

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/01/2021 2:49:25 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: Affidavit - Form 59 - Rule 29.02(1)
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: 27/01/2021 3:34:13 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.



Affidavit

No. NSD 912 of 2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Clive Frederick Palmer

Applicant

Mark McGowan

Respondent

Affidavit of: Anna Alexandrova Palmer

Address: Level 17, 240 Queen Street, Brisbane QLD 4000

Occupation: Solicitor

Date: 27 January 2021

I, Anna Alexandrova Palmer of Level 17, 240 Queen Street, Brisbane QLD 4000, Solicitor, affirm:

Academic and professional qualifications

1. I graduated from Griffith University with a Bachelor of Commerce degree and also a Bachelor of Laws (with Second Class Honours, Division A) degree on 28 April 2000.
2. Griffith University awarded me the Griffith Award for Academic Excellence both in 1998 and in 1999.
3. I hold a Graduate Diploma (ICAA) from the Institute of Chartered Accountants in Australia (now known as the Australian and New Zealand Institute of Chartered Accountants), issued on 20 September 2002.

A handwritten signature in black ink, appearing to read 'Clive Palmer'.

A handwritten signature in black ink, appearing to read 'Michael John Sophocles'.

Filed on behalf of	Clive Frederick Palmer, Applicant
Prepared by	Michael John Sophocles
Law firm	Sophocles Lawyers
Tel	02 9098 4450
Email	mjs@sophocles-lawyers.com
Address for service	Level 23, 52 Martin Place, Sydney NSW 2000

4. I am a member of the Australian and New Zealand Institute of Chartered Accountants, and have been a Chartered Accountant, since 21 February 2003.
5. I completed a Master of Applied Taxation from the University of New South Wales, which was awarded on 13 September 2005.
6. I was awarded a Graduate Diploma in Legal Practice by the Queensland University of Technology on 13 December 2010.
7. I was admitted as a Solicitor of the Supreme Court of Queensland in January 2011 and have been a member of the Queensland Law Society since 19 January 2011.

Other personal background

8. I am the wife of the plaintiff in this proceeding, Mr Clive Palmer (**Clive**). Clive and I were married in December 2007 and have subsequently had two children.

Positions held

9. From November 1999 until September 2006 I was employed by PricewaterhouseCoopers (**PwC**) in the Corporate Tax and Legal Services Division in the Brisbane office of PwC. At the time when I resigned from PwC I held the position of Senior Manager.
10. From October 2006 until early 2007 I was employed by Rio Tinto in the senior management role of Tax Risk Manager being responsible, amongst other things, for the tax compliance and tax reporting of all of Rio Tinto's operations in Australia and New Zealand, excluding only its iron ore business which was based in Western Australia.
11. Since leaving Rio Tinto in 2007 I have held various roles, including in-house Tax Adviser of Mineralogy Pty Ltd and related bodies corporate, which are ultimately beneficially owned by Clive.
12. Subsequent to my admission as a solicitor in Queensland in January 2011 I have also been part of the corporate legal team of the Mineralogy Pty Ltd group of companies, and more recently consulting with Alexander Law solicitors.

Matters complained of

13. I have read Clive's Statement of Claim filed in this proceeding. I have also read the affidavit of Michael John Sophocles dated 2 October 2020 and accessed the following link contained in that affidavit:

<https://1drv.ms/u/s!Ag5-nz86eo4SjdoQo4CpGGKntcq6UA?e=t6smdD>

14. That link includes the actual publications which are referred to as the first to sixth matters complained of in Clive's Statement of Claim.

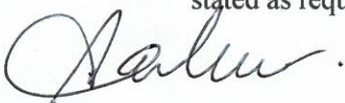


The matters complained of

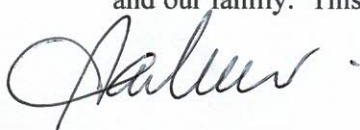
15. To the best of my recollection, I first became aware of each of the matters complained of on or about the day of each of their publication as set out in the Applicant's Statement of Claim, by the Applicant bringing each of these matters complained of to my attention.
16. To the best of my recollection, the Applicant and I discussed each of the matters complained of at the time when he brought each of them to my attention.
17. My husband is a person of substantial public profile and standing, both in Australia and overseas, including:
 - a. Being an official delegate representing Australia at the Asia Pacific Economic Cooperation (APEC) Summit held in Sydney, Australia in 2007;
 - b. having been an Adjunct Professor at the Faculty of Law and Business at Deakin University, Victoria, from 1 August 2002 to 1 August 2006 and from 12 February 2009 to 1 February 2011; and an Adjunct Professor at Bond University up until his election to Federal Parliament in 2013;
 - c. becoming in 2011 a World Fellow with the Duke of Edinburgh Award, an international leadership in action programme;
 - d. being elected as a *Living National Treasure* by the people of Australia and being declared as such in a poll conducted by the National Trust of Australia in 2012 for outstanding contribution to Australian society;
 - e. being elected in 2013 as a Member of the House of Representatives of the 44th Parliament of and being a Member of various key Committees of the House of Representatives, including:
 - i. Joint select Committee for Trade and Investment Growth: 2 October 2014 to 9 May 2016;
 - ii. House of Representatives standing Committee for Economics: 4 December 2013 to 9 May 2016;
 - iii. House of Representatives Standing Committee for Infrastructure and Communications: 4 December 2013 to 13 October 2015.
 - f. Delegate at Club de Madrid conferences held in New York (USA), Papeete (French Polynesia) and Coolumb (Australia). The Club de Madrid is an advisor to the G20.
 - g. Delegate at the Club de Madrid World Leaders Forum held in 2011 in Madrid, Spain.
 - h. Member of the Presidents Council of the J. F. Kennedy Library Foundation, Boston (USA) from 2007-2012;
 - i. a Life Member of the National Party of Australia for decades;
 - j. formerly a Life Member of the Liberal National Party;



- k. being founder and chairman of the Palmer United Party, which held the balance of power in the 44th Parliament of Australia for a significant period of time;
 - l. chairman of the Clive Palmer United Australia Party in Queensland.
18. My husband has also been a member of the business community in Australia, including Western Australia, and overseas since the 1980s, including:
- a. Being awarded in 2012 "*The Entrepreneur of the Decade*" award through the Government Media Mining Awards;
 - b. Investing and developing, through his privately owned group of companies, a new facet of the West Australian mining industry, magnetite iron ore mining and processing so as to create thousands of new jobs for West Australians and a create new value-adding industry into magnetite iron ore processing in Australia;
 - c. being persistent in the above endeavour over the last 4 decades has lead to the largest investment of the largest Chinese Government owned conglomerate in a country outside of China, which has brought investment to Western Australia estimated at around \$10 billion dollars and has secured thousands of jobs in Western Australia;
 - d. having vast interests in various minerals, through his privately owned group of companies both in Western Australia and other States of Australia;
 - e. having had, through his privately owned companies, significant commercial dealings in various overseas countries;
 - f. carrying on various other businesses, through his privately owned group of companies, both in Australia and overseas, and employs hundreds of people;
 - g. My husband, through his wholly owned private group of companies, owns a residence, and the lessee of a large business premises in Perth, Western Australia.
 - h. Speaker and/or keynote Speaker at multitude of academic, business, political and other events.
19. My husband is also a committed philanthropist, including:
- a. Donating all of his Parliamentary wages to charity organisations in his electorate of Fairfax;
 - b. Donating, personally or through his group of companies, to various other charity, community and sporting organisations and clubs, including the Salvation Army;
 - c. Being first to donate in 2019 to the research conducted by the University of Queensland in respect of a COVID-19 treatment;
 - d. Donating to the aforementioned research \$1,000,000 being well in excess of the amount stated as required;



- e. Purchasing, through the Palmer Foundation, and donating to the national Australian stockpile the medicine at the centre of the afore-mentioned research, in sufficient quantity for there to be *free* treatment for every man, woman and child in Australia, should the medicine be approved for use by the Australian Government.
 - f. I have known my husband for over 25 years and in that time he has always shown to be a deeply caring for the health and wellbeing of all his fellow Australians, including West Australians.
 - g. My husband's companies have spent over \$30,000,000 in donations and community activities in Townsville.
20. My husband has a keen interest in Modern History.
21. My husband has experience in and knowledge of scientific research processes and requirements in the pharmaceutical industry, which he has acquired through his business in commercial research and development.
22. When I became aware of each of the matters complained of, I was first in disbelief as the statements and their imputations are simply false. My feelings were deeply hurt from each statement, and further exacerbated each time the Respondent continued and made new false and misleading statements and allegations targeting my husband, as the continued and cumulative negative and inciteful statements could and are likely to derogate my husband's good character and reputation in so many fields of both public and business sectors, both in Australia and overseas.
23. In discussions at or around the time my husband made me aware of each statement, my husband also expressed to me his distress and hurt from the statements and their imputations which make him out to be "an enemy" of the any of the people in Australia, who is "at war" with Australians, and portraying him as a person who would undertake legal actions with the motivation to "destroy the livelihoods" or "damage of health" of West Australians, or that he would spend tens of millions of dollars on acquiring a medicine which has been approved for use in Australia for decades not altruistically out of his concern for his fellow Australians, but rather imply that it is to somehow harm West Australians. My husband and I agreed and continue to agree that all the matters complained of and their imputations are false and deeply hurtful to both of us and our family.
24. As the Respondent is a lawyer, I am appalled that someone with his education and position would make such hurtful and baseless statements, with blatant disregard for the hurt and damage they would cause to my husband and our family.
25. In addition, it is particularly distressing and hurtful that the matters complained of have a cumulative effect, as they occurred over a period of time, and cumulatively objectify my husband, and our family. This has hurt our feelings but, the inciting nature of these statements, especially as



they are made by a person in the position of Premier who also happens to be a lawyer, could lead to actual physical harm of either my husband or my family members.

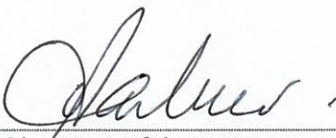
26. As the spouse of the Applicant and the mother of our children, given the inflammatory nature of the statements and their imputations, I have refrained from returning to our residence in Perth and our children have missed sporting events in Western Australia which we would have otherwise attended, as have done in the past.

Other matters

27. To the best of my recollection, in respect of the first, second and fifth matters complained of, in discussions with my husband he pointed out to me examples of other times in modern history where similar statements had been made by other people in leadership position, and the consequences of those statements, and expressed his concern, distress and hurt over the use of the particular phrases used in the statements made by the Respondent, such as “enemy of the State”, “enemy of Western Australia”, and being “at war” with Western Australia.
28. To the best of my recollection, immediately upon hearing about the first trial for a treatment of COVID in Australia at the University of Queensland made the donation to the research in my presence. My husband has always stated in discussions with me and others that he seeks to help all Australians, including West Australians. The statements made by the Respondent in the third matter complained of and their imputations are not true.
29. To the best of my recollection, in relation to the fourth matter complained of, my husband’s high court action was selfless and motivated by the principles of upholding the Rule of Law and the Australian Constitution, and both him and I were hurt by the false imputations.

Affirmed by the deponent
at Sydney
in the State of Queensland
on 27 January 2021
Before me:

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Signature of deponent

Signature of witness

Name of witness: 
Solicitor of the Supreme Court of Queensland