

CLIVE PALMER — LEGAL ACTION

**576. Ms C.M. COLLINS to the Premier:**

I refer to the determination of the McGowan Labor government to do everything it could to stop Clive Palmer from suing the state for \$30 billion. Can the Premier update the house on this government's overwhelming success in the High Court in once again defeating Clive Palmer and his attacks on this state?

**Mr M. McGOWAN replied:**

I thank the member for Hillarys for the question. This was a monumental victory for the people of Western Australia today. The government was vindicated in the action that it took to stop Mr Clive Palmer from trying to take this state for \$30 billion. We have successfully defended the people of Western Australia against Mr Clive Palmer's constitutional attack on our state. Once again, Mr Palmer has been completely humiliated by the courts in relation to this attack on Western Australia. This was a victory for Western Australia, as the High Court has upheld the state's legislation, which terminated the claim of his company, Mineralogy, for damages against the state of Western Australia. Had Mr Palmer been successful, every man, woman and child in this state would have been liable to give him \$12 000—a total of \$30 billion. The legislation prevented that, and it has been upheld in the highest court in the country and protects the people and the finances and the budget of Western Australia from this terrible claim by Mr Palmer.

Today the High Court found that the legislation that the government introduced was not invalid or inoperative. As highlighted by the court, the legislation has a cascading level of protections. The High Court found that Clive Palmer did not pass the first barrier. By way of background, it related to a project called Balmoral South, located south of Karratha in the Pilbara. Mr Palmer was advised by the former government, led by Premier Barnett, that if the project were to go ahead, it would have to adhere to certain conditions, which was a good decision by the former government. Mr Palmer decided he would not go ahead with the project. Instead of trying to secure his earnings or profits by establishing a mining project at Balmoral South, as was his right, subject to some conditions, he decided to make an enormous amount of money just by suing the state. We passed laws to prevent him from doing that. We did not override the rights of Mr Palmer or Mineralogy in developing the project, which it still can, subject to those conditions. We did not change Mr Palmer's capacity to sell the project, if anyone wanted to buy that project from him. In light of his behaviour towards another company, it is unlikely that anyone would. I would like to acknowledge the work of the Solicitor-General, Mr Joshua Thomson, SC, and the State Solicitor, Nick Egan, who have done a marvellous job in, firstly, drafting the bill and, secondly, fighting the action in the High Court.

We had to bring this legislation in urgently. Obviously, we had to get through the Parliament very quickly. There was one member of Parliament who caused a lot of grief: Hon Nick Goiran, who decided to exercise his talents in the upper house by saying this —

There are plenty of heinous provisions in this bill, much of which I suspect will be ineffective. I suspect that much of what we have done over the course of today will have no force and effect.

He also said —

But it seems to me that there were, again, other ways in which the government could have proceeded with this matter rather than proceeding in this fashion, which we cannot have any confidence will be effective.

That is the shadow Attorney General, who has egg on his face once again for saying embarrassing and wrong things in the Parliament of Western Australia. He tried to stymie this bill, but the government stood up to Mr Palmer and to the Liberal shadow Attorney General in order to pass this legislation. That is what the government did.

Mr Palmer has been ordered to pay costs and that is likely to be something in the order of \$2 million. He has brought a range of actions against the state and the people of Western Australia, all of which he has lost. All I have to say to Mr Palmer is this: we need our legal advisers to be working on issues like COVID and bikie laws. We do not need him constantly taking the people of Western Australia and our best legal minds to the courts on these ineffective actions that just waste time and effort, which means that we cannot focus on the things that matter to Western Australia. I urge him to stop these ridiculous and silly legal actions against the state of Western Australia.