visual guess but that would be inaccurate. The truth of the matter is we just don’t know.”

Mr Groves also said there was no way to predict how much oil would eventually be leaked by the time a second well could be drilled to intercept the flow, a plan set to take another six weeks.

Greens Senator Rachel Siewert, who flew over the site yesterday, said the community had been “seriously misled”. “The spill is far bigger than we have been told, and closer to the coast than expected,” Senator Siewert said.

“There is a film of oil around the rig, from horizon to horizon. From east to west, it stretches 180km at a minimum.”

She said the current plan to bring the relief drilling rig, West Triton, from Singapore would take too long. The rig, which left on Thursday, is not expected to arrive on site for another 16 days, and will take a further four weeks to cap the stricken oil well.

Environmentalists have warned that allowing the leak to continue for weeks will endanger the Kimberley’s coastal mangroves, and the important reef ecosystem on Ashmore Island, 300km west of the spill’s source.

Australian Marine Conservation Society director Darren Kindleysides said by the time the spill was capped, it could be “one of Australia’s biggest in terms of the amount of oil”.

Mr Kindleysides said chemical dispersants were the correct strategy for dealing with the oil, forcing it to form droplets that sink into the water column rather than remain on the surface. But he said plans should be put in place for a comprehensive assessment of the spill’s effects on fish and seabed species that would be contaminated as a result.

Appendix 5

74 days on, oil rig leak is finally plugged - 04/11/2009

The Timor Sea oil spill has finally been brought to an end, 74 days after oil and gas began leaking from the Montara wellhead.

Well control experts aboard the nearby West Triton rig yesterday injected 3400 barrels of heavy mud into the relief well, declaring a complete shutdown of the leak at 3.45pm.

The fire that had burnt since Sunday was also largely extinguished, although some debris on the stricken West Atlas rig remained alight, oil company PTTEP Australasia said.

Company director Jose Martins said he was “relieved and thankful” that the spill had ended, but that a lot more work remained to plug the well and secure it completely.

Engineers were yesterday monitoring the West Atlas rig as it cooled and would wait between 24 and 48 hours before boarding it to install plugs in the wellhead, Mr Martins said. The team was also continuing to pump light mud and brine into the relief well to ensure the leaking well remained stable.

Mr Martins said the company was “committed to fully funding the clean-up and environmental programs being undertaken by the lead government agencies”.

He also pledged to co-operate fully with the investigation into the incident planned by Federal Resources Minister Martin Ferguson.

He refused to speculate about the cause of the original leak until the investigation was completed.

Mr Martins said the industry had learnt much from the 74-day operation.

“We have had to respond to a lot of challenges and we’ve met every single one,” he said.

Greens Senator Rachel Siewert called for the immediate launch of a full judicial inquiry into the spill, “to be conducted at arm’s length from both the Government and the company”.

The Pew Environment Group’s Kimberley manager John Carey said any inquiry should focus on increasing the extent of marine sanctuaries, as well as improving regulations and industry practice.

The Australian Embassy in Jakarta yesterday denied reports from conservationists that the oil slick had contaminated Indonesian waters, killing fish off islands facing the Timor Sea.

“It is highly unlikely that any Montara oil would have come close to Indonesian coastal waters,” the embassy said in a statement.

Only small patches of non-hazardous “weathered oil” had crossed into Indonesia’s exclusive economic zone, the closest of which was almost 100km south-east of Indonesia’s Roti Island.

Premier Colin Barnett yesterday used the disaster to warn against the potential dangers of using floating LNG plants to develop smaller gas fields.

“You have large amounts of gas and most likely condensate stored on a vessel that is also engaged in production and processing,” Mr Barnett said. “Should there be an accident it would be far more difficult to control than, for example, an onshore facility.”

Appendix 6

Oil firm faces loss of licences - 25/11/2010

The company behind the Montara oil spill and explosion off the Kimberley coast last year could be stripped of its exploration licences in Australia and key staff could face criminal charges.

A scathing report into the disaster also attacked the mess of State and Federal bureaucracies that regulate the offshore oil and gas sector and called for a single national regulator to watch over the burgeoning industry.

And in a move sure to unsettle smaller oil and gas explorers, it is understood the Federal Government is considering new rules that would require any company applying for an oil lease to show they have the money to tackle any major spill.

The long-awaited Commission of Inquiry, tabled in Parliament yesterday, criticised PTTEP Australasia, finding there were “considerable deficiencies” in the way the Montara well was drilled and prepared.

The clean-up and environmental monitoring has so far cost PTTEP Australasia at least \$325 million. The disaster was the worst of its kind involving Australia’s offshore oil industry.

Federal Resources Minister Martin Ferguson said oil industry regulator the National Offshore Petroleum Safety Authority had referred briefs of potential criminal charges for health and safety breaches to the Director of Public Prosecutions.

“These people fingered in this report, to put it bluntly, have a lot to answer for,” Mr Ferguson said.

The report found PTTEP did not properly test a cement plug at the base of the well for leaks, then failed to place a blow-out preventer on the top of the well, meaning oil and gas was able to spew to the surface.

Taking aim at regulators, the inquiry said the Northern Territory Government — which had regulatory responsibility for the Montara well — had been “totally inadequate” in its oversight duties.

Mr Ferguson warned he could block PTTEP, which is owned by the Thai Government, from acquiring new oil and gas leases and the company could be forced to sell the interests it already controls.

The commission complained the company’s management of the well had not come within a “bull’s roar of sensible oilfield practice”.

“The blowout was not a reflection of one unfortunate incident or of bad luck. What happened with the well was an accident waiting to happen,” the report said.

“The company’s systems and processes were so deficient and its key personnel so lacking in basic competence that the blowout can properly be said to have been an accident waiting to occur.”

The Montara well started leaking on August 21 last year, forcing the evacuation of 69 workers from Atlas Drilling’s West Atlas rig.

Fire broke out on the platform on November 1 and burned for two days at 350C before the leak was plugged with mud down a relief well. The burnt-out rig is still being removed from the oilfield.

Appendix 7

Company sheds staff linked to blowout - 25/11/2010

Workers directly responsible for the Montara oil spill are no longer working for PTTEP Australasia, the company has revealed as it tries to rebuild its shattered reputation and continue operating in Australia.

The Thai Government-owned oil giant said yesterday it deeply regretted the spill and acknowledged there had been “deficiencies” within the company.

The Commission of Inquiry was damning of PTTEP Australasia’s corporate culture from head office to workers on the rig.

It complained that PTTEP Australasia’s chief operating officer Andy Jacob had been highly selective in his evidence to investigators and had sometimes withheld information in case it should reflect badly on the company.

“That state of affairs does not reflect well on PTTEPA as a corporate citizen,” the report said.

Mr Jacob is still with the company.

The report was critical of drilling supervisor Noel Treasure, drilling superintendent Chris Wilson and well construction manager Craig Duncan. They “failed to adequately comprehend” that a cement barrier — later blamed for the blowout — was faulty.

The three men are no longer working for the company.

“The magnitude of this failure reflected a failure of judgment and competence,” the report said.

No new exploration licences have been awarded to PTTEP Australasia since the Montara incident but the company is still involved in exploration.

PTTEP spokesman Chris Kalnin said the company had drawn up a plan to ensure there was no repeat of what happened at Montara.

Mr Kalnin said the “substantial transformation” of the company’s Australian drilling operations included all supervisory and managerial drilling personnel associated with the Montara incident being removed from their positions.

“Valuable lessons have been learnt,” he said.

Appendix 8

\$510,000 fine for Montara spill - 01/09/2012

Thai-based company PTTEP Australasia has been fined \$510,000 for the 2009 Montara oil disaster off the Kimberley.

The fine was handed down in Darwin Magistrate's Court yesterday after the company pleaded guilty to four charges on Thurs- day.

It is the only financial penalty on the company and is less than one third of the maximum \$1.7 million that could have been applied.

Millions of litres of oil spewed into the Timor Sea over more than 70 days after the Montara well-head blew on August 21, 2009.

Three of the charges, laid last month under the Offshore Petroleum and Gas Storage Act, each carries a maximum penalty of \$550,000 and the fourth, that the company failed to ensure its operations were carried out in a proper manner, \$55,000.

Magistrate John Lowndes handed down a total fine for the first three charges of \$495,000 and \$15,000 for the fourth charge.

Chief executive officer of PTTEP Ken Fitzpatrick said his company had "taken a co-operative approach in pleading guilty to all charges" and accepted responsibility for the mistakes it had made.

"The conclusion of the court proceedings draws a line under the Montara incident, allowing the company to focus on producing safe and clean operations now and into the future," Mr Fitzpatrick said.

Greens senator Rachel Siewert described the penalty as disappointing.

"The fines are not really sending a clear message to the industry that if you do the wrong thing you will be whacked," Senator Siewert said.

WWF director Gilly Llewellyn said the disaster had been one spark away from causing mass loss of life and the fines failed to reflect that.

Though PTTEP has closure on charges over the issue, it still faces potential court actions.

West Timorese fishermen are claiming the spill spoiled their fishing grounds and are preparing to launch a multimillion-dollar compensation case.

Three workers forced to evacuate the rig after the blowout are seeking damages for post traumatic stress.

Their lawyer, Tim Kucera, said the true measure of the company's contrition and remorse over the disaster would be on whether it was willing to negotiate a settlement with the workers.

Appendix 9

\$2.7b suit over Montara disaster - 09/05/2017

Perth-based PTTEP Australasia says it is yet to learn the details of the \$2.7 billion lawsuit launched by Indonesia over the Montara oil rig disaster almost eight years ago.

Indonesia's Maritime Ministry launched a civil action against rig operator PTTEP Australasia, as well as its parent company, the state-owned PTTEP Thailand, over the 2009 explosion which caused more than 300,000 litres of oil and gas to spew daily into the Timor Sea.

Indonesia's Deputy Minister of Maritime Affairs Arif Havas Oegroseno lashed out at what he described as a lack of "good faith" from the companies which ran the rig.

Mr Oegroseno said they had sought to sign a memorandum of understanding with the company in Singapore in 2012 but PTTEP failed to send anyone to the meeting.

PTTEP Australasia said yesterday it was "aware of reports" of the legal proceedings but that it had "not been served with proceedings" and had no information as to the extent of the claim.

Appendix 10

Coogee Resources pulls float - 08/12/2006

THE most hyped oil sector float this year, that of Coogee Resources, has collapsed after institutional investors argued the risk of potential oil price movements in the next two years was too great.

Coogee Resources last month announced an IPO to raise \$380 million as partial funding for its flagship Montara oil development in the western Timor Sea.

This was aimed at commercialising a reserve of 36.9 million barrels of oil by the third quarter of 2008.

But yesterday the company, a spin-off from Perth-based Coogee Chemicals, owned by the reclusive Martin family, said the bookbuild process for the IPO had "resulted in prices not attractive to the company and its shareholders at this time".

It is understood the bookbuild was on the basis of an offer of about 190 million shares at an indicative price of between \$1.90 and \$2.33 each.

The IPO was reported as the most significant in the Australian oil sector for several years.

Coogee Resources chief executive Peter Hood said last night there had been strong institutional interest in the proposed float, but cited two factors for its failure.

One was the 22-month time frame from raising the capital to achieving revenue and the other was a year's hiatus in Coogee conducting further exploration in its Timor Sea acreage.

"It was not a question of the institutions believing the oil price would fall. It was a question that the time frame did not meet their risk profile," Mr Hood said.

"We decided not to proceed when it became clear the discount being requested of us was too high."

The failure of the IPO means that an associated \$313 million debt facility, also slated for Montara, will not proceed.

The company was reviewing a number of different options including a farm-in on Montara as well as approaching the market again early in the new year with a revised funding package.

Mr Hood conceded the proposed \$380 million capital raising was a large bite for a small and previously little known company. Coogee Resources operates the Jabiru/Challis oil field once owned by BHP.

Mr Hood added that Coogee Resources was not considering suspending its Montara development plans at this stage, pointing out that if the time frame between raising funds and achieving revenues was an issue it would not be addressed by delaying the date on which the project could deliver revenue.

"The Coogee Resources team will continue to work diligently to progress the Montara oil project and our exploration program," he said.

The Montara project involves developing the Montara, Skua and Swift/Swallow oil fields.

The company also plans to explore leads around the Jabiru/Challis fields with the aim of commercialising any new oil discoveries through tie-backs to either Jabiru or Montara.

Ultimately it also wants to investigate the possibility of developing a gas-to-liquids methanol plant using currently stranded gas reserves in the Timor Sea.

Mr Hood last night said the company was sorry to disappoint investors and employees who had applied for shares.

Appendix 11

Suitors' ardour prompts Coogee to opt for sale - 15/10/2008

COOGEE Resources chairman Gordon Martin has announced that the unlisted public company he founded in 2005 is up for sale after unsolicited interest from international oil majors.

The move comes after Babcock & Brown was forced to initiate sale proceedings of the 35 per cent stake in the oil and gas company it acquired in August last year for \$US232 million.

Potential suitors appeared interested in buying 100 per cent of the company, rather than just the B&B stake.

Coogee Resources chairman John Akehurst said the board had decided to put the whole company up for sale "in the best interests of all shareholders, given feedback from potential buyers of their desire to secure and control the entire company, or at least a majority stake".

Mr Martin's family owns a 60 per cent stake in the company, which was spun off from Coogee Chemicals. Coogee, which was valued between \$700 million and \$800 million at an aborted float in late 2006, has a 70.94 per cent stake in the producing Jabiru and Challis oil fields and owns 100 per cent of the Montara project in the Timor Sea.

In addition to its 2P reserves of 45.0 million barrels, Coogee has slated investigating the potential of a floating gas-to-liquids methanol production facility for offshore stranded gas as part of a bid to commercialise 834.4 billion cubic feet of contingent offshore gas resources.

Mr Martin said the outright sale process was "the most practical outcome for all shareholders in the prevailing market conditions".

The Montara, Skau and Swift/Swallow oil fields off northern Australia have 2P reserves of 39.9 million barrels of oil and remained "central to the company's asset base", he said.

"Notwithstanding the most recent fluctuations in world oil prices over past days, Montara remains a highly viable, economic and robust project," Mr Martin said.

As late as last month, Mr Martin was vowing that his family had no intention of selling out of Coogee.

Mr Martin said yesterday his mind had been changed because of the expressions of interest, the current global turmoil and because the company had had a cost blowout that had pushed production back from December to "April or May".

Announcement of the sale follows confirmation last week by Nexus Energy that its sale of a 25 per cent stake in its Crux project to Japanese group Mitsui had collapsed because of the global financial crisis.

Goldman Sachs JBWere analyst Mark Wiseman yesterday lowered his oil price outlook to reflect a more extended cyclical downturn in oil prices.

"This is driven by further forecast oil demand weakness given the significant global economic turmoil that is occurring," Mr Wiseman said. "We believe the structural bull market in oil remains in-tact, driven largely by a lack of adequate supply growth, and hence we see this period as a cyclical downturn within what we believe is an ongoing broader bull market in oil."

Appendix 12

Dire Straits no longer - 24/03/2009

Straits Resources has confirmed a buy-in from Thailand's PTT Exploration & Production for 60 per cent of its wholly-owned subsidiary Straits Bulk and Industrial (SBI) for \$US335 million. The deal represents a concrete outcome for Straits, which had to pull its planned demerger from SBI's assets in September last year.

The deal gives PTT relevant interest in Straits' coal exploration interests in Brunei and Madagascar as well as its 47.1 per cent stake in the Singapore-listed Straits Asia, which mines coal in Indonesia and had planned to list on the ASX last year under the name SAR Resources. Straits says it also intends to transfer its Yannarie solar salt project and a coal team led by executive director Martin Purvis to SBI as part of the transaction. PTT will appoint three directors, including chairman, to the SBI board, joining Straits chief executive Milan Jerkovic and legal counsel Michael Gibson.

One other consequence of the deal, however, is that Singapore corporate law may require PTT to make an offer for all outstanding shares in Straits Asia, of which Jerkovic is non-executive chairman.

PTT recently acquired unlisted Coogee Resources for \$US170 million, giving it access to a range of oil production and exploration projects off the northern coast of Western Australia. Listed in Bangkok, PTT has assets in Thailand, New Zealand, Algeria, Iran, the Arabian Peninsula and throughout Southeast Asia. It also has interests in Thai project development and a gas pipeline in Burma. Majority-owned by the Thai government, the \$US12 billion company accounts for almost 30 per cent of the Stock Exchange of Thailand's total market capitalisation.

Straits' Jerkovic said that the deal allows shareholders to realise value without losing exposure to its coal assets. "The cash proceeds of the transaction will provide SRL with the necessary financial resources to pursue attractive opportunities in the current market," Jerkovic said.

"More importantly however, it provides us the opportunity to work with a high quality partner in PTT to fully realise the potential of our coal assets."

The cash consideration, which represents approximately \$2.13 per Straits share, comprises \$US220 million upfront and a performance payment of \$US115 million conditional upon coal reserve upgrades at Straits' mine on Sebuk Island in Indonesia's South Kalimantan province. Straits shares are currently trading at \$1.15.

Approximately \$35 million from the deal will be spent on transaction costs and stamp duty, with Deacons advising PTT and Macquarie Bank and Corrs Chambers Westgarth leading Straits' multi-jurisdictional advisory team. Macquarie and Corrs were due to earn \$3.5 million and \$300,000 respectively in fees last year for the cancelled demerger of Straits and Straits Asia. PricewaterhouseCoopers were to also earn approximately \$200,000 from the deal.

At the time, Jerkovic cited a change of market dynamics as the reason for the cancellation of the \$1.2 billion demerger.

Outside its SBI interests, Straits also operates the Whim Creek and Tritton copper mines in Western Australia and New South Wales respectively and the Hillgrove and Mt Muro gold mines in NSW and Indonesia.

Appendix 13

Heavy Mud may control rupture - 24/08/2009

THE exact cause of last Friday's crude oil and gas leak is not yet known, as PTTEP Australasia is acting first to disperse the oil slick and control the leak, the first in Australian waters in 25 years.

While PTTEP Australasia -- a subsidiary of Thai-owned PTTEP -- has submitted its control plan to the federal government, details have not been released, beyond news that it plans to drill a second relief well.

"What they're likely to do is drill into the same hole and put in really heavy mud to counteract the pressure (of underlying gas and oil)," said Queensland University of Technology geologist Gregory Webb, an executive committee member of the Petroleum Exploration Society of Australia.

Ordinary mud can be made heavier by adding a naturally occurring and very heavy mineral, barium sulfate. "It's like the difference between table sugar or lead shot," Dr Webb said.

By calculating how much counter-pressure is needed, geologists could adjust the weight of the mud needed to stop the leak.

Although the spill is serious, it doesn't seem to be expanding and consists of light oil, which evaporates relatively easily.

"It could have been a lot worse," Dr Webb said, especially if gas rising to the surface near the rig had been ignited. "It's a gas leak, the same as in your house only with a lot bigger pipe. It can be very, very dangerous."

Dr Webb added that because there were many natural oil and gas leaks from the Timor seabed, marine organisms were able to tolerate some pollution.

The basic cause of the blowout was unexpectedly high pressure inside the Montara oil field.

PTTEP had previously drilled into the Montara reservoir, so it had not anticipated the unusually high pressure, said Mark McCallum, deputy chief executive of the industry group Australian Petroleum Production and Exploration Association. "(That's why) they didn't quite have the blowout preventer installed in time."

The technology, developed in the late 1970s, automatically seals an uncontrolled rush of gas or oil. It can be positioned at several points along a drill line.

Appendix 14

Timor Sea oil leak stopped at last - 03/11/2009

THE fireball engulfing the West Atlas drill rig has been extinguished and the oil and gas leak fuelling the blaze finally stopped, more than 10 weeks after the environmental crisis in the Timor Sea began.

Resources and Energy Minister Martin Ferguson said a commission of inquiry and a commissioner would be announced before the end of the week.

PTTEP Australasia, owner of the Montara well head, which sits below the rig, said it had pumped almost 3400 barrels of high-density mud into a damaged pipeline and "killed" the leaking well yesterday afternoon.

Fires on the rig were expected to burn themselves out.

Sweet light crude oil, condensate and gas have been pouring into the Timor Sea from the well since August 21.

The well head caught fire on Sunday several hours after PTTEP successfully intercepted a damaged pipeline 2.6km below the seabed, on the fourth attempt.

PTTEP said no more oil or gas was coming out of the well, but it would continue to pump a mixture of mud and brine into the damaged pipeline as a precaution.

PTTEP Australasia director Jose Martins said he was relieved, but stressed the mud was a temporary measure and there was still a long way to go before the well could be fully secured.

Once the platform has cooled down and is deemed safe, engineers will determine the best way to permanently plug the bore.

As well as the federal commission of inquiry, an inquiry will be conducted by the National Offshore Petroleum Safety Authority.

Greens senator Rachel Siewert called for an independent judicial inquiry that could be conducted at arms length from both government and PTTEP.

The Wilderness Society's Joshua Coates said a tighter regulatory approvals process for offshore oil and gas was needed.

Speaking before the leak was stopped, West Australian Premier Colin Barnett said it should never have happened. "This is a world scale failing," he told ABC radio.

"It will cast doubt about the operators of the drilling rig initially; it will also raise questions about the supervision and the regulatory framework around that, and in particular when the initial hole was drilled, was it properly plugged?"

Appendix 15

Report blames PTTEP for oil spill - 25/11/2010

The company may lose its licences after the Timor Sea blowout.

A DAMNING inquiry report has laid the blame for Australia's worst oil spill in 25 years on Montara oilfield owner PTTEP Australasia and the lazy "tick and flick" regulation of its operations.

The company's Thai parent faces the possible cancellation of all its petroleum titles in Australia as a result of its "widespread and systematic" shortcomings, on top of ongoing criminal investigations into potential breaches of health and safety laws.

The NT Department of Resources, which had day-to-day oversight of Montara oilfield practices, was also slammed for its "minimalist" approach to regulation. Federal Resources Minister Martin Ferguson used the report to hammer home the need to transfer offshore petroleum regulation to a single, national body.

"(The government) is determined to restore confidence in the regulation of the offshore petroleum industry by ensuring our operating standards are the best and safest in the world," he said.

For over 10 weeks from August last year, oil and gas flowed unchecked from the Montara oilfield into the Timor Sea, 250km off the northwest coast of Australia, affecting 90,000sq km.

The inquiry concluded the full environmental damage from the spill would never be known, partly because the federal Environment Department failed to monitor the pollutants soon enough. It criticised the National Offshore Petroleum Safety Authority for leaving decisions about control of the blowout to PTTEP Australasia.

But inquiry commissioner David Borthwick reserved his most scathing criticism for the oilfield owner, calling its failure to properly investigate the blowout "irresponsible and inexcusable" and accusing the company of seriously misleading NOPSA several times over a six-month period.

PTTEP Australasia spokesman Chris Kalnin acknowledged there were deficiencies identified in the company's operations but said it was addressing them through an action plan "to ensure the incident is never repeated".

The company said it had removed all supervisory and managerial drilling personnel associated with the accident from their positions and its action plan made staff accountable to ensure better checking of offshore operations.

The company, through its Australian subsidiaries, operates seven exploration permits, five production licences and seven retention leases, and has interests in another five exploration permits where it is not the operator.

The government has accepted the inquiry's recommendation to force polluters to pay the full cost of cleaning up and monitoring major accidents.

The Montara oil spill has cost PTTEP \$319 million.

The opposition and Greens backed the inquiry and government response.

But WA Premier Colin Barnett, who opposes Mr Ferguson's plans to set up a single national offshore petroleum regulator, said the mistakes made by the NT Department of Resources would not have occurred in his state

Appendix 16

Indonesia sues over Montara spill - 05/05/2017

The claim for damages was lodged on Wednesday with an Indonesian court against Petroleum Authority of Thailand Ltd (PTT) and two of its subsidiaries, including Australian-based PTT Exploration and Production Company Australasia, a senior Indonesian official confirmed.

“Aside from seeking damages, we also ask for a freezing order of assets owned by the first, second and third defendants,” Indonesian Coordinating Ministry for Maritime Affairs’ deputy for maritime sovereignty Arif Havas Oegroseno said.

“We will track down their assets here, and for assets overseas we will ask for legal assistance from other countries.”

Mr Oegroseno said the Indonesian government would also impose a moratorium on new projects and agreements against the Thai company and all of its subsidiaries pending a resolution of the case.

Some 13,000 seaweed farmers have already launched a \$200 million class action in Sydney’s Federal Court against PTTEP Australasia for damage to livelihoods and health since the West Atlas oil rig _operated by Perth-based PTTEP AustralasiaMontara _ 250km off Australia’s northwest coast, sprung a leak and exploded in August 2009.

For 10 weeks, up to 500,000 litres of oil a day gushed into the Timor Sea, polluting seaweed farms, beaches, coral, boats and fishing grounds, Indonesia argued.

A report by the Australian Lawyers’ Association, *After the Spill*, cited communities describing a “white sickness” that later appeared on the seaweed and worsened with specific currents.

“Fishermen said that there are no longer any fish to catch in fishing grounds which they have fished for years. The death of mangroves removed a crucial bulwark to the ocean and there was subsequent flooding of villages,” the report said.

But PTTEP Australasia says its own studies found no oil from the spill reached Indonesia’s waters, and no long-term damage to the environment in the Timor Sea.

Mr Oegroseno said Indonesia had collected evidence suggesting otherwise.

“From the samples collected we can prove the spill did reach Indonesia. We have satellite photos. We will divulge everything in court,” he said.

”After so many sincere attempts from the Indonesian government to come and talk to (PTT) we have not seen a positive reply from them. We feel they are not serious in handling this issue. They don’t place importance on this case and place importance on us as a country.”

It is common for an Indonesian court to mediate a negotiation between both sides before a civil case goes to trial.

But Rorogo Zega, lead prosecutor in the case, told *The Australian*, “We want the case to go to trial unless the company agrees to our demand for damages during the mediation process.”

Appendix 17

Production too far off for Coogee - 08/12/2006

Coogee Resources has pulled its \$380 million float after institutional investors balked at the share price the founders of the Timor Sea oil producer were seeking.

The company, which owns 71 per cent of the Jabiru and Challis oilfields developed by BHP Petroleum in the 1980s, will now look for other ways to complete the \$US346 million (\$440 million) development of the nearby Montara oil project.

The company, which was spun out of chairman Gordon Martin's Coogee Chemicals, had been looking for a price between \$1.90 and \$2.33 a share to capitalise the company at between \$798 million and \$979 million.

But investors didn't want to wait until the third quarter of 2008 for first production from Montara, Coogee managing director Peter Hood said. "What we're going to do is continue developing the Montara oil project," he said. "We won't lose any momentum."

The floating oil production and storage ship for the field is already under construction in Singapore, and Coogee has arranged a rig for late next year to drill the wells to produce the oil.

But the company might move forward drilling exploration wells on one prospect close to the Jabiru production ship, and several prospects near the future site of the Montara ship, Mr Hood said.

Coogee's options now included getting another company to farm into the Montara field, or restructuring the project and looking at other funding sources in the future, he said.

Fund managers said there were other mid-sized oil companies, such as Roc Oil, Australian Worldwide Exploration, and Beach Petroleum, which already had production.

Investors were also concerned about the size of the contribution they were being asked to make to the Montara development.

"I wasn't sure why the new investors should put up all the equity and the old investors retain a 50 per cent interest," one portfolio manager said. "Overall it was overcapitalised for what you were getting."

Another fund manager said there was too much development risk still in the business.

"You really needed Montara," he said. "That was the key project on which the float was justified. You've got a few hurdles which need to be overcome before that project is done and dusted."

Appendix 18

Majority Coogee Resources stake on block - 15/10/2008

Perth entrepreneur Gordon Martin looked set to pocket at least \$360 million after Coogee Resources, the private energy company he founded in 2005, was put on the auction block yesterday.

Mr Martin reluctantly agreed to offload a 60 per cent stake in Coogee after potential bidders for a 35 per cent holding owned by Babcock & Brown were deterred by his family's controlling interest and the company's key oil project ran into financing difficulties.

Bankers said Coogee, which owns the Montara oil project in the Timor Sea, would likely fetch between \$600 million and \$1 billion.

Coogee's future has been in doubt for several months as a maelstrom engulfed Babcock & Brown, which bought the 35 per cent stake for \$US232 million 14 months ago.

The beleaguered investment company finally admitted in late August it would have to offload assets that were outside its three focus areas of infrastructure, real estate and operating leasing. The Coogee stake has been on the market since then.

"Most of [the potential bidders] have said they are interested in the whole company, not 35 per cent," Mr Martin said yesterday. "All the significant parties have said that."

The company also had come under pressure from cost overruns at Montara, where production had been pushed back to next April or May.

"In terms of the project economics, the cost overruns aren't significant," Mr Martin said. "But they are significant if you are looking at a small company with a small balance sheet and you are looking for money in this environment."

In 2006, Mr Martin shelved plans for a \$380 million stockmarket float of Coogee following a lukewarm response from investors.

It is understood there has been strong interest in Coogee. Some bankers said it was a logical buy for companies operating in the Timor sea, such as Woodside Petroleum, Japan's Inpex, Santos or Conoco Phillips, but Mr Martin said it was also a solid stand-alone business.

Mr Martin, who stood down as Coogee chairman on August 18 to take up the chief executive role following the resignation of Peter Hood, denied speculation the company was in breach of its banking covenants.

New chairman John Akehurst, the former chief executive of Woodside Petroleum who is now a member of the Reserve Bank board, said the sale of 100 per cent of Coogee was in the best interest of shareholders and would likely be completed by the end of November.

Mr Martin agreed an outright sale process was the most practicable outcome for all shareholders.

Mr Martin had been eager to find another "suitable" strategic investor to replace Babcock & Brown. He told the AFR in June his family had no plans to sell out of Coogee Resources, a spin-off from another of his companies, Coogee Chemicals.

Yesterday he admitted he was still a reluctant seller, but said there were "alternatives" if the offers for the company weren't satisfactory.

Appendix 19

Thais to own Martin's Coogee within days - 27/01/2009

The private energy company isn't worth what it was several months ago, writes Ingrid Mansell.

Perth entrepreneur Gordon Martin is on track to complete the \$US413 million (\$610 million) sale of Coogee Resources, the private energy company he founded in 2005, by the end of the month.

Mr Martin, who holds a 60 per cent stake in Coogee, agreed to sell the oil and gas company to Thailand's PTT Exploration and Production Public Company (PTTEP) late on Christmas Eve for \$US170 million in cash.

The deal is still awaiting the green light from the Foreign Investment Review Board. The 40-day approval period is due to expire this Thursday.

Coogee, which also has net debt of about \$US243 million, came into play mid last year when it became apparent that embattled investment firm Babcock & Brown would need to offload a 35 per cent stake to reduce its debt.

Mr Martin reluctantly agreed to offload his 60 per cent holding in October, after potential bidders for the Babcock stake were deterred by his family's controlling interest and the company's key Montara oil project ran into financing difficulties.

Bankers initially predicted that Coogee would fetch between \$600 million and \$1 billion.

"The world is a very different place to what it was six months ago," Mr Martin told The Australian Financial Review last week. "If someone had said six months ago we would sell at that price I would have said they were kidding themselves. But things have changed. Oil was above \$US100 a barrel then. Now it's at \$US36."

Babcock bought its stake in Coogee for \$US232 million 17 months ago, shortly after Mr Martin shelved plans for a \$380 million stockmarket float amid a lacklustre response from investors. While Coogee's management team will stay on at the company following the acquisition, Mr Martin, currently the chief executive, has agreed only to a 12-month consultancy.

A new chief executive is expected to be named shortly.

PTTEP, a top 10 publicly listed company on the Stock Exchange of Thailand, intends to use Coogee Resources as an acquisition platform within Australia.

The national petroleum exploration and production company already has a presence here, having bought a 20 per cent interest in an 4000 square kilometre exploration block in the Browse Basin in north-western Australia in November 2007.

PTTEP chief executive Anon Sirisaengtaksin said the purchase of Coogee was in line with the company's key strategic objective of growing its international operations.

Coogee "provides a unique platform for expansion in the low sovereign risk Australian oil and gas market," he said.

"PTTEP has existing exploration assets in the proximity of Coogee's assets, which together can generate potential synergies and contribute to helping PTTEP achieve its desired growth targets."

The acquisition also gives PTTEP, which until now has had only an exploration licence in Australia, an operational licence.

"The expected benefits of this investment includes an attractive opportunity to acquire high quality development appraisal and exploration assets in the hydrocarbon-rich Bonaparte Basin, and potential monetisation of significant stranded gas resources through floating LNG technology, within the proximity of the high-growth Thai gas market," Mr Sirisaengtaksin said.

Mr Martin said it would be business as usual at Montara, which is wholly owned by Coogee and located in the Timor Sea off the north coast of Western Australia.

Coogee moved swiftly to develop it after a 2006 exploration program indicated about 36.9 million barrels of recoverable oil, but came under pressure from cost overruns last year and pushed back production to April or May.

"PTTEP is buying a particularly good asset with huge upside and they are a very professional group," said Mr Martin, who was disappointed, but philosophical, about selling Coogee, which was spun out of another of his companies, Coogee Chemicals.

"It's just one of those dreams that won't be fulfilled," he said.

He said he had no plans to sell out of Coogee Chemicals, in which his family has a 97 per cent stake and where his son Tim is an executive director.

Appendix 20

Ferguson promises action on oil spills - 08/09/2009

The response of the petroleum industry and the federal government to a huge oil spill off Australia's north-west coast is being questioned after a drilling rig needed to help plug a leak from the Montara oil project was delayed for the second time on its journey from Indonesia.

But Resources Minister Martin Ferguson moved to quell criticism by promising to strengthen regulatory powers aimed at investigating major oil leaks and to hold an inquiry into the spill.

Oil explorer PTT Exploration and Production (PTTEP), 51 per cent owned by the Thai government, said yesterday the relief drilling rig that was being relied on to stop the leak had been held up for two days after breaking a towing line.

The company took control of the Montara oil project 250 kilometres off the West Australian coast last year after buying Perth entrepreneur Gordon Martin's Coogee Resources for \$US170 million.

Oil, gas and condensate have been seeping into the Timor Sea from a leak 3.5 kilometres below the ocean floor for the past 18 days, prompting fears the spill will harm marine life, including dolphins and turtles.

Environment Minister Peter Garrett says 300 to 400 barrels of oil are leaking into the sea every day.

The jack-up drilling rig is now due to arrive at the Montara field on Thursday and it is hoped the leak can be plugged within about four weeks, a PTTEP spokesman said.

This is the second time the relief rig has been delayed after it became bogged while trying to leave Singapore last month. The rig, known as the West Triton, was in nearby Indonesian waters when the oil leak started on August 21.

PTTEP chose to bring the West Triton on a three-week journey from Indonesia after rejecting Woodside Petroleum's offer of an oil rig, arguing the West Triton was the most appropriate and safest rig.

Mr Ferguson said in parliament yesterday he would introduce an amendment to the Offshore Petroleum and Greenhouse Gas Storage Act 2008 to provide for "a broad-ranging major incident investigation power" into oil spills.

He promised that if the existing federal-state regulatory regime needed strengthening, it would be.

In June 2009, a report into offshore petroleum regulation by Kym Bills and David Agostini identified the need for improved regulatory powers and consideration of an independent national safety regulator. The report was being discussed with industry and the Ministerial Council on Mineral and Petroleum Resources with a view to setting new regulations in 2010, Mr Ferguson said. He also flagged an inquiry into the handling of the leak.

The director of the WA Conservation Council, Piers Verstegen, said the long delay in bringing a relief rig to Australian waters highlighted the poor response to the spill by the company and the federal government as the oil and gas industry was expanding rapidly.

"The response has been totally inadequate," he said. "It will be weeks and weeks until anyone actually does anything about it."

Mr Verstegen said the federal government should declare a national emergency response to the spill after reports emerged in recent days from Broome-based fishing boats that marine life in the area was being severely affected.

The Australian Marine Safety Authority said yesterday it was continuing to monitor the spill, which was well contained about 170 kilometres off the coast.

AMSA spokeswoman Tracey Jiggins said the spill had responded well to dispersants. She defended the government's response, saying the agency mobilised equipment and personnel within 15 minutes of being notified.

Australian Petroleum Production & Exploration Association spokesman Tim Baddeley said the industry was also taking the issue seriously.

Appendix 21

Montara report makes for unpleasant reading - 25/11/2010

The Montara inquiry has conveniently fingered a Thai company and the Northern Territory government as the main culprits in Australia's worst offshore oil spill, but its report is unpleasant reading, all the same, for that old environmental campaigner Peter Garrett.

It found that the Environment Department under Garrett spent 49 crucial days deciding who was responsible for monitoring the effects of the spill.

The well blew out on August 21 and the Environment Ministry raised the issue of a monitoring plan two days later. However, serious monitoring began only on October 9, by which time it was all but impossible to work out how bad the damage was.

"The prolonged delay in undertaking scientific monitoring of the impact of the oil spill was unacceptable," says the report, by David Borthwick.

"The delay has restricted the scope for assessment of the environmental damage from the blowout."

The delay was not entirely Garrett's fault. The report found the law assigns no clear responsibility for monitoring after a spill, and it took a long time to work out with the Thai-owned operating company PTTEP Australasia who should pay and what should be done.

This was, of course, precisely the time when Garrett was grappling with the rollout of the unfortunate home insulation scheme.

Sadly, there is a common pattern of an inexperienced minister leaving low-level staff to resolve a difficult issue.

Borthwick also criticised the lack of information provided to the public about the extent of the spill and questions those who claimed that damage had been minimal.

That, too, reflects badly on Garrett. At the time, he claimed the spill had caused minimal environmental damage, apparently relying on aerial surveys which the Borthwick report regards as inadequate.

From rock star to apologist for a negligent oil company. Sad.

Appendix 22

Oil companies face drilling crackdown - 25/11/2010

The big clean-up

Key recommendations of the inquiry into the Montara oil spill

Tougher penalties for offshore oil companies with unsafe practices.

- Power to suspend production licences for breaches.
- ‘Polluter pays’ legislation: oil companies will bear cost of all clean-ups, including scientific monitoring.
- Environmental monitoring should start faster after a spill and be peer reviewed by independent scientists.
- Fines for environmental damage even when “no-fault” is established.
- National Offshore Petroleum Regulator to end confusion between state and federal bodies.
- Take away all petroleum licences held by PTTEPA, Thai-owned operator of Montara.

SOURCE: MONTARA INQUIRY, AFR

The company at the centre of Australia's worst oil spill has until the end of the year to convince the federal government it should not be banned from operating in Australian territory.

But a new battle with Western Australia has erupted over federal government plans to introduce tough new safety and environmental regulations to prevent a recurrence of the oil rig accident.

A report into the oil spill ordered by Resources Minister Martin Ferguson slammed the performance of PTTEP Australasia (Ashmore Cartier), the Northern Territory's Resources Department and the federal Environment Department.

The report by former environment department head David Borthwick finds "major shortcomings in the company's procedures were widespread and systemic" resulting in the oil rig accident.

The parent company, PTTEP, operates seven retention leases and has interests in a further five exploration permits which it could lose if a review by the Resources Department by year's end finds it has not redressed its problems.

The accident, in which oil spilt over a period of 10 weeks, might have been prevented if the Resources Department had been more diligent.

"The way the regulator conducted its responsibilities gave it little chance of discovering PTTEPA's poor practices. In this case the regulatory dog did not bark," the report says.

Following the spill from the Montara wellhead into the Timor Ssea and the BP Gulf of Mexico accident, Mr Ferguson said he was determined to introduce a national offshore regulator and environmental laws enshrining the "polluter-pays principle".

He said his department and Geoscience Australia would assist the N T until the single national offshore regulator was established. He launched a three-month public consultation period, inviting industry submissions on the new regulatory regime to be introduced by January 2012.

The response to the report drew immediate opposition support and was welcomed by the Greens and the Australian Petroleum Production & Exploration Association.

But West Australian Premier Colin Barnett rejected calls for a national regulator.

"There may be a case that the Northern Territory doesn't have the capacity to manage offshore resources, but Western Australia has 80 per cent of the nation's oil and gas industry. This is where the industry and the proper governance is located."

He said the disaster cast doubts on the Commonwealth's ability to regulate offshore oil and gas.

Appendix 23

Tumpahan Minyak Mendekati Pulau Timor - 29/09/2009

Tumpahan minyak itu sudah masuk ke wilayah perairan Indonesia sejauh sekitar 50 mil dari batas wilayah perairan laut antara Indonesia-Australia, atau sekitar 70 mil dari Kolbano, wilayah pantai selatan Kabupaten Timor Tengah Selatan (TTS).

Demikian diungkapkan sembilan orang nelayan tradisional asal Oesapa Kupang, NTT, kepada para wartawan di Kupang, Selasa, setelah pulang melaut dari wilayah perairan Laut Timor untuk mencari ikan dan biota laut lainnya wilayah perairan sekitarnya.

"Kami baru tiba tadi malam (Senin, 28/9 malam, red) dengan perahu motor Nirwana-2. Kami menemukan adanya tumpahan minyak itu pada titik kordinat 11-22 LS dan 124-22 BT tanggal 24 Agustus 2009 atau tiga hari setelah awal Ramadan," kata Bogas, seorang nelayan Oesapa.

Hal itu dibenarkan oleh rekan-rekannya yang lain, Muhamad Ridwan, Suardi, Fikar, Abdulah, Rais, Halim serta H Mustafa yang juga Ketua Aliansi Nelayan Tradisional Laut Timor (Antlamor).

Ladang minyak Montara yang meledak itu, telah memuntahkan sekitar 500.000 liter minyak setiap hari di wilayah perairan Laut Timor yang sumber pencaharian nelayan tradisional Indonesia.

Lokasi ladang minyak itu berjarak sekitar 690 km barat Darwin, Australia Utara dan 250 km barat laut Truscott di Australia Barat.

"Ketika kami menyelam, aroma minyak sangat terasa dan badan kami berminyak. Di atas permukaan laut, terlihat gumpalan minyak membentuk seperti kawah," tambah Fikar.

Menurut gambar televisi yang disiarkan ABC, tumpahan minyak itu mengalir seperti anak sungai dan berkelok-kelok di Laut Timor dari sumber ladang minyak lepas pantai Montara yang dioperasikan PTTEP Australasia, sebuah perusahaan minyak asal Thailand.

"Banyak ikan dasar laut dan permukaan yang mati akibat mencium aroma minyak. Ini sebuah realitas yang kami temukan pada saat itu," ujar Muhamad Ridwan sambil menunjuk contoh tumpahan minyak pada sebuah botol aqua.(ant)

Appendix 24

Indonesia-PTTEP Segera Buat MoU Ganti Rugi - 27/07/2011

PTTEP AA dan Pemerintah Indonesia akan menandatangani memorandum of understanding (MoU) tentang Penanganan Pasca Pencemaran Laut Timor yang merugikan masyarakat Indonesia khusus Nusa Tenggara Timur.

PTTEP AA merupakan perusahaan yang mengoperasikan kilang minyak di Blok Montara yang meledak pada bulan Agustus 2009 dan mencemari Laut Timor.

Deputi VI Bidang Pengolahan Bahan Berbahaya dan Beracun (B3) dan Limbah B3, Kementerian Lingkungan Hidup, Dra. Masnellyanti Hilman, M.Sc, mengatakan hal ini usai Seminar Menggugat Status Ganti Rugi Pencemaran Minyak Blok Montara di Gedung Dewan Pers, Jalan Kebon Siri Jakarta, Selasa (26/7/2011).

Masnellyanti mengatakan, menurut rencana Pemerintah Indonesia dan pihak PTTEP akan menandatangani MoU di Jakarta pada 3 Agustus 2011 nanti. "MoU-nya akan ditandatangani di Jakarta," jelas Masnellyanti.

Ia menjelaskan, MoU tersebut nanti mengatur tentang mekanisme dan tahap-tahap pemberian Corporate Social Responsibility (CSR) kepada masyarakat di sejumlah kabupaten di NTT yang terkena dampak langsung dari pencemaran Laut Timor tersebut.

Menurutnya, kelanjutan dari MoU tersebut adalah pihak PTTEP akan melakukan verifikasi terhadap data-data yang telah dikumpulkan oleh Timnas Penanggulangan Dampak Pencemaran Laut Timor. Setelah data tersebut diverifikasi barulah akan dilakukan pengajuan klaim ke PTTEP tentang kerugian yang dialami Indonesia.

"Setelah kita sepakat lalu dia akan bayar dalam bentuk apa begitu. Jadi pola CSR itu urusannya yang berdampak langsung," jelasnya. Sebelumnya, dalam seminar tersebut, Masnellyanti Hilman mengatakan, dari serangkaian pertemuan yang telah dilakukan antara GOI dengan PTTEP AA, pada awalnya sangat sulit untuk memegang komitmen PTTEP AA .

PTTEP AA selalu menyangkal bahwa minyak masuk ke perairan Indonesia. "Dari serangkaian pertemuan yang dimulai pada 27 Juli 2010, 26 Agustus 2010, 19 November 2010, baru pada pertemuan tanggal 17-18 Desember 2010 PTTEP AA mengakui bahwa minyak masuk ke Perairan Indonesia dan mencemari perairan laut lepas, akan tetapi tetap menyangkal minyak sampai ke garis pantai (coastline)," jelasnya.

Selanjutnya, kedua belah pihak setuju bahwa untuk membuktikan minyak sampai ke garis pantai dengan pembuktian simulasi oil spill modeling di mana hasil dari GOI menunjukkan minyak sampai ke garis pantai. "Pada pertemuan tanggal 20-21 Januari 2011, PTTEP AA bersedia melakukan verifikasi kerugian sosek nelayan akibat perikanan tangkap di laut lepas.

Pada pertemuan tanggal 4 Maret 2011, ada terobosan baru ke arah penyelesaian sengketa yaitu dengan proposal PTTEP AA yang dikenal dengan dual track," jelasnya.

Selanjutnya, kedua pihak sepakat untuk mengimplementasikan dual track dalam suatu MoU. "Banyak kemajuan yang telah dicapai melalui serangkaian perundingan yang telah dilakukan sehingga apabila MoU

berhasil ditandatangani oleh kedua belah pihak, merupakan momentum yang baik bagi GOI guna mendapatkan haknya secara fair,” jelasnya.

Pembicara lain dalam seminar tersebut adalah Herry Soba dari Yayasan Peduli Timor Barat (TPTB), Sekretaris Jenderal Koalisi Rakyat untuk Keadilan Perikanan (KIARA), M Riza Damanik dan Marwan Batubara dari Indonesia Resources Studies, IRESS.

Appendix 25

Pencemaran Laut Timor Dinegosiasikan Serius - 23/09/2012

pencemaran laut timor oleh PTTEP, salah satu perusahaan pengeboran dari Thailand di ladang minyak Montara, Australia, Agustus 2009, sedang dinegosiasikan secara serius antara Indonesia, Timor Leste, Australia, dan pihak perusahaan pengebor.

Duta Besar Australia untuk Indonesia Greg Moriarty dalam kunjungan kerja selama tiga hari di Kupang, Jumat-Minggu (21-23/9), mengatakan, pemerintah Australia, Timor Leste, dan Indonesia tidak mendiamkan masalah pencemaran itu.

Kasus itu merupakan masalah hangat yang sedang dibicarakan ketiga negara dan perusahaan pencemar. Semua pihak memerlukan data empiris untuk bernegosiasi secara mendasar, disertai bukti pendukung.

Ketua Yayasan Peduli Timor Barat Ferdy Tanone mengatakan, Australia dan Indonesia sengaja menghindari masalah krusial dan maha penting ini. "Masyarakat NTT sudah dirugikan dari sisi ekonomi, lingkungan, biota laut yang rusak, gagal budidaya rumput laut, dan lainnya. Tetapi pemerintah kedua negara membiarkan masalah ini dengan melakukan kegiatan-kegiatan kecil sekedar menutupi masalah pencemaran," kata Tanone.

Tumpahan minyak mentah di Laut Timor dilakukan perusahaan pengebor, 28 August 2009.

Pascapencemaran, terjadi sejumlah kasus yang melanda masyarakat pesisir seperti gagal budidaya rumput laut, penghasilan tangkapan ikan berkurang, sejumlah jenis ikan berkurang, dan nelayan berkurang penghasilan.

Bupati Rote Ndao Lens Haning minta agar masalah pencemaran segera diselesaikan. Pemerintah Australia dan Indonesia jangan mendiamkan masalah ini sampai semua bukti pencemaran sulit ditemukan lagi.

Appendix 26

Petani Rumput Laut NTT Gugat PTTEP Australasia - 03/08/2016

Lebih dari 13.000 petani rumput laut di Nusa Tenggara Timur (NTT) segera mendaftarkan gugatan secara "class action" di Pengadilan Federal Australia di Sydney, Rabu (3/8/2016), terhadap PTTEP Australasia yang mengelola kilang minyak Montara.

"Pendaftaran gugatan ini diwakili oleh Daniel Sanda, seorang petani rumput laut asal Pulau Rote, NTT, yang saat ini sudah berada di Sydney, Australia," kata Ketua Tim Advokasi dari Yayasan Peduli Timor Barat (YPTB) Ferdi Tanoni yang menghubungi Antara dari Sydney, Australia, Selasa (2/8/2016) sore.

Ia mengatakan gugatan secara "class action" ini terpaksa dilayangkan, setelah tim advokasi dengan PTTEP Australasia tidak mencapai kata sepakat dalam beberapa kali pertemuan di luar pengadilan.

Ledakan kilang minyak Montara di Blok Atlas Barat Laut Timor pada 21 Agustus 2009 telah mencemari wilayah perairan budidaya rumput laut di sejumlah pulau di kabupaten di Nusa Tenggara Timur, seperti Rote Ndao, Sabu Raijua, Alor, Timor Tengah Selatan, Kota dan Kabupaten Kupang, serta wilayah perairan pantai di Pulau Sumba. (antara)

Appendix 27

Petani Rumput Laut NTT Gugat Pemerintah Australia - 21/08/2016

Sidang perdana gugatan class action 13.000 petani rumput laut asal Nusa Tenggara Timur (NTT) terhadap PTTEP Australasia yang mengelola kilang minyak Montara akan digelar Pengadilan Federal Australia, Senin (22/8/2016).

Ketua Tim Advokasi Petani Rumput Laut NTT dari Yayasan Peduli Timor Barat (YPTB) Ferdi Tanoni, saat menggelar jumpa pers di Kupang, Minggu (21/8/2016), mengatakan, gugatan tersebut didaftarkan Daniel Senda, petani rumput Laut asal Kabupaten Rote Ndao pada 3 Agustus 2016 lalu.

Ferdi yang didampingi pengacara asal Australia Greg Phelps dan juga sejumlah petani rumput laut mengatakan, kilang Montara di Blok Atlas Barat Laut Timor, meledak pada 21 Agustus 2009 lalu. Akibat ledakan itu wilayah perairan budi daya rumput laut di 11 kabupaten dan satu kota di NTT yakni Kabupaten Rote Ndao, Sabu Raijua, Alor, Timor Tengah Selatan, Timor Tengah Utara, Malaka, Kupang, Sumba Barat, Sumba Timur, Sumba Tengah, Sumba Barat Daya dan Kota Kupang tercemar.

"Akhirnya apa yang disuarakan dan diperjuangkan terkait pencemaran di laut Timor yang bersumber dari kilang minyak Montara selama ini adalah kebenaran. Dampak pencemaran bisa dibuktikan karena pantai-pantai di Indonesia tidak memiliki baseline, maka baseline yang digunakan ialah petani rumput laut. Petani memiliki lahan kerja dan menggantung tali rumput laut di situ," ungkap Ferdi.

Gugatan itu, lanjut Ferdi, dibagi dalam tiga bagian yakni pencemaran laut yang menghancurkan rumput laut milik petani, dampak pencemaran terhadap hasil tangkapan nelayan, dan yang terakhir yakni terhadap kesehatan warga di NTT.

"Gugatan ini ditangani dua pengacara yakni Ben Slade dari Kantor Pengacara Maurice Blackburn Lawyers di Australia, dan Greg Phelps dari Ward Keller, kantor pengacara terbesar di Australia Utara," ujarnya.

Di tempat yang sama, pengacara Greg Phelps mengatakan, dia datang ke Kupang untuk melakukan verifikasi terhadap bukti-bukti pencemaran serta nama-nama petani rumput laut korban pencemaran. Verifikasi dilakukan mulai dari dusun, desa hingga dinas perikanan yang ada di NTT.

"Konsolidasi untuk memastikan data dan fakta-fakta lainnya itu agar sesuai dengan sistem hukum yang berlaku di Australia," ujarnya.

Appendix 28

YPTB Usulkan Kasus Montara Dibahas Bersama Australia - 21/02/2017

Yayasan Peduli Timor Barat (YPTB) mengusulkan kepada pemerintah Indonesia agar dalam rencana kunjungan kerja Presiden Jokowi ke Australia pada 25-27 Februari mendatang masalah pencemaran Laut Timor akibat meledaknya kilang minyak Montara dibahas dalam kunjungan itu.

"Saya sudah minta kepada pemerintah pusat dan juga Duta Besar Australia agar masalah pencemaran Laut Timor itu menjadi agenda utama dalam kunjungan kerja Presiden Jokowi ke Australia nanti," kata Ketua YPTB Ferdi Tanoni kepada Antara di Kupang, Selasa (21/2/2017).

Menurut dia, dalam pertemuan dengan Pemerintah Australia pada awal Desember 2016 lalu, pihaknya juga telah mengusulkan hal tersebut dan telah ada kata sepakat dari negari Kangguru tersebut dan menyatakan agenda tersebut masuk dalam pertemuan bilateral kedua negara tersebut.

Hal ini disampaikannya menyusul rencana kunjungan kerja Presiden Joko Widodo ke Australia dalam pekan ini untuk melakukan pertemuan bilateral kedua negara.

"Kalau dari kami, kami berharap agar pak Presiden bisa meminta Australia untuk mau bertanggung jawab atas kasus pencemaran laut Timor itu," tuturnya.

Hal ini karena pemerintah Federal Australia sebagai regulator dan juga sebagai pihak yang menyemprotkan bubuk kimia sangat berbahaya dispersant Corexit 9572 dan 9572 A untuk menenggelamkan tumpahan minyak Montara dari atas permukaan Laut Timor ke dalam dasar laut.

Pencemaran itu terjadi akibat meledaknya anjungan minyak Montara di Blok Atlas Barat Laut Timor pada 21 Agustus 2009 yang mengakibatkan usaha budidaya rumput laut di wilayah pesisir kepulauan Nusa Tenggara Timur gagal total.

Hampir 90 persen wilayah perairan Indonesia di Laut Timor tercemar akibat tumpahan minyak mentah serta zat beracun lainnya dari anjungan Montara yang dikelola PTTEP Australasia asal Thailand itu.*

Appendix 29

Pencemaran Laut Timor, Pemerintah Indonesia Tuntut Ganti Rugi 5 Juta Dollar kepada Australia - 02/04/2017

Pemerintah Indonesia mengajukan tuntutan ganti rugi sebesar 5 juta Dollar (Rp 510 miliar) dalam bentuk Corporate Social Responsibility (CSR) kepada PTTEP Australias Sea Operations selaku operator Blok Montara. Itu ganti rugi sosial, belum termasuk ganti rugi akibat kerusakan biota laut.

"Akibat tumpahan minyak dan gas di Laut Timor, berdampak sangat besar terhadap kerusakan lingkungan hidup terutama kerusakan biota laut," jelas Prof. Dr. Hasyim Jalal, salah satu anggota Pokja Kronologis dan Hukum Kasus Blok Montara, ketika berbicara kepada para wartawan di Restoran Nelayan-Kupang, Jumat (31/3/2017) petang.

Menurutnya, pemerintah dalam bulan April 2017 nanti akan mengajukan tuntutan ganti rugi kepada PTTEP Australias Sea Operations selaku operator kilang minyak di Blok Montara. Tim Ganti Rugi sedang bekerja. Sedangkan tuntutan ganti rugi sebesar 5 juta Dollar yang diajukan sejak tahun 2011 adalah ganti rugi sosial (CSR), bukan ganti rugi karena kerusakan lingkungan hidup (biota laut).

"Karena itu tim hari ini datang ke Kupang dan melanjutkan ke Rote Ndao untuk menelusuri dan mengumpulkan data atau saksi kasus Blok Montara. Guna diajukan dalam tuntutan perdata (ganti rugi) di pengadilan nanti," jelasnya.

Ia mengakui tim sudah bekerja selama 7 tahun lebih dan belum menghasilkan apa-apa. Bahkan sering berganti anggota tim, termasuk bergantinya pemerintah dan kementerian yang terkait kasus ini.

"Pemerintah sudah menekan PTTEP Australias Sea Operations selaku operator kilang minyak di Blok Montara. Bahkan mengancam semua kontraknya di Indonesia dicabut saja jika tidak membayar ganti rugi tersebut," jelasnya.

Selain rakyat, yaitu petani rumput laut mengajukan gugatan class action, pemerintah juga berupaya mengajukan gugatan perdata terkait ganti rugi.

Menurutnya pemerintah melibatkan sedikitnya puluhan ahli dan pakar untuk membantu merealisasikan tuntutan ganti rugi dimaksud.

Sekadar catatan, pasal 54 ayat (1) UU No 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup menegaskan, setiap orang yang melakukan pencemaran dan atau perusahaan lingkungan hidup wajib melakukan pemulihan fungsi lingkungan hidup.

Selain itu, pasal 11 dalam Peraturan Presiden (Perpres) No 109 Tahun 2006 tentang Penanggulangan Keadaan Darurat Tumpahan Minyak di Laut menyatakan, setiap pemilik atau operator kapal, pimpinan tertinggi perusahaan minyak dan gas bumi atau penanggung jawab tertinggi kegiatan perusahaan minyak lepas pantai, yang karena kegiatannya mengakibatkan terjadinya tumpahan minyak di laut, bertanggung jawab mutlak atas biaya.

Biaya itu meliputi penanggulangan tumpahan minyak di laut, penanggulangan dampak lingkungan akibat tumpahan minyak di laut, kerugian masyarakat akibat tumpahan minyak di laut, serta kerusakan lingkungan akibat tumpahan minyak di laut.

Dengan adanya regulasi ini, pemerintah menyatakan siap membawa kasus Montara ini ke pengadilan internasional jika negosiasi dengan Australia tak berhasil.

Sekadar mengingatkan, pada 21 Agustus 2009 sumur minyak Montara milik PTTEP Australasia (Ashmore Cartier) Pty Ltd (PTTEP-AA) meledak. Kemudian, pada 9 November 2009 kebocoran dapat diatasi.

Namun, selama rentang waktu tersebut, kebocoran telah menimbulkan pencemaran yang melintasi wilayah perairan Indonesia, tepatnya di sekitar wilayah perairan Laut Timor. Akibatnya, warga khususnya nelayan yang tinggal di sekitar perairan laut timor menderita kerugian baik moril dan materiil.

Data Kementerian Kelautan dan Perikanan (KKP) tahun 2009 melansir, 29 hari setelah ledakan, tumpahan minyak menyebar ke arah barat, berada sekitar 110 km pesisir Namodale, Rote Ndao dan 121 km Oetune, Kupang, NTT.

Citra satelit Terra-MODIS pada 28 September 2009 mendeteksi tumpahan minyak kembali mendekati perairan Indonesia dengan jarak paling dekat, sekitar 47 km dari pesisir Rabe, Kupang dan 65 km dari Batuidu, Rote Ndao, NTT.

Pada Mei 2011, Yayasan Peduli Timor Barat (YPTB) mengungkapkan, tidak ditemukan lagi tumpahan minyak di pantai-pantai NTT secara signifikan seperti pada awal waktu kejadian. Menurut YPTB, ini disebabkan karena tumpahan minyak telah ditenggelamkan oleh AMSA (Australia Maritime Safety Authority) dengan menggunakan bubuk kimia beracun Corexit 9500 dalam jumlah yang sangat besar. *

Appendix 30

Tumpahan Minyak Telah Mencapai Pulau Rote - 02/10/2009

Perairan Pulau Rote di Kabupaten Rote Ndao, Nusa Tenggara Timur (NTT) terancam tercemar tumpahan minyak kiriman dari ladang minyak Montara milik PT. TEP Australia yang meledak 21 Agustus lalu. "Pencemaran minyak tersebut telah mendekati perairan Pulau Rote sekitar 500 kilo meter," kata Asisten II Setda NTT, Partini Hardjokusumo, di Kupang, usai menggelar rapat koordinasi membahas tentang pencemaran minyak di Laut Timor, Jumat (2/10). Ancaman tercemarnya perairan Rote, yang merupakan pulau paling selatan di Indonesia, berdasarkan laporan dari Direktur Perhubungan Laut Departemen Perhubungan (Dephub), sehingga pemerintah daerah diminta segera melakukan pemantauan. Pulau Rote yang bagian selatannya berbatasan dengan Samudera Hindia merupakan daerah yang paling rawan terkena dampak pencemaran minyak kiriman dari Australia, karena pulau tersebut berada di perbatasan antara Indonesia dan Australia. Gubernur NTT, Frans Lebu Raya yang ditemui terpisah mengatakan, pencemaran minyak mentah dari ladang minyak Montara tersebut menjadi tanggung jawab pemerintah Australia, karena pencemaran tersebut merusak biota laut dan merugikan para nelayan. "Kita tidak mau nelayan kita dirugikan atau terjadi kerusakan biota laut, sehingga mereka (Australia) harus bertanggung jawab terhadap pencemaran ini," katanya. Gubernur mengatakan, akan melaporkan masalah pencemaran Laut Timor tersebut ke BP Migas dan Pertamina Jakarta untuk segera mengambil langkah antisipasi. "Kita akan gelar rapat koordinasi dengan pemerintah pusat membahas tentang masalah tersebut," katanya. Masalah pencemaran ini sudah menjadi persoalan antara negara, maka penanganannya menjadi tanggungjawab dari pemerintah pusat.

Appendix 31

Kebocoran Sumur Minyak Montara Berhasil Dihentikan - 05/11/2009

Bocornya sumur minyak Montara di perairan lepas pantai Australia telah berhasil dihentikan melalui penyumbatan lumpur kental dan api telah padam.

Siaran pers Kedutaan Besar Australia di Jakarta, Kamis (5/11), menyebutkan, kini tidak ada lagi minyak yang keluar dari anjungan tersebut.

Pekerjaan terus dilakukan untuk memastikan sumur tertutup secara permanen, demikian juga upaya-upaya Australia dalam memberikan tanggapan secara menyeluruh terhadap masalah tersebut.

Pada 3 November, pakar pengeboran berhasil mematikan sumur yang bocor dan menghentikan api utama di anjungan sumur dengan memompakan lumpur kental ke sumur yang bocor.

Menurut Humas Kedubes Australia Angky Septiana, begitu anjungan sumur telah dingin dan para ahli bisa memastikan struktur anjungan tersebut masih baik dan aman, para pakar pengeboran akan naik ke anjungan untuk menyelipkan tutup ke sumur yang bocor, yang akan memastikan kebocoran tersebut tidak akan terulang.

Keberhasilan penutupan sumur minyak tersebut tidak berarti pekerjaan Pemerintah Australia dalam kaitannya dengan tumpahan minyak akan selesai. Operasi pembersihan dan pengkajian lingkungan akan terus dilakukan.

Australia juga sedang membicarakan dengan Indonesia kunjungan sebuah tim pejabat Australia ke Indonesia pada awal November untuk mengadakan pembicaraan dengan para pejabat Indonesia dan untuk mengatur pengujian sampel lebih lanjut.

Pemerintah Australia sadar mengenai adanya laporan dari Nusa Tenggara Timur tentang tes positif minyak di perairan pesisir. Australia akan membahas laporan ini dengan Pemerintah Indonesia dan melakukan pengujian sampel untuk dibandingkan dengan sampel dari minyak Montara atau minyak yang lazim beredar di perairan timur Indonesia.

"Minyak mempunyai sidik jari yang unik sehingga relatif mudah untuk memverifikasi apakah minyak yang ditemukan di NTT berasal dari tumpahan Montara atau bukan," katanya.

Disebutkan, sangatlah kecil kemungkinannya minyak Montara akan mencapai perairan pesisir Indonesia. Australia sedang membicarakan dengan Indonesia mengenai kemungkinan kunjungan oleh sebuah tim pejabat Australia dan perwakilan perusahaan ke Jakarta.

Appendix 32

Indonesia Berkeberatan - 25/11/2010

Pemerintah Australia, Rabu (24/11), mengumumkan hasil kerja Komisi Penyelidikan Montara yang menangani kasus tumpahan minyak Laut Timor. Tim Advokasi Laut Timor akan menyiapkan langkah diplomatik untuk menyampaikan keberatan Pemerintah Indonesia.

Sumur pengeboran PTTEP Australasia (PTTEPAA) di Blok West Atlas, perairan Australia, pada 21 Agustus 2009 menumpahkan minyak mentah di lautan. Arus dan gelombang laut membawa tumpahan minyak itu memasuki Zona Ekonomi Eksklusif (ZEE) Indonesia.

Tim Advokasi Laut Timur (TALT) menyatakan, luasan area terdampak tumpahan minyak PTTEPAA mencapai 70.341,76 kilometer persegi. Sejak 27 Juli, TALT mengajukan klaim kepada PTTEPAA, tetapi klaim itu belum dipenuhi PTTEPAA.

Rabu, Pemerintah Australia melalui Departemen Sumber Daya, Energi, dan Pariwisata mengumumkan Laporan Komisi Penyelidikan Kasus Montara. Laporan itu mengakui sebagian tumpahan minyak PTTEPAA memasuki ZEE Indonesia. Namun, laporan itu menyatakan, sebagian besar tumpahan minyak tetap berada dalam radius 35 kilometer dari anjungan PTTEPAA di Blok West Atlas.

Dalam pernyataan tertulis Menteri Sumber Daya, Energi, dan Pariwisata Martin Ferguson dinyatakan, Australia mengetahui klaim ganti rugi pencemaran yang diajukan Indonesia. Namun, Ferguson menyatakan, klaim yang diajukan Indonesia adalah urusan antara Indonesia dan PTTEPAA.

Ketua TALT Masnellyarti Hilman menyatakan, Rabu, staf Kedutaan Besar Australia di Jakarta menemuinya, memberitahukan pengumuman hasil kerja Komisi Penyelidikan Montara itu. "Saya baru melihat sekilas, laporan itu mengesankan tumpahan minyak yang memasuki wilayah Indonesia hanya sedikit," ungkap Masnellyarti.

Ia menyatakan, TALT akan mengajukan keberatan dan menyerahkan dokumen bukti dampak pencemaran di perairan Indonesia. "Inti persoalannya bukan banyak atau sedikitnya minyak yang sampai ke wilayah Indonesia, melainkan seberapa dampak yang dialami Indonesia," katanya.

Direktur Eksekutif Indonesian Center for Environmental Law Rino Subagyo menyatakan, Indonesia juga harus memprotes pernyataan Ferguson yang menyatakan klaim Indonesia adalah urusan Indonesia dan PTTEPAA. "Sebagai peratifikasi Konvensi Hukum Laut Internasional atau UNCLOS, Australia tidak boleh lepas tangan atas klaim Indonesia. Langkah diplomatik Indonesia harus memprotes laporan dan pernyataan Pemerintah Australia," kata Rino. (ROW)

Appendix 33

Indonesia Urges Aussie to Sign Montara Oil Spill Compensation Accord - 20/09/2011

Indonesia has urged the Australian government to soon sign an accord on payment of compensation over the 2009 Montara oil spill in the Timor Sea, Environment Minister Mohammad Gusti Hatta said.

"The signing of the agreement was delayed because there was a change in the Australian energy and mineral resources minister's post but we are now asking that the accord be signed soon," the minister said here Monday.

The accord's signing was previously scheduled to take place last August 29, 2011, but it was eventually delayed to September 6, 2011, and now it had been postponed again until a still uncertain date, he said.

According to Mohammad, the figure Indonesia had forwarded as compensation for the impact of the Montara oil spill was rejected by Australia on the ground it was too high. The Indonesian government had calculated the direct losses suffered by local fishermen by the oil spill's polluting effect, the general economic losses, as well as the indirect losses from the damage done to coral reefs, mangroves and coastal ecosystems.

PTTEP Australasia (PTTEPAA), the company that had drilled the oil well where the oil spill originated was reported to have also calculated the potential losses suffered by Indonesia. Now, the minister said, PTTEPAA was planning to make up for Indonesia's losses through its corporate social responsibility (CSR) program and had told journalists and non-governmental organizations (NGOs) it would thereby be compensating Indonesia.

"However, that is unacceptable to us because there is a difference between CSR and damages," Hatta said.

A PTTEPAA oil well in the West Atlas Block developed a leak on August 21, 2009, and as a consequence 40 million liters of crude oil were released into the waters of Australia. The oil spill was later carried by sea currents into the Timor Sea , Indonesia.

The oil spill eventually polluted 70,341.76 square kilometers of East Nusatenggara (NTT) province's seas and coastal waters. The Australian government's Montara Inquiry Commission in November concluded that the oil spill in PTTEPAA's West Atlas Block would not have happened if the company had followed the accepted standard operating procedures

Appendix 34

Operator Montara Akui Pencemaran Laut Timor - 31/08/2012

PTTEP Australasia mengakui petaka peledakan sumur minyak ladang Montara di perairan Australia, tiga tahun lalu, telah mencemari Laut Timor hingga perairan wilayah Nusa Tenggara Timur.

Sebagai operatornya, PTTEP sudah pula menyatakan siap mempertanggungjawabkan berbagai dampak kerugian akibat pencemaran tersebut.

Hal itu disampaikan oleh Direktur Yayasan Peduli Timor Barat, Ferdi Tanoni, melalui telepon genggamnya, Jumat (31/8/2012).

Ferdi menyebutkan, pengakuan PTTEP tersebut terungkap dalam persidangan di Pengadilan Darwin Australia, Kamis (30/8/2012). "Informasi itu valid, saya memperolehnya dari jaringan saya di Australia," kata Ferdi.

Yayasan Peduli Timor Barat (YPTB), sejauh ini dikenal gencar memperjuangkan ganti rugi dampak pencemaran Laut Timor akibat ledakan sumur minyak Montara, 21 Agustus 2009.

Menurut Ferdi, pengakuan hukum PTTEP ini menjadi bahan tambahan bagi YPTB menggugat Operator Montara di Pengadilan Australia.

Dampak pencemaran yang terjadi di NTT, antara lain telah menciutkan penghasilan nelayan dari tangkapan ikan atau rumput laut. Dampak itu belum termasuk kerugian lingkungan, seperti kerusakan yerumbu karangnya.

Appendix 35

Senin, Pengadilan Australia Gelar Sidang Perdana Pencemaran Laut Timor - 21/08/2016

Sidang perdana gugatan class action 13.000 petani rumput laut asal Nusa Tenggara Timur (NTT) terhadap PTTEP Australasia yang mengelola kilang minyak Montara akan digelar Pengadilan Federal Australia, Senin (22/8/2016).

Ketua Tim Advokasi Petani Rumput Laut NTT dari Yayasan Peduli Timor Barat (YPTB) Ferdi Tanoni, saat menggelar jumpa pers di Kupang, Minggu (21/8/2016), mengatakan, gugatan tersebut didaftarkan Daniel Senda, petani rumput Laut asal Kabupaten Rote Ndao pada 3 Agustus 2016 lalu.

Ferdi yang didampingi pengacara asal Australia Greg Phelps dan juga sejumlah petani rumput laut mengatakan, kilang Montara di Blok Atlas Barat Laut Timor, meledak pada 21 Agustus 2009 lalu sehingga mencemari wilayah perairan budi daya rumput laut di 11 kabupaten dan satu kota di NTT yakni Kabupaten Rote Ndao, Sabu Raijua, Alor, Timor Tengah Selatan, Timor Tengah Utara, Malaka, Kupang, Sumba Barat, Sumba Timur, Sumba Tengah, Sumba Barat Daya dan Kota Kupang.

"Akhirnya apa yang disuarakan dan diperjuangkan terkait pencemaran di laut Timor yang bersumber dari kilang minyak Montara selama ini adalah kebenaran. Dampak pencemaran bisa dibuktikan karena pantai-pantai di Indonesia tidak memiliki baseline, maka baseline yang digunakan ialah petani rumput laut. Petani memiliki lahan kerja dan menggantung tali rumput laut di situ," ungkap Ferdi.

Gugatan itu, lanjut Ferdi, dibagi dalam tiga bagian yakni pencemaran laut yang menghancurkan rumput laut milik petani, dampak pencemaran terhadap hasil tangkapan nelayan, dan yang terakhir yakni terhadap kesehatan warga di NTT.

"Gugatan ini ditangani dua pengacara yakni Ben Slade dari Kantor Pengacara Maurice Blackburn Lawyers di Australia, dan Greg Phelps dari Ward Keller, kantor pengacara terbesar di Australia Utara," ujarnya.

Di tempat yang sama, pengacara Greg Phelps mengatakan, dia datang ke Kupang untuk melakukan verifikasi terhadap bukti-bukti pencemaran serta nama-nama petani rumput laut korban pencemaran. Verifikasi dilakukan mulai dari dusun, desa hingga dinas perikanan yang ada di NTT.

"Konsolidasi untuk memastikan data dan fakta-fakta lainnya itu agar sesuai dengan sistem hukum yang berlaku di Australia," ujarnya.

Appendix 36

Kasus Pencemaran Laut Timor, Warga NTT Minta Jokowi Tidak ke Australia - 26/12/2016

Ketua Peduli Timor Barat Ferdi Tanoni meminta Presiden Joko Widodo (Jokowi) untuk membatalkan kunjungan ke Australia, karena hingga saat ini kasus pencemaran Laut Timor yang merugikan belasan ribu warga Nusa Tenggara Timur (NTT) masih belum ada titik terang.

Menurut Ferdi, pihak Australia terus berkelit dengan berbagai alasan yang tidak mendasar untuk melarikan diri dari tanggung jawab mereka dalam penyelesaian tumpahan minyak Montara.

“Alasan yang dikemukakan Menteri Luar Negeri Australia Julie Bishop dalam suratnya bahwa Pemerintah Australia belum pernah didekati oleh Pemerintah RI untuk membantu masyarakat yang terkena dampak pencemaran Laut Timor, itu kami nilai adalah pernyataan bohong dan sengaja ingin menghindar,” kata Ferdi, kepada Kompas.com, Minggu (25/12/2016).

Parahnya lagi lanjut Ferdi, saat Pemerintah Indonesia menyampaikan surat permintaan kerja sama membantu masyarakat korban Montara guna bersama menyelesaikan kasus pencemaran Laut Timor, Australia justru berkelit lagi dengan menyatakan bahwa pihaknya tidak memiliki yuridiksi atas perairan negara lain yang artinya mereka tidak ingin membantu.

“Itu artinya bahwa Pemerintah Australia telah berbohong dengan membuat alasan yang tidak berdasar karena yuridiksi itu sama artinya dengan otoritas. Pemerintah Indonesia pun telah memberikan otoritas kepada Pemerintah Australia guna bersama menyelesaikan kasus itu,” ucapnya.

Menurut dia, otoritas yang dimaksudkan dalam penanganan petaka tumpahan minyak Montara di laut Timor antara lain, MoU 1996 tentang kesiap siagaan dan penanggulangan keadaan darurat tumpahan minyak di laut antara Pemerintah RI-Australia dan Surat Pemerintah RI melalui Menteri Lingkungan Hidup tahun 2014 lalu.

“Selain itu, terdapat surat dari Kementerian Perhubungan RI tahun 2015 kepada Pemerintah Australia serta pertemuan resmi antara masyarakat korban dan Pemerintah Australia di dalam gedung Parlemen Australia di Canberra selama dua kali,” ujar Ferdi.

Pada tahun 2010 kata Ferdi, Duta Besar Australia Greg Moriarty menandatangani sebuah MoU bersama Menteri Perhubungan RI tentang kesediaan Pemerintah Australia mengimplementasikan MoU 1996 tentang kesiap siagaan dan penanggulangan keadaan darurat tumpahan minyak di laut antara Pemerintah RI-Australia, guna menyelesaikan kasus tumpahan minyak Montara 2009, namun hingga kini belum ada kejelasan.

“Pemerintah Australia terus saja berbohong karena itu saya mewakili masyarakat NTT yang menjadi korban, meminta Presiden Jokowi batalkan kunjungan ke Australia tahun 2017 mendatang,” katanya.

Sidang perdana gugatan class action 13.000 petani rumput laut asal NTT terhadap PTTEP Australasia yang mengelola kilang minyak Montara telah digelar di Pengadilan Federal Australia pada 22 Agustus 2016.

Untuk diketahui, Gugatan tersebut didaftarkan oleh Daniel Senda, petani rumput Laut asal Kabupaten Rote Ndao pada 3 Agustus 2016.

Gugatan itu dibagi dalam tiga bagian, yakni pencemaran laut yang menghancurkan rumput laut milik petani, dampak pencemaran terhadap hasil tangkapan nelayan, dan terhadap kesehatan warga di NTT.

"Gugatan ini ditangani dua pengacara, yakni Ben Slade dari Kantor Pengacara Maurice Blackburn Lawyers di Australia dan Greg Phelps dari Ward Keller, kantor pengacara terbesar di Australia Utara," kata Daniel.

Kilang Montara di Blok Atlas Barat Laut Timor meledak pada 21 Agustus 2009 sehingga mencemari wilayah perairan budi daya rumput laut di 11 kabupaten dan satu kota di NTT yakni Kabupaten Rote Ndao, Sabu Raijua, Alor, Timor Tengah Selatan, Timor Tengah Utara, Malaka, Kupang, Sumba Barat, Sumba Timur, Sumba Tengah, Sumba Barat Daya dan Kota Kupang.

Appendix 37

Pertemuan Jokowi dan PM Australia Diharapkan Bahas Pencemaran Laut Timor - 26/02/2017

Kunjungan Kenegaraan Presiden Joko Widodo ke Australia selama dua hari disambut sukacita oleh korban pencemaran Laut Timor, Nusa Tenggara Timur (NTT).

Ketua Yayasan Ketua Tim Advokasi Rakyat Korban Montara, Ferdi Tanoni pemimpin kedua negara bisa membahas kasus pencemaran Laut Timor.

"Kami rakyat Timor Barat dan NTT sebagai tetangga terdekat Australia menyambut dengan sukacita kunjungan Presiden kami Joko Widodo ke Australia dan mendukung semua kerja sama bilateral antara kedua negara," kata Ferdi kepada Kompas.com, Minggu (26/2/2017) siang.

Ferdi berharap kerja sama antar dua negara bisa memberokan kesejahteraan bagi kedua warga negara itu.

Menurut Ferdi, untuk menandai hubungan baru dan lebih solid antara masyarakat Indonesia dan Australia, pihaknya mendesak Perdana Menteri Australia Malcolm Turnbull menyampaikan komitmennya untuk menuntaskan kasus tumpahan minyak Montara di Laut Timor.

Ferdi menuding, Pemerintah Federal Australia menolak dan mengabaikan Memorandum of Understanding (MoU) 1996, antara kedua negara tentang Kesiapsiagaan dan Penanggulangan Tumpahan Minyak di Laut.

"Secara sepihak Australia menyalahi perairan Indonesia dan melakukan hal-hal kejam terhadap nelayan tradisional Indonesia di Laut Timor. Hingga hari ini di mana kami menjadi korban dari kerja sama kedua negara hanya demi kepentingan Australia," katanya.

Ferdi menyebut, hingga tahun 2017, sudah 7,5 tahun sejak 21 Agustus 2009 petaka tumpahan minyak Montara di Laut Timor terjadi di perairan Australia.

Pihak Australia juga telah mengirimkan polusi minyak bercampur zat kimia yang sangat beracun yakni dispersant jenis Corexit 9572 dan 9572 A ke perairan Indonesia dan menghancurkan sekitar 78.000 kilo meter persegi perairan Indonesia dan sejak itu telah pula mengorbankan lebih dari 100.000 masyarakat miskin yang tinggal di pesisir laut.

"Yang kami tuntut terhadap Australia adalah hak hidup, harga diri, martabat dan kedaulatan kami yang telah dirampas oleh Australia dengan menghancurkan ladang mata pencaharian kami di Laut Timor dan Laut Sawu, bukan kami meminta bantuan Australia. Walaupun tingkat kesejahteraan kami jauh sekali perbedaannya dengan bangsa Australia, tetapi kami menolak untuk menjadi tukang minta-minta," ucap Ferdi.

Appendix 38

PENCEMARAN LAUT TIMOR: Petani Rumput Laut Gugat Montara US\$200 Juta - 04/08/2016

Tuntutan ganti rugi yang disampaikan para petani rumput laut dari Indonesia dalam gugatan "class action" di Pengadilan Federal Australia atas musibah pencemaran minyak Montara di Laut Timor pada 2009 mencapai sekitar US\$200 juta.

"Tuntutan ganti rugi tersebut selaras dengan kerugian yang dialami oleh lebih dari 13.000 petani rumput laut Indonesia asal Nusa Tenggara Timur yang terkena dampak langsung dari musibah pencemaran tersebut," kata pengacara para petani rumput laut, Ben Slade dari Kantor Pengacara Maurice Blackburn Australia dalam surat elektroniknya kepada Antara di Kupang, Kamis (4/8/2016) pagi.

Maurice Blackburn Lawyers, sebuah kantor pengacara tertua dan terbesar di Australia yang didirikan pada 1919 ini, mau menjelaskan secara rinci mengenai gugatan "class action" dari para petani rumput laut asal Nusa Tenggara Timur yang sudah terdaftar di Pengadilan Federal Australia di Sydney, Rabu (3/8).

Kantor Pengacara Maurice Blackburn dan Ward Keller, sebuah kantor pengacara terbesar di Australia Utara yang diwakilkan kepada Greg Phelps, merasa terpanggil dengan advokasi yang dilakukan oleh Ketua Yayasan Peduli Timor Barat (YPTB) Ferdi Tanoni terhadap nasib para petani rumput laut yang sudah lebih dari tujuh tahun, namun belum juga membuahkan hasil.

Selama lebih dari tujuh tahun YPTB melakukan negosiasi dengan perusahaan pencemar PTTEP Australasia asal Thailand yang berkantor pusat di Perth, Australia barat tidak membuahkan hasil sehingga langkah gugatan secara "class action" ke Pengadilan Federal Australia di Sydney, dinilai sebagai jalan tengah terbaik dalam menyelesaikan kasus tersebut.

Ledakan kilang minyak Montara di Blok Atlas Barat Laut Timor pada 21 Agustus 2009 itu telah mencemari sebagian besar wilayah perairan Indonesia di Laut Timor, yang kemudian mengotori dan menghancurkan areal budidaya rumput laut milik para petani di pesisir kepulauan Nusa Tenggara Timur.

Ben Slade menjelaskan lebih dari 13.000 petani rumput laut asal NTT melakukan protes melalui "class action" terhadap produsen minyak dan gas bumi yang berbasis di Perth, Australia Barat, PTTEP Australasia yang mengklaim bahwa lebih dari 300.000 liter minyak dan gas dimuntahkan setiap hari ke Laut Timor setelah ledakan di pengeboran minyak Montara pada 21 Agustus 2009.

Ia mengatakan bahwa tumpahan minyak menyerupai ukuran 10 kolam renang kelas olimpiade itu berisi lumpur beracun yang terdiri dari zat kimia dan timah hitam serta dispersant yang disemprotkan Otoritas Keselamatan Maritim Australia (AMSA) untuk menenggelamkan tumpahan minyak ke dasar laut pada saat itu.

"Ini merupakan bencana utama lingkungan," kata Ben Slade dan menambahkan PTTEP Australasia tidak menerima bahwa tumpahan minyaknya menyebabkan banyak kerusakan, namun Maurice Blackburn Lawyers telah menyaksikan langsung bahwa tumpahan minyak sudah menghancurkan rumput laut sebagai sumber mata pencaharian lebih dari 13.000 petani Indonesia di NTT.

Sementara Greg Phelps dari Kantor Pengacara Ward Keller mengatakankondisi rumput laut membusuk dan mati dalam tiga hari dan selanjutnya para petani selalu mengalami kegagalan panen ketika mencoba menanam benih baru pada tahun-tahun selanjutnya.

"Perusahaan minyak yang seharusnya bertanggung jawab telah mencoba untuk bersembunyi di balik kemiskinan dan keterpencilan para petani rumput laut," katanya dan menegaskan bahwa "hal ini yang tidak bisa kami terima".

PTTEP Australasia yang mengelola kilang minyak Montara selalu membantah tumpahan mencapai perairan Indonesia, namun Ben Slade mengatakan dampak ekonomi dari tumpahan itu masih dirasakan oleh petani rumput laut hingga tujuh tahun setelah ledakan itu terjadi pada 21 Agustus 2009.

Daniel Sanda (58), petani rumput laut asal Pulau Rote, Kabupaten Rote Ndao, NTT yang mewakili para petani rumput laut mendaftar gugatan "class action" di Pengadilan Federal Australia itu mengatakan rumput laut merupakan sumber penghasilan yang telah membantu masyarakat untuk memenuhi kebutuhan keluarga, membangun rumah, dan menyekolahkan anak-anaknya hingga ke perguruan tinggi.

"Kami pandang rumput laut sebagai emas hijau, karena telah memberikan hasil yang mengembirakan bagi kami sejak 2002 untuk membangun rumah, menyekolahkan anak dan lain-lain. Namun, setelah tragedi meledaknya kilang minyak Montara pada 2009, usaha kami menjadi sirna," ujarnya.

Dia mengaku memiliki tanaman rumput laut dengan hasil yang sangat baik sebelum tumpahan minyak Montara pada tahun 2009 menghancurkan semuanya karena kondisinya tidak pernah pulih.

Ben Slade menyayangkan PTTEP Australasia yang tidak menerima fakta tersebut dan tidak mepedulikan kondisi petani rumput laut di NTT yang begitu terpuruk.

Pada bulan Juli 2015, Aliansi Pengacara Australia (ALA) merilis sebuah laporan yang menggambarkan bagaimana kondiai ribuan nelayan dan petani rumput laut menjadi lebih buruk dan menderita berbagai penyakit seperti gangguan pernapasan dan penyakit kulit yang tidak pernah dialami para petani sebelumnya.

Upaya penuntasan kasus melalui tindakan "class action" itu mendapat dukungan dari Harbour Ligation Funding Limited, sebuah lembaga donor terbesar yang berkedudukan di London, Inggris.

Sumber : ANTARA

Appendix 39

Australia Gelar Sidang Gugatan Class Action Para Petani Rumput Laut Indonesia - 21/08/2016

Gugatan kelompok yang dilakukan para petani nelayan Indonesia atas pencemaran laut direspon pengadilan Australia.

Pengadilan Federal Australia di Sydney akan menggelar sidang gugatan class action para petani rumput laut Indonesia asal Nusa Tenggara Timur pada Senin (22/8/2016) setelah menerima daftar gugatan tersebut pada 3 Agustus 2016.

"Daftar gugatan tersebut disampaikan oleh Daniel Sanda, 58, salah seorang petani rumput laut asal Pulau Rote mewakili 13.000 petani rumput laut di wilayah Kabupaten Rote Ndao dan Kupang," kata Ketua Tim Advokasi Petani Rumput Laut Ferdi Tanoni kepada pers di Kupang, Minggu (21/8/2016).

Keterangan pers yang disampaikan Ketua Yayasan Peduli Timor Barat (YPTB) didampingi pengacara para petani rumput laut Greg Phelps dari Ward Keller, sebuah kantor pengacara terbesar di Australia Utara itu bertepatan dengan peringatan tujuh tahun tragedi pencemaran minyak di Laut Timor pada 21 Agustus 2009 akibat meledaknya kilang minyak Montara di Blok Atlas Barat Laut Timor.

"Ini sebuah kemajuan yang sangat luar biasa, karena perkara gugatan class action di Australia biasanya dimulai satu bulan atau lebih setelah Pengadilan Federal Australia menerima daftar gugatan," ujar Greg Phelps.

Daniel Sanda, petani rumput laut asal Pulau Rote itulah yang mendaftarkan gugatan class action tersebut di Pengadilan Federal Australia di Sydney pada 3 Agustus 2016 didampingi Ketua Tim Advokasi dari YPTB Ferdi Tanoni dan Ben Slade dari Kantor Pengacara Maurice Blackburn Lawyers, sebuah kantor pengacara tertua dan terbesar di Australia yang didirikan pada 1919 serta Greg Phelps dari Ward Keller.

Tanoni mengatakan gugatan class action tersebut mendapat dukungan pendanaan dari salah satu litigasi terbesar di dunia "Harbour Litigation Funding Limited" yang akan memberikan imbalan saham jika masalah tersebut berhasil dituntaskan.

"Meskipun kami berinvestasi dalam berbagai mitigasi komersial, namun sangat bermanfaat dan mendukung keuangan kami untuk membantu orang-orang yang tidak mendapatkan akses untuk keadilan," kata kepala Asia-Pasifik Hub Ruth Stackpool - Moore.

Tanoni menyatakan langkah yang diambil "Harbour Litigation Funding Limited" tersebut, setelah membiayai sebuah penelitian ilmiah yang independen terkait dengan kasus pencemaran tersebut di sejumlah wilayah pencemaran di perairan pantai Nusa Tenggara Timur.

"Perusahaan litigasi itu mengambil sikap kemudian memutuskan untuk mendanai perkara gugatan class action yang dilakukan para petani rumput laut Indonesia itu setelah mendalami hasil penelitian yang dilakukan oleh para ahli independen dari Amerika Serikat, Australia dan Indonesia terkait dengan bukti-bukti pencemaran," ujarnya.

Dengan akan disidangkannya kasus gugatan class action tersebut, Tanoni mengharapkan pemerintahan Presiden Joko Widodo dapat mengambil langkah-langkah politis untuk melakukan perundingan dengan Australia serta perusahaan pencemar untuk mencari solusi pemecahannya.

"Kami tidak menghendaki kasus ini dibawa ke pengadilan, namun karena perundingan di luar pengadilan tidak membuahkan hasil maka langkah yang diambil adalah menggugatnya secara class action," katanya.

Menurut dia, pemerintah Indonesia bisa melakukan penekanan-penekanan terhadap PTTEP Australasia yang mengelola kilang minyak Montara tersebut, karena memiliki aset hampir mencapai 3,5 miliar dolar AS dari sejumlah kilang minyak yang beroperasi di Indonesia.

"Langkah tegas yang perlu diambil Jakarta adalah dengan mencabut izin operasional PTTEP Australasia di Indonesia serta mendesak Australia untuk duduk bersama melakukan perundingan dalam upaya mengakhiri kasus pencemaran yang sudah berjalan tujuh tahun ini," ujarnya.

Tanoni menambahkan jika Australia tidak mengambil pusing dengan ajakan perundingan tersebut maka langkah berikutnya adalah membatalkan Perjanjian 1997 antara kedua negara di Laut Timor karena sampai sejauh ini belum diratifikasi oleh parlemen kedua negara, baik Australia maupun Indonesia.

"Langkah-langkah ini yang kami harapkan bisa ditindaklanjuti oleh Pemerintahan Presiden Joko Widodo, agar kasus lanjutan dari dampak pencemaran tersebut, seperti menurunnya hasil tangkapan nelayan serta dampak kesehatan lingkungan terhadap masyarakat pesisir di NTT, tidak perlu lagi harus melalui jalur class action," ujarnya.

Ia menambahkan kehadiran pengacara Greg Phelps saat ini di Kupang untuk mengkonfirmasi kembali data, terutama 13.000 petani rumput laut yang menjadi korban pencemaran sesuai dengan hukum yang berlaku di Australia.

Sumber : Antara

Appendix 40

Jokowi Diminta Batalkan Kunjungan Ke Australia - 26/12/2016

Presiden Joko Widodo diminta untuk membatalkan kunjungannya ke Australia tahun depan jika Pemerintah Federal Australia masih terus berkelit dan tidak mau diajak kerja sama dalam menyelesaikan kasus tumpahan minyak Montara di Laut Timor pada 2009.

"Australia tampaknya masih terus berkelit dan berbohong untuk diajak kerja sama dalam upaya menyelesaikan kasus petaka tumpahan minyak Montara di Laut Timor pada 2009," kata Ketua Yayasan Peduli Timor Barat (YPTB) Ferdi Tanoni kepada pers seperti dikutip Antara, Senin (26/12/2016).

Dalam pengamatan mantan agen imigrasi Australia itu, pemerintah federal terkesan berusaha melarikan diri dari tanggungjawabnya sebagaimana yang dikemukakan Menteri Luar Negeri Australia Julie Bishop dalam suratnya kepada Pemerintah Indonesia.

"Kami (pemerintah Australia) belum pernah didekati oleh Pemerintah Indonesia untuk membantu masyarakat yang terkena dampak akibat pencemaran minyak di Laut Timor," kata Bishop dalam suratnya.

Namun, ketika Pemerintah Indonesia menyampaikan surat permintaan kerja sama membantu masyarakat korban Montara guna bersama menyelesaikan kasus pencemaran Laut Timor, Australia berkelit lagi dengan menyatakan bahwa Pemerintah Australia tidak memiliki yurisdiksi atas perairan negara lain.

Menurut Tanoni, Pemerintah Australia telah berbohong dengan membuat alasan yang tidak berdasar karena yurisdiksi itu sama artinya dengan otoritas.

"Pemerintahan kita sudah memberikan otoritas kepada Pemerintah Australia guna bersama menyelesaikan kasus petaka tumpahan minyak Montara di Laut Timor, namun mereka masih tetap saja berkelit dan lari dari tanggungjawabnya," katanya menegaskan.

Ia menjelaskan otoritas kepada Pemerintah Australia itu didasarkan pada MoU 1996 tentang kesiapsiagaan dan penanggulangan keadaan darurat tumpahan minyak di laut antara Pemerintah RI-Australia serta surat Menteri Lingkungan Hidup tahun 2014.

Selain itu, ada juga surat dari Kementerian Perhubungan tahun 2015 kepada Pemerintah Australia serta pertemuan resmi antara masyarakat korban dan Pemerintah Australia di dalam gedung Parlemen Australia di Canberra selama dua kali.

Appendix 41

Pencemaran Laut Timor: RI Pastikan Gugat Montara April - 17/03/2017

Janji pemerintah untuk menggugat ganti rugi pada PTT Exploration and Production Company (PTTEP) Australasia Montara akan segera diwujudkan bulan depan.

Untuk mempersiapkannya, Kemenko Maritim menggelar rapat koordinasi dengan Jaksa Pengacara Negara (JPN), Kementerian Lingkungan Hidup dan Kehutanan (KLHK), Kementerian Kelautan dan Perikanan (KKP), Lembaga Penerbangan dan Antariksa Nasional (LAPAN), serta beberapa ahli yang berkompeten di bidang terkait di Depok sejak kemarin hingga hari ini.

Siaran pers Kemenkomar, Jumat (17/3/2017), rakor dilakukan untuk mengumpulkan penjelasan ilmiah beragam ahli tentang bukti yang telah dikumpulkan oleh tim nasional di lapangan setelah kilang Montara meledak 21 Agustus 2009.

Pemerintah mengambil keputusan untuk mengajukan gugatan perdata atas kerusakan lingkungan yang disebabkan oleh pencemaran minyak di perairan Laut Timor, Nusa Tenggara Timur (NTT) oleh perusahaan asal Thailand tersebut.

Menurut Asisten Deputi Bidang Keamanan dan Ketahanan Maritim Kemenkomar Basilio Dias Araujo, PTT EP hingga kini belum bersedia bertanggung jawab atas insiden itu.

“Pemerintah RI sudah pernah meminta kompensasi kepada PTTEP melalui jalur nonlitigasi, tapi proses negosiasi mengalami deadlock pada 2012 sehingga tidak tercapai kesepakatan apapun,” ujarnya dalam siaran per situ.

Alih-alih memberikan ganti rugi, perusahaan yang beroperasi di wilayah perairan Australia itu dalam website resminya, www.pttep.com, mengutip hasil riset independen bahwa tidak ada minyak dari kilang Montara yang memasuki wilayah daratan RI dan Australia. Bahkan dalam rilis yang sama, PTTEP mengklaim tumpahan minyak hanya memberikan dampak kecil atau bahkan tidak ada sama sekali pada ekosistem atau spesies laut di perairan Timor.

Tidak ingin kasus ini lepas begitu saja, kini pemerintah sedang menyusun amunisi untuk kembali mengangkat kasus itu.

“Ini berhubungan dengan kedaulatan RI dan nasib rakyat kecil yang menggantungkan hidupnya di sektor kelautan. Maka, kita harus lawan dengan cara yang lebih terencana,” tegas Basilio. Untuk itu, pemerintah kembali mengumpulkan bukti dan mengundang sekitar 50 ahli untuk mendukung langkah tersebut.

JPN yang hadir dalam rapat itu juga sepakat untuk teliti dan tidak gegabah dalam mempersiapkan materi gugatan. JPN akan menggunakan UU No 32/2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup sebagai dasar gugatan.

“Kami tidak ingin mempersiapkan gugatan yang asal-asalan,” kata Robert Zega, anggota tim JPN yang hadir dalam rapat itu.

Rapat yang digelar secara maraton sejak Februari itu akan kembali diteruskan dengan peninjauan lapangan ke Kupang oleh tim nasional dari Kemenkomar, JPN, KLHK, KKP, dan ahli sekitar 20 Maret.

Tidak hanya pemerintah RI, pada 2016, 13.000 petani rumput laut NTT yang diwakili oleh pengacara dari Firma Hukum Maurice Blackburn mengajukan gugatan class action ke pengadilan federal di Australia. Mereka mengajukan gugatan atas pencemaran laut yang menghancurkan rumput laut milik petani, mengurangi hasil tangkapan nelayan, dan berdampak buruk terhadap kesehatan warga di NTT. Gugatan itu dikabulkan oleh majelis hakim lima bulan kemudian.