

CLIVE PALMER — LEGAL ACTION

**490. Ms M.J. DAVIES to the Premier:**

Noting that the Federal Court has just handed down a judgement determination in relation to the costs for the court case between the Premier and Mr Palmer, I refer to this case for which Western Australian taxpayers will foot the bill.

- (1) Will the Premier reveal the full cost to Western Australian taxpayers for the Premier and the Attorney General's legal fees?
- (2) Will the Premier reveal the full cost of his cross-claim?
- (3) As we cannot ask the Attorney General directly, will the Premier reveal the full cost of his second visit to the witness box due to his manifest errors the first time around?

**Mr M. McGOWAN replied:**

- (1)–(3) I have not seen the exact details of what the Federal Court has found in Victoria, I think, so I will get some immediate advice on that. I may well make a statement to the house later on this afternoon about these matters, but I want to make a few things clear. I do not have the exact details of the cost or what the implication of the ruling is in terms of what costs Mr Palmer would have to bear versus what costs the state of Western Australia would have to bear. I do not have that information available.

In relation to the reason behind this, I just want to make it perfectly clear that this is because Mr Palmer decided to bring a defamation action against me. That is what occurred. People try to spread the blame on this. Mr Palmer decided to take a defamation action against me; I did not bring a defamation action against him. There are specific reasons why he did that. I hope to be able to elaborate further today about those matters. But I make the point more broadly that it was in the context of a \$30 000 000 000 claim he had against the people of Western Australia—\$12 000 for every man, woman and child—that the Attorney General and I were in the process of attempting to defeat. Then he brought legal action against me, so you work it out. That is the context.

As I said to the media the other day, it is one of the proudest moments I think of my career that we were able to defeat that claim for \$30 000 000 000 against the state of Western Australia in the way that we did. I think it was actually one of the proudest moments of this Parliament that we were able to do that. It was a real risk to the state. The state's fate was in the hands of a single arbitrator, a retired High Court of Australia judge, aged 85 years, who could have made a ruling and then the state could, in effect, have lost \$30 billion. I was not prepared to take that risk. I just was not. Others might have thought that was a risk worth taking, but I did not believe it was. Members have to remember that Mr Palmer also had an action against us to bring down the border. We worked out the real reason that was the case. It was because he made an offer to the state that he would drop that legal action if we moved the arbitration to Canberra, where the arbitrator was. Again, think about that. Think about the fact that you are pursuing this line of questioning in light of those two facts.

Then Mr Palmer sued me for defamation and now he has another action against me for \$50 million for some sort of conspiracy claim he has. That is, again, in my view, spurious because the Attorney General and I worked together, as members would expect, to try to defend the state. So now he has a \$50 million claim against me, the Attorney General, the Solicitor-General and others. That is what this gentleman does. The opposition has to make a choice: whose side are you on? Are you on our side or are you on Clive Palmer's side? That is the choice.

Several members interjected.

**The SPEAKER:** Order, please, members!

**Mr M. McGOWAN:** Undoubtedly, there are costs involved in this matter, otherwise Mr Palmer would successfully bankrupt me—that is what he would do—and I would not be able to be Premier of Western Australia. No-one could be because any time someone occupied this role, someone like Mr Palmer could sue them and bankrupt them out of it if he did not like a decision they made. That is exactly what happened. It is a longstanding convention of parliamentary democracies—of the Parliaments of Australia—that people in executive office like myself and ministers receive support from the state to defend these sorts of claims. Otherwise people like Mr Palmer, or any other billionaire out there, if he or she did not like a decision a Premier made, could bring an action against them and bankrupt them, and that is not right.

Turning to the court itself, Mr Justice Lee obviously did a tremendous amount of analysis, and I totally accept the judgement that he made. He is a very analytical and very professional judge. He found that Mr Palmer's defamation against me was fourfold, in effect, compared with any defamation that I committed against him. I just make the point that he found there was a minor defamation on my behalf. I make the point to you all that every day on Twitter,

Facebook and in the press, minor defamations are committed but we do not all bring legal actions. I would expect that I have minor defamations committed against me and the Leader of the Opposition would have them committed against her every single day. If every one of us brought a writ every time that occurred, we would need a lot more judges. The world should not work that way whereby people of means with billions and billions of dollars that were, I might add, provided to him by the state of Western Australia, via a Chinese company, can then, every time there is a minor defamation, seek to sue someone into bankruptcy. The world should not work that way.

I hope to be able to make further statements on this matter today. I just repeat to members of the opposition, although I know they will not listen because that is not in their nature: whose side are you on—the taxpayers and the government of Western Australia or Clive Palmer?

Several members interjected.

**The SPEAKER:** Order, please, members! This supplementary will be the final question for question time.