

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 26/03/2021 5:41:51 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: 29/03/2021 1:02:51 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 59  
Rule 29.02(1)

### Affidavit

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

No. NSD 912 of 2020

**Clive Frederick Palmer**

Applicant

**Mark McGowan**

Respondent

**Affidavit of:** John Robert Quigley  
**Address:** Level 11 Dumas House, 2 Havelock Street West Perth WA 6005  
**Occupation:** Attorney General of Western Australia  
**Date:** 25 March 2021

I, **John Robert Quigley** of Level 11 Dumas House, 2 Havelock Street West Perth WA 6005, Attorney General of Western Australia, say on oath:

1. I am the Attorney General of the State of Western Australia and have been since 16 March 2017. I am also currently the Minister for Electoral Affairs.
2. Prior to being elected to the Western Australian Legislative Assembly in 2001, I was a barrister and solicitor in Western Australia having been admitted on 23 December 1975.
3. I have read the Affidavit of Clive Frederick Palmer sworn 27 January 2021 (**First Palmer Affidavit**) and the Reply filed on 1 October 2020 by Mr Palmer in these proceedings.
4. I refer to the "Attack Plan" as defined in the Reply, and as set out at paragraphs 53 to 63 of the First Palmer Affidavit.

\_\_\_\_\_  
*John Quigley*  
Deponent

\_\_\_\_\_  
*Stacey*  
Witness

**Filed on behalf of:** The respondent

Prepared by: Nick Cooper  
Law firm: Clayton Utz

**Address for service:**  
Level 27 QV.1  
250 St Georges Terrace  
Perth WA 6000

**Contact details:**  
Tel: (08) 9426 8000  
Fax: (08) 9481 3095  
Contact: Bryony Dewar-Leahy  
Email: bdewarleahy@claytonutz.com  
Ref: 14101/17189/81011768

5. I deny the existence of the alleged Attack Plan. I did not implement, orchestrate or participate in any plan to distress, provoke, insult or distract Mr Palmer, and I am not aware of the existence of any such plan.
6. In or about July and August 2020, I had carriage of the preparation of the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020 (Amending Bill)*.
7. Given the objective of the Amending Bill was to protect the State against a \$30billion damages claim by Mr Palmer, it was necessary to act quickly and without notice to Mr Palmer. Had Mr Palmer known of the Government's intentions it is certain that he would have sought to thwart its passing, including, by for example registering the arbitral awards in an Australian Court.
8. When I appeared on ABC radio on the morning of 13 August 2020, and made the comments set out at paragraph 53 and 54 of the First Palmer Affidavit, the Amending Bill had, on the night of 11 August 2020, successfully been introduced to and read in to the Legislative Assembly. The Legislative Assembly passed the Amending Bill on 12 August 2020. I was particularly pleased that the introduction of the Amending Bill to the Legislative Assembly had occurred without any notice to Mr Palmer. That is why I said: *"Had he got a whisper of what I was about last week, or what the Government was about last week, or even Monday or even Tuesday morning, Tuesday afternoon, had he got a whisper and made his move to the court, then we would have been in all sorts of difficulty, 'cause once the matter is before the court the independence of the courts are protected by Chapter 3 of the Constitution."*
9. I am no stranger to colourful and flamboyant language and the passages from the ABC radio interview, as set out at paragraphs 53 and 54 of the First Palmer Affidavit, reflect my excitement at the fact that confidentiality in the Amending Bill had been maintained up until its introduction into the Legislative Assembly, and that neither Mr Palmer nor Mineralogy or IM had successfully prevented its introduction.
10. When I spoke, I was not suggesting that there had been a plan to insult or distract Mr Palmer from taking steps to enforce the 2014 and 2019 arbitral awards – as there was not one. Rather, I was making an observation in hindsight that Mr Palmer appeared to have been focused on commencing defamation proceedings, and in doing so, had not been focusing on registering the arbitrations.

**Sworn** by the deponent, John Robert Quigley,  
at Perth in the State of Western Australia  
this 25th day of March 2021

Before me:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Deponent

\_\_\_\_\_  
Simon Christian Ritchie Holloway, a legal practitioner  
who has held a practice certificate for 2 years and  
who holds a current practice certificate