

## Reply to Further Amended Defence

No. NTD17 of 2024

Federal Court of Australia  
District Registry: Northern Territory  
Division: General

**Lesley Turner**

Applicant

**Jacinta Nampijinpa Price**

Respondent

### General matters

1. Save and except insofar as it contains admissions by the Respondent (**Senator Price**), the Applicant (**Mr Turner**) joins issue with the Further Amended Defence filed 12 December 2024 27 March 2025 (**Defence**).

### Further aggravation

2. ~~In answer to the entire Defence~~, Mr Turner says that the following paragraphs that were pleaded in the original Defence filed on 20 November 2024 and the Amended Defence filed on 12 December 2024 were ~~are~~ improper, unjustifiable and/or lacking in bona fides, and have increased the hurt and harm occasioned to him by reason of the publication by Senator Price of the First Media Release:
  - a. the allegation in paragraph 10(7)(b) that Mr Turner's actions particularised in subparagraph 10(6) constituted unprofessional conduct.
  - b. the allegation in paragraph 10(8)(c) that Mr Turner submitted and presented a governance matter regarding Matthew Palmer at the full CLC meeting on 17 July 2024 for which there was no legitimate or proper basis, in circumstances where Senator Price knew by at least 14 August 2024 that:

Filed on behalf of (name & role of party)	Lesley Turner, Applicant
Prepared by (name of person/lawyer)	Victoria-Jane Otavski
Law firm (if applicable)	BlackBay Lawyers
Tel	
Email	
<b>Address for service</b> (include state and postcode)	Level 30, 133 Castlereagh St SYDNEY NSW 2000

- (i) the motion regarding Mr Palmer was submitted and presented not only by Mr Turner, but also by Kate O'Brien, the Principal Legal Officer of the CLC; and
  - (ii) the motion was in fact passed by the Council on 17 July 2024.
- c. the allegation that all of the male delegates except Warren Williams and Geoffrey Matthews supported and most of the female delegates supported the removal of Mr Turner as CEO, in circumstances where Senator Price knew by at least 14 August 2024 that:
- (i) the "draft resolutions" presented by Mr Palmer on 18 July 2024 were not on the agenda paper for the full CLC meeting and had not been shown to regional delegates or the full Council;
  - (ii) the "draft resolutions" were not read out in full;
  - (iii) there was discussion during the male-only session in Warlpiri and Arrernte, which was not understood by all delegates;
  - (iv) no female delegates were present when the "draft resolutions" were raised;
  - (v) no motion about Mr Turner was put, seconded, moved or passed.

2A. Further and in the alternative, it was improper, unjustifiable and/or lacking in bona fides for Senator Price not to withdraw the allegation that a majority of delegates supported the removal of Mr Turner as CEO on or shortly after 19 December 2024, in that Senator Price knew by at least that date that:

- a. On 28 August 2024, a special meeting of the Full Council of the CLC took place at Tennant Creek, which was attended by 61 of 90 delegates (**First Tennant Creek Meeting**).
- b. Delegates were given the opportunity to discuss Mr Palmer's "draft resolutions" concerning Mr Turner at the First Tennant Creek Meeting. A show of hands was conducted to determine whether delegates supported the "draft resolutions", and the outcome was:
  - (i) no hands were raised in support of the "draft resolutions"; and
  - (ii) more than a majority of hands were raised to show that they did not support the "draft resolutions".

- c. On 17 September 2024, another special meeting of the Full Council of the CLC took place at Tennant Creek, attended by 65 of 90 delegates (**Second Tennant Creek Meeting**).
  - d. At the Second Tennant Creek Meeting, a consensus statement about what occurred during and after the male-only session on 18 July 2024 was adopted with no votes against and no abstentions.
  - e. The consensus statement confirmed that:
    - (i) Mr Palmer's "draft resolutions" were not read out in the male-only session, except for the first line;
    - (ii) there was discussion in Warlpiri and Arrernte, which was not understood by all delegates;
    - (iii) no motion about Mr Turner was put, seconded, moved or passed.
    - (iv) nothing in Mr Palmer's "draft resolutions" was cultural Men's Business and therefore there was no proper reason for him to ask the female delegates to leave.
3. Further ~~and in the alternative~~ it was improper, unjustifiable and/or lacking in bona fides for the Respondent to rely upon the alleged conduct and/or statements of Matthew Palmer in the Defence and the Amended Defence, in circumstances where she knew at the time of the filing of the Defence that:
- a. In his 20 July 2024 media release, Mr Palmer knowingly misrepresented what had occurred at the Full Council Meeting by falsely representing that a motion of instant dismissal of Mr Turner was passed;
  - b. the Full Council of the CLC had passed a motion on 17 July 2024 sanctioning Mr Palmer for a "serious breach" of the CLC's Code of Conduct;
  - c. Mr Palmer had been removed as Chair of the CLC.

### Particulars

- i. Letter from BlackBay Lawyers dated 26 November 2024.
- ii. Further particulars may be provided following provision of further particulars by Senator Price of the Defence, discovery and/or answers to interrogatories.

3A. Further, it was improper, unjustifiable and/or lacking in bona fides for Senator Price to rely upon the alleged conduct and/or statements of Gavin Morris in the Defence and the Amended Defence, in circumstances where she knew at the time of filing the Defence that:

- a. Dr Morris was motivated by the ambition of replacing Mr Turner as the CEO of the CLC; and
- b. Dr Morris was “desperate” to get out of his current position as Principal of the Yipirinya School.

### **Malice**

- 4. Senator Price was actuated by malice in that she published the First Media Release for the improper purpose of harming Mr Turner and/or his reputation.

### **Particulars**

- (i) Prior to the Full Council meeting on 16-18 July 2024, Senator Price cooperated with Mr Palmer and Dr Morris in planning the proposed motion to dismiss Mr Turner as CEO.
- (ii) Prior to the Full Council meeting on 16-18 July 2024, Senator Price directed her staff to plan the publication of Mr Palmer’s media release with Dr Morris.
- (iii) Senator Price planned the publication of the First Media Release with Matthew Palmer and Gavin Morris prior to the full CLC meeting on 18 July 2024.
- (iv) Senator Price knew, at the time of publication of the First Media Release, that the report of the Australian National Audit Office dated 7 June 2023 referred to in the Defence was largely positive of the outcomes and performance of the CLC.
- (v) Senator Price knew, at the time of publication of the First Media Release, that Mr Palmer had been the subject of a reprimand by the CLC on 17 July 2024.
- (vi) Senator Price proceeded with the publication of the First Media Release despite the fact that she knew that her source, Mr Palmer, had knowingly misrepresented what occurred at the Full Council Meeting by falsely representing that a motion of instant dismissal of Mr Turner was passed.
- (vii) Senator Price proceeded with the publication of the First Media Release for the express purpose of giving “momentum” to the story about the supposed motion

against Mr Turner, in circumstances where an *NT News* article about the story had been taken down.

- (viii) Senator Price maintained the publication of the First Media Release online until about 3 September 2024 despite her knowledge of the falsity of her allegations and the unreliability of Mr Palmer as a source, including by reason of her knowledge of:
- i. the media release published by the CLC on 22 July 2024 that noted that the allegations about Mr Turner were false;
  - ii. the email sent to her by the CLC's Acting Manager of Communications on 22 July 2024;
  - iii. a further media release published by the CLC on 28 August 2024 informing her that the allegations of Margaret Lynch, Sabella Turner and Pamela Lynch that they were asked to leave the full CLC meeting on 18 July 2024 were false;
  - iv. the full retraction and apology to Mr Turner published by the NT News on 29 August 2024.
- (ix) Further particulars may be provided following provision of further particulars by Senator Price of the Defence, discovery and/or answers to interrogatories.

Date: ~~20 December 2024~~ 27 March 2025



---

Signed by Victoria-Jane Otavski  
Lawyer for the Applicant

This pleading was prepared by ~~Victoria-Jane Otavski~~ Nicholas Olson, barrister and settled by Sue Chrysanthou, SC.

**Certificate of lawyer**

I Victoria-Jane Otavski certify to the Court that, in relation to the reply filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: ~~20 December 2024~~ 27 March 2025



---

Signed by Victoria-Jane Otavski  
Lawyer for the Applicant

## **NOTICE OF FILING**

### **Details of Filing**

Document Lodged:	Reply - Form 34 - Rule 16.33
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	28/03/2025 2:40:46 PM ACST
Date Accepted for Filing:	28/03/2025 2:40:56 PM ACST
File Number:	NTD17/2024
File Title:	LESLEY TURNER v JACINTA NAMPIJINPA PRICE
Registry:	NORTHERN TERRITORY REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

### **Important Information**

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 of the filing of the document is determined pursuant to the Court's Rules.