

Question No: 015
Reference: Hansard pages 62 and 63
Committee Member: Mr Gorman

Questions:

Mr GORMAN: Indeed, that's where I'd expect communication to happen, too. My question is more: have any of Mr Palmer's lawyers or legal representatives reached out to ASIC directly.

Ms Armour: I would need to take that on notice. I don't have that information in front of me.

Mr Savundra: We might take it on notice, just to be doubly sure, but my understanding is Mr Palmer's lawyers have been in touch with us about the prosecution and we've referred his lawyers to the Commonwealth Director of Public Prosecutions.

Answers:

PLC charges

The PLC charges were served on Mr Palmer on 2 March 2018. Since that date, there have been communications between ASIC, Mr Palmer's legal representatives and the CDPP in relation to requests to withdraw or stay the charges, including applications for a permanent stay filed in the Supreme Court of Queensland and for special leave to appeal to the High Court which have failed.

PUP Payments charges

The PUP Payments charges were served on Mr Palmer on 7 March 2020. Since that date, there have been communications between ASIC and the legal representatives for Mr Palmer and Mineralogy:

- who requested to meet with the Chair of ASIC (on a without prejudice basis) regarding the discontinuance of the PUP Payments charges; and
- foreshadowed to ASIC that Mr Palmer and Mineralogy intended to proceed to commence proceedings seeking an injunction against ASIC for commencing the PUP Payments charges and damages for loss allegedly sustained as a result of the criminal prosecution.

ASIC has recently become aware that Mr Palmer has filed an application in the Magistrates Court at Brisbane seeking to have the PUP Payments charges stayed under the Human Rights Act (Qld). Although named as a party to the application, ASIC has not been served and the charges and application have been adjourned until 11 March 2021 at which time Mr Palmer's application is to be heard.