

Australian watchdogs asleep at the wheel

By Hedley Thomas, The Australian, 13 April 2016

A slow-moving political and corporate train crash

In Australian public life, there has never been a slow-moving political and corporate train crash that has unfolded as obviously and predictably as the one called Clive Frederick Palmer.

It is the train crash many who watch Palmer closely — who worked with him, dealt with him, stood up to him, investigated him, and knew the character and calibre of the tycoon — foresaw, and warned was coming. Yet despite the many warnings, reams of evidence pointing to his problems with the truth, the allegedly unlawful conduct described in affidavits and legal proceedings, the asset-stripping from his companies in plain view, fierce bullying, weird delusions and peddling of fantasies, and scathing judgments in various courts and tribunals, the train crash still happened.

Why was it not prevented? It is a key question because if a train crash such as Palmer's, which so many people warned was coming down the track, cannot be averted, there is no chance that charlatans who operate stealthily can be stopped by the agencies that are meant to be on top of this conduct.

The Palmer train crash has occurred for several reasons, but one of the most obvious and concerning is because of negligence by the Australian Securities & Investments Commission.

Hundreds of millions of dollars of taxpayers' funds are poured into ASIC to try to keep corporate Australia on the straight and narrow as much as possible. The corporate watchdog cannot go down every dodgy rabbit-hole, but in the Palmer case, there was a gaping chasm ASIC could have investigated and turned upside-down long before now.

Not even been contacted by ASIC

It beggars belief that Palmer's public behaviour did not make him a high priority for ASIC investigators long before the forensic work by John Park and FTI Consulting, the administrators who yesterday laid bare many serious but unsurprising alleged offences by the federal member for Fairfax. Yesterday, Palmer cheerfully told an interviewer he had not even been contacted by ASIC.

What does a self-proclaimed billionaire have to do to come to ASIC's attention? After all, Palmer merely enraged Australia's most important trading partner, China, which still believes he committed fraud in taking more than \$20 million of their funds while they were spending more than \$10 billion on a mega-project and employing thousands in the Pilbara region and Perth.

He merely enjoyed the public platform of a federal parliamentarian while allegedly wrongfully stripping huge sums from his Queensland Nickel-related companies, running them into the ground and making them unsafe.

Responsible for a litany of breaches and dodgy sackings

He has merely been responsible for environmental breaches, safety breaches and sackings of hundreds of staff, who now must line up for the taxpayers' help having been denied their entitlements.

He has merely wasted the time of many courts and the funds of the public purse with ludicrous legal actions, some of which appeared to be filed for reasons of spite rather than proper cause.

So many of his public statements have been exposed as untruthful that it is no longer even news when he tells whoppers — it's just Clive being Clive.

With this pattern of extraordinary behaviour, did it not occur to ASIC that, just maybe, there was a very serious corporate dimension to be unravelled here?

Instead, nothing happened and now it has all blown up.

Similarly, Queensland Police Commissioner Ian Stewart and the Fraud Squad have been given dossiers of detailed documentary evidence of alleged offences, much of them reported in *The Australian* — having been filed in the Supreme Court and in arbitral proceedings — that highlight extremely serious matters in Palmer's handling of Chinese funds.

What are the police waiting for? It is not clear they have even initiated a formal investigation.

There have been many people hurt in Palmer's ongoing train crash. Some of the damage could have been averted if ASIC, the police and other watchdogs had done their jobs properly.