

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/11/2020 3:39:21 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)
File Number: NSD912/2020
File Title: CLIVE FREDERICK PALMER v MARK MCGOWAN
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 20/11/2020 3:39:25 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 17
Rule 15.06 (1)(a)

Amended Statement of Cross Claim
Amended pursuant to the order made
by Justice White on 10 November 2020

No. NSD 912 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: General

Clive Frederick Palmer
Applicant

Mark McGowan
Respondent

Mark McGowan
Cross-claimant

Clive Frederick Palmer
Cross-respondent

The cross-claimant relies on the following facts and assertions.

- 1 The cross-claimant is the Premier of Western Australia, a fact that was notorious amongst readers of the matters the subject of this proceeding.

The First Defamatory Publication

- 2 On a date the cross-claimant is not presently able to particularise, save to say it was on or shortly before 1 August 2020 (further particulars of which will be provided after the taking of necessary interlocutory steps):
 - (a) the cross-respondent published the words attributed to him in the AAP article appearing as attachment 1 hereto, either publicly, or knowing they were capable of being made public by those who heard or read them;
 - (b) the intention of the cross-respondent or alternatively the natural and probable consequence of the cross-respondent publishing the words was, given the

circumstances in which they were first published by him, that that they would be published or republished by the mainstream media, such that the cross-respondent is to be taken, for the purpose of this proceeding, as being responsible to the cross-claimant for that publication or republication.

- 3 In their natural and ordinary meaning the words published by the cross-respondent meant and were understood to mean that:
- (a) as Premier, Mr McGowan lied to the people of Western Australia when he said that he had acted upon the advice of the Chief Medical Officer in closing the borders;
 - (b) as Premier, Mr McGowan lied to the people of Western Australia when he told them their health would be threatened if the borders did not remain closed.

The Second Defamatory Publication

- 4 On 12 August 2020 (further particulars of which will be provided after the taking of necessary interlocutory steps):
- (a) the cross-respondent participated in an interview that was broadcast on Sky News and published the words attributed to him in the document appearing as attachment 2 hereto;
 - (b) the intention of the cross-respondent or alternatively the natural and probable consequence of the cross-respondent saying the words was, given the circumstances in which they were first published by him, that that they would be published to viewers of Sky News and republished by the mainstream media, such that the cross-respondent is to be taken, for the purpose of this proceeding, as being responsible to the cross-claimant for that publication or republication.
- 5 In their natural and ordinary meaning the words published by the cross-respondent meant and were understood to mean that:
- (a) as Premier, Mr McGowan was abusing the Parliamentary system by overseeing the passing of laws designed to protect him against criminal acts he intended to commit;
 - (b) as Premier, Mr McGowan lied to the people of Western Australia about his justification for imposing travel bans.

The Third, Fourth, Fifth, Sixth and Seventh Defamatory Publications

- 6 Commencing on or about 13 August 2020 (further particulars of which will be provided after the taking of necessary interlocutory steps):
- (a) the cross-respondent caused the words appearing as attachment 3 hereto to be published by Google;

- (b) the cross-respondent caused the words appearing as attachment 4 hereto to be published by The West Australian newspaper;
- (c) the cross-respondent caused the words appearing as attachment 5 hereto to be published by Facebook;
- (d) the cross-respondent caused the words appearing as attachment 6 hereto to be published by Twitter;
- (e) the cross-respondent caused the words appearing as attachment 7 hereto to be published by delivery of printed copies by way of letterboxing;
- (f) the intention of the cross-respondent or alternatively the natural and probable consequence of the cross-respondent causing the words to be published in the circumstances set out above was, given the circumstances in which they were first published by him, that that they would be published directly to people and republished by the mainstream media, such that the cross-respondent is to be taken, for the purpose of this proceeding, as being responsible to the cross-claimant for that publication or republication.

7 In their natural and ordinary meaning the words published by the cross-respondent in attachments 3, 4, 5, 6 and 7 meant and were understood to mean that:

- (a) as Premier, Mr McGowan had corruptly attempted to cover up the personal involvement of himself and others in criminal acts by overseeing the passing of laws designed to provide exemptions from them from the criminal law.

The Eighth Defamatory Publication

8 On 14 August 2020 (further particulars of which will be provided after the taking of necessary interlocutory steps):

- (a) the cross-respondent participated in an interview that was broadcast on the ABC and published the words attributed to him in the document appearing as attachment 8 hereto;
- (b) the intention of the cross-respondent or alternatively the natural and probable consequence of the cross-respondent saying the words was, given the circumstances in which they were first published by him, that that they would be published to listeners of the ABC and republished by other mainstream media, such that the cross-respondent is to be taken, for the purpose of this proceeding, as being responsible to the cross-claimant for that publication or republication.

9 In their natural and ordinary meaning the words published by the cross-respondent meant and were understood to mean that:

- (a) as Premier, Mr McGowan had behaved criminally, and was improperly seeking to confer upon himself immunity from the criminal law;

- (b) as Premier, Mr McGowan was acting corruptly by seeking to confer upon himself immunity against his criminal acts.

The ~~Seventh~~ Ninth Defamatory Publication

- 10 On 1 September 2020 (further particulars of which will be provided after the taking of necessary interlocutory steps):
- (a) the cross-respondent participated in an interview that was broadcast on Sky News and published the words attributed to him in the document appearing as attachment 9 hereto;
- (b) the intention of the cross-respondent or alternatively the natural and probable consequence of the cross-respondent saying the words was, given the circumstances in which they were first published by him, that that they would be published to viewers of Sky News and republished by other mainstream media, such that the cross-respondent is to be taken, for the purpose of this proceeding, as being responsible to the cross-claimant for that publication or republication.
- 11 In their natural and ordinary meaning the words published by the cross-respondent meant and were understood to mean that:
- (a) as Premier, Mr McGowan was open to accepting multi-million dollar bribes from Chinese interests in return for permitting them access to valuable state natural resources.
- 12 The defamatory meanings in paragraphs 3, 5, 9 and 11 above are of and concerning, and defamatory of the cross-claimant.
- 13 By reason of the publication of the defamatory meanings:
- (a) the cross-claimant has had his reputation badly injured;
- (b) the cross-claimant has suffered and will continue to suffer hurt and embarrassment; and
- (c) the cross-claimant has suffered and will continue to suffer loss and damage.
- 14 The cross-claimant claims from the cross-respondent compensatory damages for defamation to:
- (a) vindicate his reputation;
- (b) compensate him for the distress and embarrassment caused by the publication of the defamatory meanings;
- (c) reflect the extent of publication, and that the defamatory meaning may spread, in which respect the cross-claimant relies on the ordinary grapevine effect, the ease with which the publication may be shared and thereby republished and the

natural and probable consequence that the circumstances of publication would result in further publication of the defamatory meanings or their substance or effect;

- (d) be sufficient to convince a person to whom the defamatory meanings were published, or republished, of the baselessness of them; and
- (e) provide reparation for the damage to his reputation.

15 Further, the cross-respondent defamed the cross-claimant or has otherwise has conducted himself when:

- (a) he knew, it may be inferred (if not admitted) from the very nature of the content of what was published, that it would cause persons who heard it to think less of and shun and avoid the cross-claimant;
- (b) he could have had no reasonable belief in the truth of the defamatory meanings pleaded above, or was recklessly indifferent to the truth or falsity of them;
- (c) each publication was made with the intention of causing political harm to the cross-claimant and to cause him to make governmental decisions in relation to the closure of borders and his dispute with the Western Australian Government that were favourable to the cross-respondent.

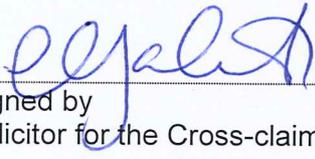
16 Further, the harm suffered by the cross-claimant has been aggravated by (and the cross-claimant thereby claims aggravated compensatory damages) the following matters:

- (a) his knowledge that the defamatory meanings are untrue;
- (b) his knowledge that the cross-respondent published the defamatory meanings in the circumstances set out above; and
- (c) the cross-respondent's lack of bona fides, as evidenced by the matters set out in paragraph 15 above

(and the cross-claimant reserves the right to rely at trial upon such other matters as may arise in aggravation of the harm suffered by them).

17 Unless restrained, the cross-respondent will continue to publish about the cross-claimant the defamatory meaning or meaning(s) to similar effect, and in consequence, the cross-claimant also claims injunctive relief restraining the cross-respondent from further publishing or causing to be published matter of and concerning the cross-claimant alleging the defamatory meanings the subject of this proceeding, or meaning(s) to similar effect.

Date: 20 November 2020



Signed by
Solicitor for the Cross-claimant

This pleading was prepared by R J Anderson QC

Certificate of lawyer

I Carmel Galati certify to the Court that, in relation to the statement of claim filed on behalf of the Cross-claimant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 20 November 2020

Signed by
Lawyer for the Cross-claimant

ATTACHMENT 1



Businessman Clive Palmer argues WA's border closure is unconstitutional and damaging trade. Image by Dave Hunt/AAP PHOTOS

HEALTH

Border-challenging Palmer 'WA's enemy'

By Rebecca Le May

August 1, 2020

- 1.** Clive Palmer has been labelled “the enemy” of Western Australia as his federal government-aided challenge to the state’s tough border stance wrapped up in the Federal Court.
- 2.** The Queensland billionaire argues WA’s border closure is unconstitutional and damaging trade, while Premier Mark McGowan says it is necessary to protect citizens and is based on expert health advice.
- 3.** The four-day hearing concluded on Friday, with WA’s Solicitor-General Joshua Thomson saying in his closing submissions that no community transmission in the state since mid-April showed the closure was working.
- 4.** Mr Thomson took aim at the quality of evidence by infectious diseases expert Peter Collignon, who was engaged by the Commonwealth and argued in favour of “targeted quarantine” for people from states with high levels of community transmission such as Victoria and NSW.

- 5.** Mr Palmer's barrister Peter Dunning said the "attack" on the professor was completely without basis, noting WA had experienced community transmission that didn't lead to an outbreak amid high levels of contact tracing and compliance with COVID-19 rules.
- 6.** Justice Darryl Rangiah reserved his findings and the matter will ultimately be decided by the High Court, with the judgment expected around October
- 7.** Mr Palmer launched the action in May after he was denied an exemption to enter WA and Mr McGowan says the action shows he is only focused on himself.
- 8.** "He is not focused on the health or the wellbeing of the people of this state," the premier said.
- 9.** "Mr Palmer is an enemy of the state."
- 10.** The businessman labelled Mr McGowan a liar, citing WA's chief health officer Andy Robertson's testimony that he had advised the state government that travel bubbles with low-risk jurisdictions could work, but had received no response.
- 11.** "Now that's a lot different to the lies that Mark McGowan has told the people of Western Australia, that he's acted on advice of the chief medical officer," Mr Palmer said.
- 12.** The United Australia Party leader said WA should keep its border closed to hotspots "but not lie to the Western Australian people about threats that don't exist".
- 13.** "There is no threat to Western Australia certainly here in Queensland, in South Australia, the Northern Territory, the ACT and Tasmania."
- 14.** Prime Minister Scott Morrison has repeatedly tipped WA will lose the case and Attorney-General Christian Porter suggests the same.
- 15.** "There is a real risk that the High Court may find that the present zero compromise, total border closure is not constitutional," Mr Porter said.
- 16.** He insisted the Commonwealth was not taking sides but said "we don't want to see an all or nothing approach" and urged the state government to consider a compromised arrangement ahead of the judgment.
- 17.** But Mr McGowan dug in.
- 18.** "It pains me that this is going on and I'm not enjoying it but we're not going to cave in," he said.
- 19.** The Labor leader has repeatedly said the state government's legal advice was that it could not "pick and choose" jurisdictions it would allow travel from.

ATTACHMENT 2

12.08.20 SKY News PALMER – Clive Palmer addresses the media_240p
Sky News presenter Ashleigh Gillon introduction not transcribed.

- 1.** GILLON: Mr Palmer addressed the media a short time ago about the claim.
- 2.** PALMER: I signed an agreement with the former chief justice of Western Australia Wayne Martin and the State of Western Australia to have a mediation in respect of a long-running dispute that we had with the West Australian Government. We thought that it was better to have a mediation, to have a discussion to work out what was going to happen.
- 3.** There had been two previous awards in our favour showing the State was liable and that we could claim damages. But rather than go forward to an arbitration we wanted to ensure we could work out some arrangement with State that could limit the possibilities and be better for Queen- for Western Australia and the people that live there. It's disappointing that the Premier, Mark McGowan, has acted the way he has last night, and disregarded that agreement we signed with the former chief justice Wayne Martin and sought to enter yet again in a confrontational approach.
- 4.** So, we have to consider what's before us. The Bill that was enacted last night was extremely disappointing for all Australians. It gave the Government an exemption of criminal liability.
- 5.** So you may well ask, what are the criminal acts that the Government wants to do that they need an exemption from criminal liability. It also abolished natural justice where you have a right to a hearing and a right to know who you are, so there's no requirement for natural justice for anything they do under their Act.
- 6.** But most important for the media, it abolished the right of the media to have an FOI application to find out what's all this about. You must ask the question, when John Quigley said there's a \$30 billion claim, there isn't any \$30 billion claim against the Western Australian Government, it's his assessment of what the damages are for what they've done.
- 7.** And the press need to know, and the public need to have a right to know what it is that the West Australian Government has done that would invoke such a claim that they'd feel guilty of. What's happened in the last six or eight years, and what have they been up to and how does that affect Australia, and how does that affect our national security to be an independent nation, so that all Australians can be free and independent.
- 8.** There's been a particular demonising of me in relation to my challenge of the Western Australian borders and of course the Federal Court will soon come out with a judgment on the 24th of August. What we have seen in the Federal Court has been the Chief Medical Officer of Western Australia clearly state that the Premier was lying to the people of Western Australia, because he said that South Australia, Queensland, Tasmania, ACT and the Northern Territory were all further advanced in cleaning the virus than, than, than Western Australia, so there was no real reason for those travel bans. ENDS

ATTACHMENT 3

CE Palmer
GPO Box 1538
Brisbane 4001

13 August 2020

Cover Up

- 1.** Mark McGowan's actions in the past two months have been a concerted effort to cover up his personal involvement in breaking the Law and people must question why his Government has passed an Act which provided him and others with an exemption from the Criminal Law!
- 2.** Why was an act passed in the Western Australian Parliament last night which takes away the rights of the Press and the Western Australian public to make Freedom of information (FOI) applications to find out what McGowan did? The question for Western Australians is what did McGowan do to cause, as the Attorney General said, 30 billion dollars of liability for the State of Western Australia. Why should McGowan or anyone else be exempt from the Criminal law?
- 3.** As well as seeking to destroy the rights of individuals and protect politicians from the Criminal law the Act also bans citizens taking to court any matter associated with the events and acts that caused the state to inflict substantial pain and damage on International Minerals and Mineralogy. I am not and have never been a party to the arbitration. Why did McGowan attack me personally?
- 4.** International Minerals was an ASX publicly listed company with over 5,000 Mum and Dad shareholders. Any action by a State government to destroy the livelihoods of any of these people should not be beyond examination.
- 5.** It is my position that McGowan personally destroyed their project. McGowan has focussed on the role of Colin Barnett, yet it was Mark McGowan that Acted beyond the power of the government. The question must be asked did he do it to assist a foreign power? Did he act against Australia's interest? Is that why he must be exempted from the Criminal law and freedom of information (FOI)?
- 6.** With the Federal Court deciding matters of fact and their judgement likely to be made on 24 August 2020 what was the emergency to get the Act passed in one day. Was it a State Emergency or a Mark McGowan emergency!
- 7.** Why does the Act purport to take from me and every citizen their rights of Natural Justice, and take away Western Australians' right to have proper legal process in our own country of Australia? The Act is more akin to the laws of China than Australia!
- 8.** Why did McGowan provide for the Act to destroy the two Awards made by distinguished former High court Judge Michael McHugh? Both of the Awards were against the Western Australian Government. Why was it that the Western Australian Supreme Court also ruled against the Western Australian Government?
- 9.** Why was it that the Chief Law Officer of Western Australia and barrister of the Supreme Court of Western Australia, John Quigley, not support the Rule of Law?

- 10.** Betrayal of the Rule of Law, exemptions from the Criminal Law and removing freedom of information is not what Australia is about!
- 11.** In 1972 Richard Nixon won a landslide victory in the Presidential election. He, like McGowan, had great public support. Nixon directed the greatest criminal cover up in history, but even he unlike McGowan was not supposedly exempted from the Criminal Law!
- 12.** Eventually the High Court of Australia will decide the validity of the Act. In Australia we enjoy the separation of powers and the Rule of Law. The law has served our country well, it protects our values, our freedom and democracy. We must fight to protect it!
- 13.** God Bless Australia!

Clive Palmer

ATTACHMENT 4

Advertisement

Cover Up

- 1.** Men and Women of Western Australia
- 2.** Mark McGowan's actions in the past two months have been a concerted effort to cover up his personal involvement in breaking the Law and people must question why his Government has passed an Act which provided him and others with an exemption from the Criminal Law!
- 3.** Why was an act passed in the Western Australian Parliament last night which takes away the rights of the Press and the Western Australian public to make Freedom of information (FOI) applications to find out what McGowan did? The question for Western Australians is what did McGowan do to cause, as the Attorney General said, 30 billion dollars of liability for the State of Western Australia. Why should McGowan or anyone else be exempt from the Criminal law?
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- 5.** International Minerals was an ASX publicly listed company with over 5,000 mum and dad shareholders. Any action by a state government to destroy the livelihoods of any of these people should not be beyond examination.
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- 7.** With the Federal Court deciding matters of fact and their judgement likely to be made on 24 August 2020 what was the emergency to get the Act passed in one day. Was it a State Emergency or a Mark McGowan emergency!
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- 10.** Why was it that the Chief Law Officer of Western Australia and barrister of the Supreme Court of Western Australia, John Quigley, not support the Rule of Law?

- 11.** Betrayal of the Rule of Law, exemptions from the Criminal Law and removing freedom of information is not what Australia is about!
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- 13.** Eventually the High Court of Australia will decide the validity of the Act. In Australia we enjoy the separation of powers and the Rule of Law. The law has served our country well, it protects our values, our freedom and democracy. We must fight to protect it!
- 14.** God Bless Australia!

Clive Palmer

Authorised by Clive Palmer
2 The Esplanade, Perth WA 6000

ATTACHMENT 5

Clive Palmer

August 13 at 8:40AM

- 1.** Read my statement about Mark McGowan and the Cover Up.
Betrayal of the Rule of Law, exemptions from the Criminal Law & removing freedom of information is not what Australia is about!

13 August 2020

2. Cover Up

- 3.** Mark McGowan's actions in the past two months have been a concerted effort to cover up his personal involvement in breaking the Law and people must question why his Government has passed an Act which provided him and others an exemption from the Criminal Law!

- 4.** Why was an act passed in the Western Australian Parliament last night which takes away the rights of the Press and the Western Australian public to make Freedom of Information (FOI) applications to find out what McGowan did? The question for Western Australians is what did McGowan do to cause, as the Attorney General said, 30 billion dollars of liability for the State of Western Australia. Why should McGowan or anyone else be exempt from the Criminal law?

- 5.** As well as seeking to destroy the rights of individuals and protect politicians from the Criminal law the Act also bans citizens taking to our any matter associated with the events and acts that caused the state to inflict substantial pain and damage on International Minerals and Mineralogy. I am not and have never been a party to the artibration. Why did McGowan attack me personally?

- 6.** International Minerals was an ASX publicly listed company with over 5,000 Mum and Dad shareholders. Any action by the State government to destroy the livelihoods of any of these people should not be beyond examination.

- 7.** It is my position that McGowan personally destroyed their project. McGowan has focused on the role of Colin Barnett, yet it is Mark McGowan that Acted beyond the power of the government. The question must be asked did he do it to assist a foreign power? Did he act against Australia's interest? Is that why he must be exempted from the Criminal Law and freedom of information (FOI)?

- 8.** With the Federal Court deciding matters of fact and their judgement likely to be made on 24 August 2020 what was the emergency to get the Act passed in

one day? Was it a State Emergency or a Mark McGowan emergency!

- 9.** Why does the Act purport to take from me and every citizen their rights of Natural Justice, and take away Western Australians' right to have proper legal process in our own country of Australia? The Act is more akin to the laws of China than Australia!

- 10.** Why did McGowan provide for the Act to destroy the two Awards made by distinguished former High court Judge Michael McHugh? Both of the Awards were against the Western Australian Government. Why was it that the Western Australian Supreme Court also ruled again the Western Australian Government?

- 11.** Why was it that the Chief Law Officer of Western Australia and barrister of the Supreme Court of Western Australia, John Quigley, not support the Rule of Law?

- 12.** Betrayal of the Rule of Law, exemptions from the Criminal Law and removing freedom of information is not what Australia is about!

- 13.** In 1972 Richard Nixon won a landslide victory in the Presidential election. He, like McGowan, had great public support. Nixon directed the greatest criminal cover up in history, but even he, unlike McGowan, was not supposedly exempted from the Criminal Law!

- 14.** Eventually the High Court of Australia will decide the validity of the Act. In Australia we enjoy the separation of powers and the Rule of Law. The law has served our country well, it protects our values, our freedom and democracy. We must fight to protect it!

- 15.** God Bless Australia!

Clive Palmer

ATTACHMENT 6

Clive Palmer @CliveFPlamer . Aug 13

1. See my latest statement about Mark McGowan and the Cover Up. Betrayal of the Rule of Law, exemptions from the Criminal Law and removing freedom of information is not what Australia is about!

#wapol #auspol

13 August 2020

2. Cover Up
3. Mark McGowan's actions in the past two months have been a concerted effort to cover up his personal involvement in breaking the Law and people must question why his Government has passed an Act which provided him and others an exemption from the Criminal Law!
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15. God Bless Australia!

Clive Palmer

ATTACHMENT 7

Cover Up

- 1.** Men and Women of Western Australia
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history, but even, he unlike McGowan, was not supposedly exempted from the Criminal Law!

10. Eventually the High Court of Australia will decide the validity of the Act. In Australia we enjoy the separation of powers and the Rule of Law. The law has served our country well, it protects our values, our freedom and democracy. We must fight to protect it!

11. God Bless Australia, Clive Palmer

Authorised by Clive Palmer
2 The Esplanade, Perth WA 6000

ATTACHMENT 8

HAMISH MACDONALD

- 1.** Mark McGowan has tweeted overnight saying that this law passed in the Parliament in WA shows that Western Australians will not be bullied. Has Western Australia stood up to a bully and effectively won?
- 2.** CLIVE PALMER
No they haven't. The reality is the High Court will strike down their legislation because the Premier Mark McGowan and the Attorney-General are the first law officers that have ever given themselves an indemnity under legislation from criminal prosecution.
- 3.** So the real question is what other crimes they haven't told us. They've also outlawed the FOI in relation to this matter so the press will not have the right to know, will not know what the events go behind this thing. They've eliminated my rights to appeal the report, they've eliminated natural justice, and they said at the end of the day, if they've done something wrong, Mark McGowan or the Attorney-General, and there's an order ever against them I've got to pay for it.
- 4.** HAMISH MACDONALD
But isn't the point that they're standing up for the citizens of Western Australia, the damages that you are seeking we understand amount to more than \$30 billion, that's some \$12,000 per person according to the Premier.
- 5.** CLIVE PALMER
That's just rubbish. That's just bullshit mate. You know, that's just rubbish. Do you think a court, or anyone in Australia, would award someone \$30 billion? It's just an excuse so Mark McGowan can cover up...
- 6.** HAMISH MACDONALD
Well are you, are you pursuing those amounts or not?
- 7.** CLIVE PALMER
No, we are bound by confidentiality under our agreement and he would love me to be able to breach that so he could, could get out of justice. But in Australia, it's not the government that decides disputes, it is a separation of power, it's the courts that do, right. We, we don't want to be like China.
- 8.** HAMISH MACDONALD
But, but you, you accept, don't you, you accept that it would be the people of Western Australia that would foot this Bill, whatever, whatever the damages would be...
- 9.** CLIVE PALMER
We're fighting for justice, that's our story, it's not what your story is, we're fighting for justice, so it's unjust...hold on...
- 10.** HAMISH MACDONALD
This isn't about narratives or language, this is a simple question of fact.

11. CLIVE PALMER

It's about the Premier of Western Australia giving himself immunity from criminal prosecution, that's what it's about, read the Act and find out. Ask the Attorney-General why he has to be immune from criminal prosecution. So you go to Western Australia he can murder, shoot you, raid your house, and he's immune from the criminal law. All Australians, no matter who they are, are subject to the law, that's what protects our democracy, that's what allows you to broadcast this morning. If you were in China they'd shut you down, right.

12. HAMISH MACDONALD

With respect Mr Palmer, do you accept that it would be the taxpayers of Western Australia that would foot this bill, not the Premier.

13. CLIVE PALMER

I don't know, I don't know...

14. HAMISH MACDONALD

Well you do know, you do know.

15. CLIVE PALMER

...some of the things...no, no I don't know because some of the things that the Premier has legislated against such as he's not liable criminally for what he's done. This Premier is not liable for breaching the criminal law. He's used his position as Premier in the Parliament to give himself and his Attorney-General immunity from the criminal law. You as a journalist should be concerned about that. He's also given, eliminated FOI so you as a journalist will never know what he's done, what crime he's committed, and that's the real reason he's brought this legislation on.

16. It's got nothing to do with a dispute which yesterday the Supreme Court of Queensland gave orders of enforcement against a West Australian Government and that's an Australian court.

17. So do you think the West Australian Government, who has no jurisdiction in Queensland, can overrule the Queensland courts giving an order? I don't think so, and the High Court won't think so either.

18. So what Mark McGowan's done is destroyed state agreements which have provided investment for Western Australia and made it prosperous over the years, he's opened up sovereign risk for the State and he's increased the amount of interest that's going to be charged on the State's debt because of this sort of legislation. It's invalid, it won't take the High Court long to throw it out because that's not what the separation of powers is all about, that's not what Kable told us in the High Court. This is an outlaw swinging his gun around to protect him and his Attorney-General from the criminal law. Do you know any other...

19. HAMISH MACDONALD

Mr Palmer, Mr Palmer...

20. CLIVE PALMER

...politician that [inaudible] exempt from the criminal law? You don't.

21. HAMISH MACDONALD

...with respect, I need to point out that we have invited Mark McGowan onto this program to respond to some of those questions.

22. Why is it that you offered to withdraw your legal challenge against Western Australia's border closure if officials agreed to move arbitration hearings relating to the damages claim from Perth to Canberra?

23. CLIVE PALMER

Well that's another bullshit. You know, get a copy of the letter and read it. Hold on, get a copy of the letter and read it.

24. HAMISH MACDONALD

Could you, with respect, please mind your language Mr Palmer.

25. CLIVE PALMER

My solicitor wrote to them, it was required to say this was his suggestion and if they thought they should pursue it with me he would. He never pursued it with me, I've never agreed to that. Mark McGowan will be in the High Court of Australia, not just for this, but for contempt of the High Court for what he's been doing to the people of Australia.

26. HAMISH MACDONALD

So your in-house counsel did write and offer that?

27. CLIVE PALMER

Sorry, no I didn't write and offer that, no one offered that.

28. HAMISH MACDONALD

Well your in-house counsel for Minerology wrote to State lawyers in WA...

29. CLIVE PALMER

And they said he can't commit us, he's just got an idea individually, do they think it's a good one, and he never raised it with me at all.

30. HAMISH MACDONALD

So, so your in-house counsel wasn't writing on your behalf, or your company's behalf?

31. CLIVE PALMER

No, no he wasn't writing on our company's behalf, he was writing as an officer of the court who has a duty bound to try to negotiate settlements or proceedings.

32. You know, seven days ago...

33. HAMISH MACDONALD

With respect Mr Palmer, you've used some colourful language this morning and I must say that defies belief.

34. CLIVE PALMER

No, look, seven days ago, well just start believing, seven days ago the former chief justice of Western Australia, Wayne Martin, signed a mediation agreement with me and with Mark McGowan, State of Western Australia, that this matter wouldn't go to arbitration, that we can mediate a sensible solution, and what did he do? As soon as he

signed the agreement, paid no respect to the chief justice, he brought in legislation which is unconstitutional and goes to the very rights and the freedoms that our journalists should have in society for freedom of information. That's what he did, he took away your right to know what this is all about. He took away the public's right to know. That's a pretty serious thing in a democracy, and even if you don't think being immune from criminal prosecution is a serious thing, well what crime did you commit Mark, that you want to be immune from? That's the question.

35. HAMISH MACDONALD

Mr Palmer, *The West Australian* this week depicted you as Dr Evil, as a cane toad, the headline was 'Pest'...

36. Well, look, goodbye, I've had enough talking to you mate, see ya. [Hangs up phone].
Ends...
DA

ATTACHMENT 9

1. PETER GLEESON

...and now Clive Palmer has warned the Chinese Government won't back away from threats against Australia amid escalating trade tensions. The mining magnate suggests the Government should consider imposing tariffs on Australian resources in a bid to counter China's bullying.

2. Where do you see this Australia-China relationship going, because the Chinese seem to be upset that we pushed very hard to get to the bottom of how the Wuhan virus actually originated and... and it's pretty clear why we did that, because we want to make sure it doesn't happen again.**3. CLIVE PALMER**

Well, the...well, the Chinese just want to win at all costs. It doesn't matter what the issue is, they want to dominate you and have you kow-tow to them. That's their...their strategy. Doesn't matter what position you take, doesn't matter whether you're reasonable or unreasonable, they don't care. If it's not in Chinese interests, they're not interested. They believe Australia is the new China. The Chinese are mainly interested in control and that...that's how they...they look at the situation and the...ancient China, of course, believed that we were the barbarians and they were the civilised people. That hasn't changed much within the cultural mentality.

4. And, of course, China's totally dependent on Australia for its iron ore and resources. If it didn't have access to that iron ore, certainly you'd find that the Chinese economy would collapse. They know that and if the... the Government really wanted to put a tariff on iron ore, or to counter what they're doing with our barley and bullying our industries, that's all they have to do. They just have to say, whatever tariff you want on your iron ore is equivalent to what you're doing to our industry to try to... try to make a political point and they'd be in line pretty quickly and they'd respect it a lot more than they do. They see our...the Australian side, sometimes, as being weak... you know, I...I remember them recounting stories to me in the China Free Trade Agreement, laughing about how that they would have a particular position at the start of the day's negotiation and as long as they didn't agree with the Australians until four o'clock, the public servants would all agree between four and five, because they wanted to get home in time for dinner.**5.** So that was part of their strategy they used to use in dealing with the Australian Government and how... negotiating different issues.**6.** So, the Chinese are about control because they want control of our resources in Western Australia. McGowan's got a former member of the Communist Party as his Chief Whip in the Upper House and, you know... that's... McGowan's very close to China and you see a lot of...I mean, I've heard stories of a lot of heads of state going up to China, being offered a passbook with the Bank of China with fifty or sixty million dollars in it and saying, 'well, it's available for you only through the Bank of China'... that sort of thing.**7.** So, the Chinese will protect their national interest. They will use any sort... anything at all, any activity, bribery, our courts... our agencies against us.

8. PETER GLEESON

Well, speaking of China, the Victorian Government has the Belt and Road initiative deal down there. What do you make of Andrews?

9. CLIVE PALMER

Well, I think Andrews and McGowan are in the same mould. They... they are in the Stalinist... communist mould... and this totalitarian government, I mean, there's no reason why you'd extend the State of Emergency for 18 months, unless you wanted to establish that form of government. Of course, that's the same form of government that we have in China, where we don't have a... the rule of law or independent system, and... you know, the Act that McGowan's passed against me is... the Government deciding that they will decide judicial outcomes, not the courts, and they will direct a... direct people, and there'll be no... they've exempted themselves from the criminal law.

10. PETER GLEESON

I wrote a piece the other day, Clive, about how we should look at abolishing the states, and I tell you what, I got a couple of hundred emails from people saying, absolutely, let's have a referendum. Do you think we're over-governed?

11. CLIVE PALMER

Yeah, we are. There...there's no...if you look at our population, the three levels of government and the break-up of powers, of course we are. What we need is to take a couple of regional areas and put them together as like... say, North Queensland, Central Queensland and Southern Queensland and that should be our regional type governments and... and then we're consolidating a lot of our local governments, which are very fragmented and not financially viable.

12. PETER GLEESON

You'd actually set up three different governments?

13. CLIVE PALMER

No like three regional governments and eliminate local government, okay... and you'd eliminate State Government, right... and then you'd have a national Government. That's what we should do if you are running a business.

14. The amount of bureaucracy we've got, the number of public servants is just too much for the taxpayer to bear, and we are not getting the service. You think of all the shires there are in Queensland... that are in a deficit, that have a thousand people that they represent, or something like that... it's just not the way to do it, especially now when you are online, you've got all these services... I mean, I'd abolish Parliament House if I was Prime Minister and put everybody online, you don't need it... yet 5,000 people working at Parliament House... that's just ridiculous... you know, all that travel, all those people, you just go online and do it with Zoom and you could all lock your vote in, away you would go.

15. They don't vote anyway, they just do what the two parties tell them to do. Nobody actually says anything, you know, when you go to Parliament, it's so funny, on the left hand side you've got a box down next to the speaker which is made up of all Liberal staffers. They sit on the floor of the House of Representatives, on the right hand side is

another box made up of Labor people and they hand over the questions they are allowed to ask and the speeches they're allowed to do.

- 16.** So I only got the chance to ask a question very two weeks, but they would get a real question... oh no, not this... I'd never forgot when they had superannuation coming in and they wanted to... oh no, the retirement age... when it was put out to 70... but they're talking about... when you get your super entitlements. So I got up and I said look, I've got a good idea, why don't we link the age of... super entitlement to what we get in Parliament... and we link that to... if we are giving them 70, we get ours at 72, and the Labor Party said, 'don't go there mate, don't... don't go there'.
- 17.** So I went outside and the press said, 'why did you ask that question?' I said, 'well I thought it would be the easiest way to bring the date down for eligibility of superannuation to 39!' [laughs] ... you can have self-interest, you see.
- 18.** PETER GLEESON
Yeah, yeah, well self-interest is the key for a lot of politicians.
- 19.** CLIVE PALMER
Well that's what it's about, it's not bad, democracy works on self-interest too, the people vote what's good for them. What we have today is a mixture of people knowing what's good for them, people telling that they are going to die of the virus, I mean, we lost last year around about 750 people from influenza, this year we have lost 400 from COVID, less from influenza, but every year 160,000 Australians die, that's a fact. That's a 1 percent mortality rate.
- 20.** PETER GLEESON
Do you think there has been an overreaction?
- 21.** CLIVE PALMER
I think so when the damage is done, with the women that have been beaten... and so probably some men may have been too, but they are the cases that ring me... when there is the suicides and the mothers and the families because there's... fly-in, fly-out workers in Western Australia that hasn't seen their wives and children for six months that they find they just can't take it any longer and they commit suicide, yeah I think... that is a very bad thing. That's a real thing, it's not as publicly popular, because as President Roosevelt said in 1933, 'we have nothing to fear but fear alone', and of course that's what McGowan's doing in Western Australia.
- 22.** There's been no, zero, interstate transmissions of the virus in Western Australia at all three months ago he was saying we can't lock the State down... you know, so this is all about winning an election.
- 23.** PETER GLEESON
And just finally Clive... you believe in the justice system... you don't have any... qualms in going to the courts... you spend a lot of time in the courts. Is that something that... I mean, are you a frustrated lawyer?
- 24.** CLIVE PALMER
Well... I... well, you know, the reality of it is, if you look at our size of businesses and what we're doing, the number of court cases we have is less than BHP, Rio and other

companies like that, just that it's me personally involved. But... you've got no choice. When... you have Queensland Nickel and all the... all the... suits we had there, we had to defend them, and ultimately we were successful. What we said was true, we hadn't done anything wrong... we'd done the opposite, right... I'd given \$3million, I think, to pay workers... Christmas pay... you know, from my own pocket... I have for example... [inaudible]...

25. PETER GLEESON

Why we're there, how was that famous Townsville night where you gave away all the cars... and the... and the... holidays...

26. CLIVE PALMER

... We gave away... 1500 holidays to our workers to go to Fiji... with the whole family, and we gave them... 15 Mercedes Benz when times were good, right... so that... there wasn't any... we didn't make any... a lot of money out of Queensland Nickel, we were just trying to... help Anna Bligh when she asked us, could someone save those jobs in 2008... but anyway, if people are going to sue you have to defend yourself, right... in this particular case we've got against the West Australian Government, we got all the orders... from a former High Court judge, McHugh and... there was massive damages but the damages occurred because they inflicted that upon us, you don't get damages for free... you know, courts got to say, well this is what you would have had or you're entitled to.

27. PETER GLEESON

Have you seen *The West Australian* front pages where they portrayed as you a... a cockroach and a... a cane toad...

28. CLIVE PALMER

I was a cockroach, cane toad and a chicken...

29. PETER GLEESON

... Dr Evil!

30. CLIVE PALMER

Yeah... well I wrote them a letter that it's good to see the WA... newspaper becoming a comic book, right... I said, in that regard they're an excellent comic book. They've got wonderful graphic artists, they're copy writers are fantastic, but where are their journalists gone.