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MEDIA RELEASE

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International Tribunal rejects Clive Palmer's claims as a Singaporean investor but similar claims against climate action still possible

An international investment tribunal has [dismissed](#) Australian billionaire Clive Palmer's claims to be a Singaporean investor, meaning he cannot use foreign investor rights in trade agreements to sue the government. The dismissal of his first claim should mean that his other three claims will also be dismissed.

Background

These rights for foreign investors, called [Investor-State Dispute Settlement or ISDS](#), allow foreign investors to claim compensation for law or policy changes if they can convince an international tribunal that the change will reduce their future profits, even if the change is in the public interest.

Palmer registered his mining company, Zeph Investments, in Singapore and claims to be a Singaporean investor, using investor rights in two Australian trade agreements with Singapore. The first claim was [for \\$300 billion](#) after he lost a High Court appeal against a Western Australian government decision to refuse an iron ore mining license. The last three claims for a total of \$120 billion are because a Queensland Court refused his [coal mining license and a license for a coal-fired power plant](#) for [environmental reasons, including increased carbon emissions](#). All of these claims should now be dismissed.

Dr Patricia Randal, convener of the Australian Fair Trade and Investment Network (AFTINET), said:

"Palmer's claims expose the absurdity of ISDS, which [lacks proper legal safeguards](#) and allows investors to game the system, and make outrageous claims against Australian court decisions. This is a narrow escape and there could be more claims from other fossil fuel or other foreign investors. Even defending this case has so far cost Australian taxpayers [\\$13.6 million](#).

Palmer's last three cases join [a growing global list of ISDS cases](#) from fossil fuel companies against government decisions to reduce carbon emissions. A recent [United Nations Report](#) concluded that ISDS is a "major obstacle" to government action on climate change. Many governments are now withdrawing from ISDS arrangements. The [European Union](#) and the [United Kingdom](#) have quit the Energy Charter Treaty because its ISDS provisions are being used to sue governments over climate change policies.

Labor government [policy](#) excludes ISDS from future trade agreements and pledges to review it in 25 existing agreements. This review must be accelerated to prevent more cases like Palmer's. Labor should also use its hosting of the

United Nations Framework Convention on Climate Change (UNFCCC) conference in 2026 to expose the ISDS threat to climate action and support proposals for coordinated multilateral withdrawals from ISDS arrangements in trade agreements.”

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