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17 May 2023

Mr Bill Kalantzis  
Kalantzis Lawyers

[REDACTED]

By email: [REDACTED]

Dear Mr Kalantzis

### LEGAL THREAT MADE BY JACINTA NAMPIJINPA PRICE

I refer to your letter dated 5 May 2023 sent on behalf of Senator Jacinta Nampijinpa Price.

I was saddened and surprised to receive Ms Price's letter threatening to sue the Central Land Council for defamation over its recent Media Release.

Ms Price's website says this on the homepage:

Fight for your right to speak freely.

I'm asking for your help to fight for free speech in Australia. You see, the Left is trying to control what we say and how we think, and it's not right. They want us silenced so they can get their way without any opposition.

I understand those words to mean that Ms Price believes that Australians should be able to speak freely and that people should not seek to silence others who hold different views.

Ms Price has been, and continues to be, very vocal about her opposition to the proposed Voice to Parliament. Ms Price has also been very vocal about her criticism of Aboriginal Land Councils and other Aboriginal organisations, including seeking a public inquiry into Land Councils.

I do not seek to set out all the public commentary made by Ms Price about those topics. However, I do set out below two interviews which occurred in the weeks before the Central Land Council issued the Media Release.

On 11 April 2023, Ms Price said the following in an interview on ABC radio (and which remains available on the ABC's website):

Many of the current bureaucracies that exist, it needs to be understood what's going on within those bureaucracies that supposedly serve indigenous people, certainly Land Councils...

I am providing my perspective as somebody who comes from Alice Springs and somebody who comes from these areas and my knowledge of where I know that those voices would be best empowered and those voices would be listened to...

When it comes to the Land Councils, I know that executive members of Land Councils, some of them aren't necessarily literate, this is the basics that we have to go back to which the current model doesn't take into account that people in remote communities are quite often not literate, there are gatekeepers in many of those communities...

I am talking about the bureaucracies that already exist...so Land Councils...the governance structures that exist, it's the reason why I put into the Senate a motion to understand what's going on in those bureaucracies because until we do that, we can't improve the situation on the ground, we can't look at those who would be best suited for leadership positions, to work in their community, to understand governance structures. You can't just expect something to work without going back and looking at what hasn't worked and improving upon that to begin with...

Two days later, on 13 April 2023, the following was also said in a joint interview from Alice Springs:

You've got kids here tonight who are going to be sexually abused or families where domestic violence has now become a current occurrence and we're told that nothing could be done about it (Peter Dutton)...

You mention again today the so-called 'rampant rates' of child sexual abuse in Central Australia. Now we've seen the SNAICC, which advocates for Indigenous children, come out and strongly reject your call for a Royal Commission into that. They've labelled it an uninformed approach. Why do you think those kind of peak bodies are rejecting those calls by you, and what evidence do you have that there is this so-called 'rampant child sexual abuse' occurring in remote central Australia? (interviewer)

...well, I've spoken to the police and the social workers, some of whom are out on stress leave at the moment because of the scenes that they've endured. They have kids taking them back into homes where they've been sexually assaulted and six year olds grabbing on to their legs, screaming not to be left there (Peter Dutton)...

Sorry, can I just say that I think the questions need to be put back on organisations like SNAICC, who are tasked to uphold the human rights of Indigenous children, but instead run an ideological line that it's more important that these children are supposed to be connected to country and to culture than to actually have their human rights upheld. I mean the data that I know of suggests otherwise, that Indigenous children experience the highest rates of abuse in the nation and the children – particularly in places like remote communities – are those children that are suffering the most. I would ask organisations like SNAICC to do their job appropriately and actually put the human rights of Indigenous children at the forefront of what they're attempting to do (Ms Price)...

When I hear from foster parents, some who have taken in two year olds, who they've taken straight after they have been sexually abused... when I have heard from surgeons who won't speak openly, but talk about sewing up babies after being sexually abused... I know of children in my own extended family, I know of children in other people's families, everybody knows what's going on and I won't be part of the silencing. I know Peter won't be part of the silencing... We are here to fight for those children's rights, not to maintain the dignity of adults who feel ashamed about the

situation (Ms Price)...

I worked as a police officer many years ago in the sex offenders area, and I can tell you, putting a child back into that scenario is nothing about Aboriginal culture, Indigenous culture... the thought that you would put a young child who had been sexually abused back into the hands of the perpetrator, there would be public outrage, and rightly so. There are many cases where lives have been destroyed – countless cases, as Jacinta points out (Peter Dutton)...

The effect of what Ms Price was saying in those interviews was this:

1. She does not support the proposed Voice to Parliament.
2. The Central Land Council, being an Aboriginal organisation, does not serve indigenous people despite that being its purpose.
3. The Central Land Council is incompetent.
4. Executive members of Aboriginal Land Councils, which includes the Central Land Council, are uneducated people who are not capable of representing Aboriginal people and doing their job.
5. There is violent child sexual abuse occurring within Aboriginal families which is rampant in remote Central Australia.
6. It is the responsibility of the Aboriginal organisation, National Voice for our Children (SNAICC), to protect Aboriginal children from sexual abuse, but that organisation is incompetent and not protecting children. It prioritises connecting Aboriginal children with country and culture over protecting them from being sexual abused by family members.

They are severe statements to make.

They are statements which caused great hurt to Central Land Council members and to many Aboriginal people. Ms Price's comments about sexual abuse, for example, brought back distressing memories of the Northern Territory Emergency Response in 2007 which involved the army going into remote communities in response to claims of high rates of child sex abuse. Further, whilst Ms Price is entitled to oppose the proposed Voice to Parliament, most Aboriginal people disagree with her opposition to it.

Ms Price's public statements required our response. That was the purpose of issuing the Media Release.

Ms Price has now demanded that we remove our response (the Media Release) from our website, undertake to never publish it again or to make any similar statements and to sign an apology letter to her (which she has drafted) which she wishes to publish as she sees fit. Ms Price has threatened that if the Central Land Council does not comply with those demands, she will sue and will seek a substantial sum.

The Central Land Council does not wish to be sued or to spend its funding on defending legal proceedings brought by Ms Price. However, Ms Price's demands are unjustified and unjust

and we cannot agree to them. Ms Price seeks to silence the Central Land Council from responding to her public attack on Aboriginal organisations (which I have no reason to think will stop) and to her opposition to the Voice.

The Media Release did not convey the meanings set out in your letter. It conveyed three things.

First, that the views being expressed by Ms Price are not the views held by the Central Land Council or most Aboriginal people. Rather, they are views consistent with those of non-Aboriginal conservatives and the Canberra elite.

Second, the Central Land Council disagrees with Ms Price continuing to attack Aboriginal organisations and it invited her to attend a meeting to tell us about her grievances and to truly listen to our response.

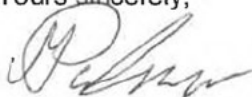
Third, the Central Land Council considered that Ms Price's generalised statements about rampant and violent child sexual abuse being perpetrated by Aboriginal people, were hurting Aboriginal people and should not be made without evidence and authority. One of the reasons is because comments of that kind create a perception that all or most Aboriginal men are abusers and all or most Aboriginal women are neglectful mothers and grandmothers who do not protect their children. Such perceptions are extremely damaging and hurtful to Aboriginal people.

Ms Price might disagree with those matters, however, the Central Land Council asks her to reflect on them and to try to understand our reaction and our need (and right) to respond.

I ask Ms Price to consider a path that does not involve litigation.

If Ms Price chooses to sue, then available defences will obviously be taken, namely: (a) qualified privilege (response to an attack); (b) Lange qualified privilege; (c) s 29A public interest; and (d) honest opinion. The litigation will be very costly and we do not wish to spend important funds in that way. We hope that it will not be necessary.

Yours sincerely,



**Matthew Palmer**  
Chair