

Pages comprised of fully irrelevant material have been deleted from the document

Prospective investor-State claim against Australia

FOI 3196
Document 1

The Commonwealth has received requests for consultation in relation to a dispute pertaining to the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Amendment Act 2020 (WA)* (2020 Amendment Act). These consultations are a pre-condition to the formal commencement of investor-State dispute settlement proceedings.

If proceedings are commenced, and Australia is unsuccessful, Australia would be liable for any compensation found to be payable to the claimant. Any such potential liability cannot be quantified at this stage.

This item reflects a long running legal dispute between the West Australian Government and a group of companies controlled or directed by Mr Clive Palmer following which the West Australian Government passed the Iron Ore Processing (Mineralogy Pty Ltd) Agreement Amendment Act 2020 (WA). As companies associated with the claim are domiciled in Singapore, the Commonwealth could be liable for damages under dispute resolution arrangements in place under the Singapore-Australia Free Trade Agreement. In the second reading speech for the 2020 Amendment Act, Western Australia alleges damages associated with this case would amount to nearly \$30 billion (although this has been disputed by the claimant).