

RESPONDENT'S SUMMARY OF EVIDENCE IN THE COURT BOOK

The two parties

Mr Turner

1. Mr Turner was born and grew up in Alice Springs. He began his career in 1975 at age 16 in the Commonwealth public service. He fulfilled various roles in the public service until 2007: Turner 1, [3]-[11].
2. From 2007 to 2017, he worked with the NSW Aboriginal Land Council, where he was appointed CEO in 2013: Turner 1, [12].
3. Between 2017 and 2019, he led the NSW Aboriginal Legal Service: Turner 1, [13].
4. In April 2021, Mr Turner was appointed interim CEO of the CLC. On 5 October 2021, he was appointed to a full three-year term. In October 2024, he was re-appointed for a further three-year term: Turner 1, [15].

Mr Turner's staff

5. Ms Tess O'Loughlin has been a Senior Communications Manager at the CLC, working with Mr Turner (under her manager Dr Douglas), since November 2023: O'Loughlin [2], [16].
6. Dr Josie Douglas is the General Manager Professional Services at the CLC: Douglas [1].

Senator Price

7. Senator Price is a Senator for Northern Territory in the Commonwealth Parliament, a position to which she was elected in May 2022.
8. At the time of publication in July 2024 she was the Shadow Minister for Indigenous Australians, and had accumulated a wealth of background knowledge, understanding and views about the subject matter of the Price release.
9. Senator Price was born in Darwin. Since the age of three, she has lived in Alice Springs most of her life: Price [4]-[7]. She has travelled broadly in various capacities in her adult life in indigenous communities, particularly remote communities, and observed and experienced firsthand the conditions of indigenous Australians particularly in Central Northern Territory: Price [17].

10. Senator Price's varied roles throughout her adult life included:
 - (1) raising four boys: Price [7];
 - (2) touring throughout the Northern Territory as an independent musician for about 20 years: Price [8];
 - (3) working with her family business for about 20 years offering services to build bridges between Aboriginal communities and those that work with them: Price [9];
 - (4) working with art galleries, museums and art organisations specialising in Aboriginal Art: Price [10], [12], [13(a)];
 - (5) working with Imparja Television especially in relation to Aboriginal children and travelling to remote communities throughout the Northern Territory: Price [11], [13(c)];
 - (6) playing AFL and being involved in the organisation and promotion of AFL in the Alice Springs community: Price [13(b)];
 - (7) establishing the Desert Divas program to empower indigenous girls and women in music: Price [13(d)];
 - (8) serving in elected office as councillor with the Alice Springs Town Council from September 2015, including as Deputy Mayor from September 2019 to August 2021: Price [14]-[15]; and
 - (9) working for the Centre for Independent Studies (CIS) in indigenous research from 2016 to 2022: Price [16].
11. From about 2008. she has been an advocate in her community for empowering young indigenous girls: Price [20].
12. Senator Price has firsthand knowledge obtained throughout her life about the Central Land Council (CLC) and its important role in indigenous affairs: Price [18]-[19], [22].

The Senator:

 - (a) has many early memories about the CLC when her mother Bess worked there when she was in Primary School: Price [19];
 - (b) has attended land royalties meetings with her family: Price [22];
 - (c) has witnessed firsthand the violence and social issues that plague indigenous Australians: Price [22];

- (d) has witnessed indigenous families being divided and split over how land royalties have been distributed by the land councils including the CLC: Price [23]; and
 - (e) has observed that throughout her life conditions and opportunities for indigenous Australians in the Northern Territory, particularly in remote communities have not improved despite millions of dollars spent on indigenous affairs and millions of dollars in royalties earned on behalf of traditional owners: Price [24].
13. During her time with the CIS from 2016 to 2022, Senator Price’s research work was on the factors that contributed to high rates of domestic violence in remote communities and how governments could better target indigenous disadvantage: Price [25].
14. Since entering politics in 2015, Senator Price:
- (1) has been particularly interested in improving children’s health and access to education, preventing family violence and stopping youth crime;
 - (2) wanted, in the light of her on-the-ground experience, and knowledge of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Lands Rights Act)*, a thorough review of that legislation and the role of the land councils administering that legislation, because she observed and believed that:
 - (a) councils were not effectively representing traditional owners and lacked transparency; and
 - (b) the legislation hinders any real economic opportunity for Aboriginal people and has failed and prevents economic prosperity for indigenous people; and
 - (3) advocated for legislative and administrative changes to improve the lives of indigenous Australians: Price [26]-[31].
15. Senator Price ran for Federal Parliament with an objective to effect real change to the barriers to economic development for Aboriginal people: Price [30]. She first ran unsuccessfully in 2019, and then successfully at the 2022 Federal Election when she was elected Senator for the Northern Territory.

Senator Price’s staff

16. Since 2023, Senator Price employed Rachael Lila as her chief of staff and electorate office manager based in Alice Springs: Price [67]; Lila [3]-[4]. Ms Lila’s duties

included managing the Darwin electorate office and staff, as well as the Senator's parliamentary office in Canberra, and communication with stakeholders and constituents on the Senator's behalf.

17. From January 2024, Senator Price employed Damian Wilks as her senior adviser: Price [61], Wilks [2]. His duties included (Price [61], Wilks [6]-[7]):
 - (1) providing high-level political advice to assist her meeting her responsibilities;
 - (2) overseeing the fulfilment of her responsibilities;
 - (3) working with other staff to develop and manage her portfolio, media and communications commitments; and
 - (4) leading the preparation of a range of documents.
18. Mr Wilks came with extensive experience working for parliamentarians including former Prime Minister Abbott whom Senator Price greatly respected, and Senator Price was satisfied that he was suitable and qualified for his role: Price [62], Wilks [3]-[5].
19. Mr Wilks was based in Sydney but would be with the Senator in Canberra during Parliamentary sitting weeks and when she travelled around Australia: Wilks [7]. He was in Sydney at all relevant times in July 2024: Wilks [14].
20. From May 2024, Senator Price employed Ms Rebekah Hart as her media adviser in her office: Price [64], Hart [1]. Ms Hart resided in Darwin and worked out of Senator Price's Darwin office, but travelled with the Senator to Canberra during Parliamentary sitting weeks and frequently throughout the Northern Territory and Australia with the Senator: Hart [9], [11].
21. In her role, Ms Hart performed the following duties for Senator Price (Hart [12], Price [64]):
 - (1) news and media monitoring;
 - (2) liaise with media outlets to arrange media engagements;
 - (3) draft and advise on speeches, media statements and media releases;
 - (4) briefings before media engagements; and
 - (5) oversee online and social media content.
22. Before starting with Senator Price, Ms Hart had completed a law degree at Monash University, worked with the Monash Oakleigh Legal Service as a student, was admitted to practice in Victoria in 2018 and practised as a lawyer until 2023: Hart [4]-[8]. Senator Price was satisfied she was suitable and qualified for the role: Price [65].

Senator Price and Mr Turner

23. Senator Price recalls meeting Mr Turner, with her mother, in about April 2021 shortly after he became CEO: Price [50]-[54]. Mr Turner has no recollection of meeting Senator Price or her mother at that time: Turner 2, [18]-[20].
24. From about 2021, Senator Price was communicating with Sharon and Natasha Watkins from Eastern Arrernte country: Price [33]. The Watkins told Senator Price that:
- (1) their family had been removed from the list as traditional owners of their lands;
 - (2) their family was replaced by families with no connection to the land;
 - (3) they felt that they were not getting a response or natural justice; and
 - (4) they had tried to get hold of Mr Turner but had not had a positive result.
25. In about 2022 and 2023, Senator Price communicated with Lesley and Geraldine Martin who are Central and Eastern Arrernte traditional owners, Price [35]. These women told Senator Price that:
- (1) they were removed from the list as Traditional Owners for their lands;
 - (2) they were trying to utilise their lands for economic development; and
 - (3) they had tried to get hold of Mr Turner but had not had a positive result.
26. Mr Turner says only that he does not recall, or have a record of, meeting the women in question: Turner 2 [13]-[17].

Land Councils, and the Central Land Council

27. Before she entered Federal Parliament in May 2022, Senator Price was aware that the CLC:
- (1) was the second largest Land Council constituted under the Land Rights Act; and
 - (2) had the functions set out in s 23 of the Lands Rights Act: Price [32].
28. Section 23(1) of the *Land Rights Act* relevantly provides that the functions of a Land Council are:
- (a) *to ascertain and express the wishes and the opinion of Aboriginals living in the area of the Land Council as to the management of Aboriginal land in that area and as to appropriate legislation concerning that land; and*
 - (b) *to protect the interests of traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the Land Council; and*

- (ba) *to assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites on land (whether or not Aboriginal land) in the area of the Land Council; and*
- (c) *to consult with traditional Aboriginal owners of, and other Aboriginals interested in, Aboriginal land in the area of the Land Council with respect to any proposal relating to the use of that land; and*
- (d) *where the Land Council holds in escrow a deed of grant of land made to a Land Trust under section 12:*
 - (i) *to negotiate with persons having estates or interests in that land with a view to the acquisition of those estates or interests by the Land Trust; and*
 - (ii) *until those estates or interests have been so acquired, to negotiate with those persons with a view to the use by Aboriginals of the land in such manner as may be agreed between the Land Council and those persons; and*
- (e) *to negotiate with persons desiring to obtain an estate or interest in land in the area of the Land Council:*
 - (i) *where the land is held by a Land Trust or is the subject of a deed of grant made to a Land Trust under section 12 that the Land Council holds in escrow--on behalf of traditional Aboriginal owners (if any) of that land and of any other Aboriginals interested in the land; and*
 - (ii) *where the land is the subject of an application referred to in paragraph 50(1)(a)--on behalf of the traditional Aboriginal owners of that land or on behalf of any other Aboriginals interested in the land; and*
- (ea) *to assist Aboriginals in the area of the Land Council to carry out commercial activities (including resource development, the provision of tourist facilities and agricultural activities), in any manner that will not cause the Land Council to incur financial liability or enable it to receive financial benefit; and*
- (eb) *for land that is a community living area and in the area of the Land Council--to assist the owner of the land, if requested to do so, in relation to any dealings in the land (including assistance in negotiating leases of, or other grants of interests in, the land); and*
- (f) *to assist Aboriginals claiming to have a traditional land claim to an area of land within the area of the Land Council in pursuing the claim, in particular, by arranging for legal assistance for them at the expense of the Land Council; and*
- (fa) *to negotiate, and enter into agreements, as necessary, for the purposes of subsection 70(4); and*
- (g) *to compile and keep:*
 - (i) *a register recording the names of the members of the Land Council; and*
 - (ii) *a register recording the names of the members of the Land Trusts holding, or established to hold, Aboriginal land in its area and descriptions of each area of such Aboriginal land; and*
- (h) *to supervise, and provide administrative or other assistance for, Land Trusts holding, or established to hold, Aboriginal land in its area; and*
- (i) *such other functions as are prescribed by the regulations.*

29. The CLC membership (s 29 Land Rights Act) comprises 90 elected delegates from indigenous communities in the nine subregions within the CLC region: Turner 1 [19]-[20].

30. Senator Price was aware, from speaking to the Watkins and Martins and from her mother's experience, that there were serious concerns in the CLC constituency about the management of Traditional Owner status. She had a personal concern, given the large amounts of money from land royalties, that a lack of fraud controls could enable if not encourage abuse, fraud and corruption. Senator Price had these concerns based not just from what she heard from the Watkins and Martins and her mother's experience, but from her own direct experience of observing royalty meetings and seeing families in her community being divided and split by how land councils including the CLC distribute royalties: Price [36].
31. Since entering Parliament in 2022, each week Senator Price engaged in some way with constituents and stakeholders to discuss matters relevant to indigenous Northern Territorians and Australians: Price [49]. She read large amounts of information relating to her constituency in the Northern Territory and her portfolio as Shadow Minister for Indigenous Australia in media articles and government documents, and received regular briefings from her staff.
32. Senator Price has visited and talked to people in remote communities in the CLC region all her adult life. She has observed that conditions in her community have generally gotten worse in remote communities in the CLC region. Apart from isolated incidents since 2021, Senator Price had not observed improvement in conditions in remote communities in the CLC region and indeed has observed some conditions to have deteriorated: Price [37], [38].

Mr Matthew Palmer

33. In February 2023, Mr Palmer was elected Chair of the CLC: CB 65, p 1337. Senator Price became aware of this at the time: Price [55]. She had known him for many years, having met him on occasions, as a prominent member of the indigenous community in Alice Springs: Price [56].
34. Within the circles in which Senator Price mixed in Alice Springs, Mr Palmer had a reputation as a man of great integrity, and he was well respected within the indigenous community in Central Northern Territory. Senator Price understood from his election as Chair that the elected delegates of the CLC, and CLC executives and stakeholders, shared that opinion of him: Price [57]. She herself regarded him as honest and reliable: Price [80].

2023

35. On 29 March 2023, Senator Colbeck moved a motion in the Senate on behalf of himself, other Coalition Senators including Senator Price, and independent Senator Thorpe, that the role, governance and accountability of key Aboriginal and Torres Strait Islander representative organisations, including land councils, be referred to the Finance and Public Administration References Committee for inquiry and report: Price [39]. The Government did not support the motion.
36. On 18 April 2023, Senator Price became the Shadow Minister for Indigenous Australians: Price [2(b)]. Senator Price visited remote communities in the CLC region at least 10 times each year while she held that Shadow portfolio: Price [38].
37. On 17 May 2023, Mr Palmer as Chair of the CLC wrote to Senator Price’s lawyer, refusing to retract or apologise for a CLC media release, in relation to “The Voice” referendum and related matters, which Senator Price regarded as false and defamatory of her: CB 24, p767.
38. On 7 June 2023, the Australian National Audit Office (ANAO) released a report into the Governance of the Central Land Council. Senator Price reviewed it and received briefings about it at that time: Price [41]. She became aware that the CLC had managed over \$130 million the previous financial year.
39. She also became aware that despite having a Fraud Policy dated June 2021 endorsed by Mr Turner (CB 14, p 327), which required both that fraud risk assessments be conducted and that a specific fraud plan be developed to manage any risks so identified, the CLC under Mr Turner:
 - (1) had not conducted a fraud risk assessment since the implementation of that Fraud Policy;
 - (2) had not developed a fraud control plan that dealt with identified risks; and
 - (3) had a system of fraud control that was not fully effective (the **fraud findings**).
40. Senator Price considered (Price [42]) that the fraud findings justified further inquiry into the operation of the CLC, because:
 - (1) although parts of the ANAO Report were positive, she considered the fraud findings to be particularly damning. It is submitted that her views in that regard are manifestly reasonable and legitimate, particularly in the light of her own experience as outlined above: see Price [36];

- (2) the findings provided a possible explanation for her concerns, and those which many other indigenous people had continue to express to her, that the CLC under Mr Turner’s management:
- (a) was not transparent;
 - (b) appeared to favour particular families and individuals in making decisions; and
 - (c) had not improved or advanced the lives of its constituents despite the millions of dollars it managed.
41. On 9 August 2023, Senator Liddle (Lib) moved a motion, on behalf of herself and Senator Price, to refer various matters related to Aboriginal land councils, including governance and accountability requirements, and the position of Traditional Owners, to the Finance and Public Administration References Committee for inquiry and report: Price [43]. The Government did not support the motion: Price [44].
42. On 7 September 2023, Senator Price spoke in the Senate calling for an inquiry into Aboriginal land councils and other Aboriginal organisations: Price [45]. Again, the Government did not support her call for an inquiry: Price [46].
43. On 14 October 2023, “the Voice” referendum occurred.
44. On 17 October 2023, Senator Price moved a motion in the Senate to declare that it was a matter of urgency for the Prime Minister to support the Opposition’s call for a Royal Commission into child sexual abuse in Indigenous communities, to audit spending on indigenous programs and to support practical policy ideas to improve the lives of Indigenous Australian to help Close the Gap: Price [47]. Again the Government did not support her motion: Price [48].

February 2024 – *Closing the Gap*

45. In about February 2024, Senator Price reviewed and was briefed on the 2003 *Closing the Gap* report: Price [68]. As she noted, only two or three outcomes were on track and most of the outcomes were not on track. She considered this to be an entirely unsatisfactory state of affairs, which was indicative of the cumulative failures of government bodies and organisations responsible for indigenous affairs in this country, including the CLC under Mr Turner’s leadership, and which reflected her own observations and consultations within the indigenous community throughout her adult

life and particularly since becoming Senator for Northern Territory and Shadow Minister for Indigenous Australians: Price [69].

As at June 2024

46. As at June 2024, Senator Price was aware and concerned, based on her lifetime of observations, experiences and discussions with other indigenous Australians, personal research and staff briefings, that despite the large amount of money spent on indigenous Australians and affairs generally, including that expended and managed by the CLC:

- (1) too many indigenous people within the CLC constituency were still suffering from domestic abuse and sexual violence at a greater rate, and had lower standards of living, education and health and life expectancy, compared to both indigenous Australians in urban communities and the general Australian population;
- (2) Traditional Owners and indigenous owners were not advancing economically or becoming economically independent;
- (3) she had not observed, or had reported to her through constituents, any discernible change or improvement in the performance of the CLC, its management and practices, or in outcomes for its constituents; and
- (4) the Commonwealth government had not undertaken, and was unwilling to undertake, a comprehensive inquiry into land councils (including the CLC) and other indigenous bodies responsible for the poor outcomes in the lives of indigenous Australians in the Northern Territory and elsewhere: Price [70]-[71].

Friday 7 June 2024

47. On 7 June 2024, Senator Price exchanged the following iMessages with Dr Gavin Morris: Price [74]; CB 18, pp 492-493:

[Morris] Heya Jacinta, there is some pretty big movements about to go on at the Central Land Council which I think you should definitely know about... happy to chat when you are free

[Price] Thanks I'll give you a call early next week if that works?

[Morris] Yeah for sure... they are planning a coup and getting rid of CEO and executive – they have all 90 delegates ready to go... I have met Eva Lawler who knows about it. This will happen in 5 weeks.

[Price] That's fantastic.

[Price] Who's they.

[Morris] Chair – Matt Palmer and his team

[Morris] He has the full support of all 90 delegates – would rather talk about the rest rather than text tho

[Morris] Totally off the record Jacinta

[Price] No problem talk then.

48. Eva Lawler was the then Labor Chief Minister of the Northern Territory (from 21 December 2023 to 28 August 2024).
49. Dr Morris was at this time the Principal of the Yipirinya School in Alice Springs (a position he had held since 2021) and a councillor on the Alice Springs Town Council (a position he had held since 2022): Price [58].
50. Senator Price had had professional dealings with Dr Morris, about funding for the Yipirinya school, before the 2022 federal election: Price [59].
51. In early 2024, Senator Price had asked Mr Wilks to assist Dr Morris in relation to his advocacy to protect the welfare of indigenous children, and Commonwealth funding for the development of the Yipirinya School. On 28 February 2024, Senator Price, Mr Wilks and Dr Morris met about these issues. Mr Wilks and Dr Morris continued to communicate about these issues in subsequent months: Wilks [10].
52. By June-July 2024, based on her dealings with Dr Morris, and her awareness of his high reputation in the Alice Springs region amongst the people with whom she mixed, Senator Price:
 - (1) understood him to be honest, and driven passionately to help the most vulnerable children in the Alice Springs and indigenous communities;
 - (2) knew he had well-established relationships with traditional owners in Alice Springs; and
 - (3) considered him to be a trustworthy and reliable source of information: Price [60].

Monday 8 July 2024

53. On 8 July 2024, Ms Hart had a telephone conversation with Dr Morris about the curfew at Alice Springs. This was the first and only time she spoke with him in a one-on-one conversation: Hart [13].

Thursday 11 July 2024

54. On Thursday 11 July 2024, Senator Price missed calls from Dr Morris and sent a text message to Ms Lila (CB 18, p 495, CB 21, p 698): *“Hey love can you call Gavin and find out why he’s so desperate for my attention?”*.

55. After receiving the message from Senator Price, Ms Lila had a telephone discussion with Dr Morris that she recorded. A copy of the recording is RML2 CB. A transcript of the conversation is CB 66.
56. From 11:31am, Ms Lila sent text messages to Senator Price that reflected the content of her telephone discussion with Dr Morris (CB18, pp 495-496; CB21, pp 698-699). That discussion included, relevantly:
- *CLC will have a full delegates meeting next Thursday to move a no confidence motion against Les Turner and they would like to replace him with Gavin.*
 - *Gavin is meeting with Matt Palmer and elders this afternoon and is seeking your advice on this.*
57. Senator Price responded to Ms Lila on that day (CB 18, p 496; CB 21, p 699):
- *Next week for the story.*
 - *I advise him not to be the replacement for the CLC. He needs to focus on Yipi [the Yipirinya School].*
 - *I told him this crap.*
 - *They need to find someone else in the interim.*
 - *I would recommend Leanne Caton as an interim CLC CEO*
58. As to the proposal that Dr Morris become the CEO of the CLC, Senator Price told at least Dr Morris that she did not consider this to be a good idea and that they would need to find someone else: Price [77]; CB 18, p 496.

As at July 2024

59. Between 11 and 18 July 2024, Senator Price had one or more telephone discussions with Mr Palmer and Dr Morris, in which Mr Palmer confirmed to her (Price [78]):
- (1) his intentions to move to have Mr Turner removed as CEO at the CLC meeting;
 - (2) that although he initially thought he had a good working relationship with him, both Mr Turner and his staff were now ignoring him and not interested in what he as Chair had to say;
 - (3) that he could not understand why circumstances in the indigenous community in the Central Northern Territory were not getting better with all the money being earned; and
 - (4) that the elected CLC delegates wanted a change of direction.
60. By mid-2024, Senator Price had heard various complaints, from her discussions with the Watkins and with Mr Palmer, that Mr Turner did not visit the more remote

communities, was not working arm in arm with the Chair, and did not take notice or act in the best interests of constituents and Traditional Owners when they would bring him concerns: Price [72]. They all expressed concerns about the unacceptable conditions at the out-stations, which she had personally observed since 2021, that were not improving but getting worse.

61. Traditional Owners and other indigenous persons told Senator Price that they had the general impression that Mr Turner was living in Canberra or spending most of his time there: Price [73].
62. Senator Price was aware at this time that Mr Palmer, as Chair of the CLC, had authority to speak and engage in correspondence on the behalf of the CLC: Price [80].
 - On 17 May 2023, as noted above, Mr Palmer as Chair had written to Senator Price’s lawyer, on behalf of the CLC, defending a CLC media release that had attacked Senator Price and stating the CLC’s stance: CB 24, pp767-770.
 - The CLC Publicity Policy (CB 9, pp159-161) records that “*The chair and the chief executive officer are the only media spokespeople of the CLC.*”

Monday 15 July 2024

63. On about 15 July 2024, in a telephone conversation, Senator Price told Mr Wilks that Mr Palmer wanted to reform the CLC to make it more accountable to the people they serve, and that Mr Palmer was going to move a no confidence motion against the CEO. She asked him to contact Dr Morris, who was assisting Mr Palmer, to give him what assistance he could: Wilks [15], Price [81].
64. Between Monday 15 and Monday 22 July 2024, Mr Wilks was working in Sydney: Wilks [14].
65. On Monday 15 and Tuesday 16 July 2024, Ms Hart was working in Senator Price’s Darwin office.

Tuesday 16 – Thursday 18 July 2024

66. From Tuesday 16 to Thursday 18 July 2024, a meeting of the full Council of the CLC was held at Watarraka (Kings Canyon), Northern Territory: Agenda Ex A1 CB 27, pp 816-818; Minutes Ex A1 CB 28, pp 819-835.

Tuesday 16 July 2024

67. On 16 July, Mr Wilks spoke to Dr Morris by telephone. Dr Morris said that he would send through a draft of a media release that Mr Palmer proposed to issue and they discussed potential media contacts: Wilks [15].
68. On 16 July, in “Other business,” Mr Turner is recorded in the minutes as reminding the CLC delegates that a session the next day, described as “*Governance Matters*”, would be a closed session. According to the minutes, he asked delegates if they needed any information “today” (16 July), but the delegates did not seek any discussion: Ex A1 CB 28, p 826.
69. Mr Turner had sent Mr Palmer a letter dated 5 June 2024 about an issue which, as it turned out, constituted the “*Governance Matter*” contemplated by the Agenda: CB14, pp 435-436. The issue concerned Mr Palmer’s having signed a particular certificate relating to Traditional Owner status in respect of certain land. Mr Turner’s letter to Mr Palmer did not indicate that the issue would be raised at the Full Council meeting.

Wednesday 17 July 2024

70. On Wednesday 17 July 2024, the first item on the agenda was described as “*Governance Matters*”. No documents had been provided to delegates; nor was any proposed resolution notified in the Agenda (Ex A1 CB 27, p 817).
71. Following some discussion, the 60 delegates present (Mr Palmer having been asked to leave the meeting) voted on three options (Ex A1 CB 28, p827):
 - (1) do nothing – no further action;
 - (2) a reprimand (in terms to be considered);
 - (3) an election for a new chair.
72. The minutes record that: 18 delegates voted to do nothing; 37 delegates voted for a reprimand; 3 delegates voted for the election of a new chair; and 2 delegates did not vote: Ex A1 CB 28, p 827.
73. The effect of the vote was thus that although there would be a reprimand, Mr Palmer was reconfirmed as Chair by an overwhelming majority.
74. The “reprimand” motion was then drafted on the spot and passed “on the voices”: Ex A1 CB 28 pp 827-8.

75. By 17 July, or possibly earlier, Senator Price had discussed with Mr Wilks the possibility of her issuing a media release herself about the actions Mr Palmer was taking with the CLC: Price [81], Wilks [18].
76. Senator Price had a particular interest in the matter because she thought it was important for the public to understand that Traditional Owners wanted to change how things had been done for so long, and that she thought Mr Palmer's proposals and actions were evidence of the need for an inquiry which she had strongly supported: Price [82].
77. On 17 July 2024 at 2:47pm (AEST), Mr Wilks received an email from Dr Morris, setting out the draft terms of Mr Palmer's foreshadowed media release (CB 20):

Hi Damian

If you need more specific details, please let me know. Just spoke with Matt Palmer (CLC Chair), he is happy with these ideas below and is happy for you to add what you need. Matt is also aware that he will be the first contact for media

A moment of self-determination for CLC

The voices of people in community have been ignored for too long and so much of this community are kept in poverty.

Voices have been ignored, people have been left behind and the vision of CLC has been lost.

There is unanimous support for change of direction and leadership in the CLC.

It is time for pragmatism and getting things done that matter for the people in the heartland and homelands of the CLC.

The voices and needs of the CLC have been met with responsive, community-led and Aboriginal-driven world views.

But this needs to go further where there is tangible on-the-ground grass roots change. We need to ask the hard questions and then get things done.

CLC people have come to me asking why are we still vulnerable – homeless, unemployed, suffering poor health and precarious well-being?

Why are there still Traditional Owners who are living in tin sheds?

We understand the appalling conditions in central Australian town camps are endemic of systems that are broken, with accountability being called for of the billions in funding that gone where?

And it's worse on the homelands: homelands make town camps look like a metropolis.

The same issues in town camps that have choked off funding, not allowing resources to get to where they're supposed to, these issues have stifled CLC's constituents.

For years, CLC's mobs have been moving forward, despite this. It is time now for CLC to thrive. This is what self-determination looks like.

78. On 17 July 2024, Ms Hart drove from Darwin, with Senator Price, Ms Lila, and Darwin office staffer Ms Brooke Milstead, to Mataranka, Northern Territory for a Country Liberal Party event and they stayed the night: Hart [17].
79. By 17 July 2024, Mr Wilks had commenced drafting a media release for Senator Price about Mr Palmer’s actions, with background information on Senator Price’s positions on indigenous affairs: Wilks[19].
80. By Thursday 18 July 2024, Senator Price understood from her communications with Mr Palmer and Dr Morris that:
- (1) Mr Palmer as chair had serious concerns about the way in which Mr Turner was performing in his role as CEO of the CLC in consulting with himself and others;
 - (2) Mr Palmer believed that his concerns were shared amongst all of the CLC delegates;
 - (3) there was broad support in the CLC delegates for a change in the executive leadership at the CLC, in particular to remove Mr Turner as CEO; and
 - (4) Mr Palmer planned to remove Mr Turner as CEO at the CLC meeting that day: Price [83].

Thursday 18 July 2024

81. On 18 July 2024 at 7:42am (ACST), Senator Price sent Mr Palmer an iMessage (CB 18, p 498):
- Good luck today. If the change you are fighting for today doesn't happen as you plan remember it is just the beginning. I will fight with you to help bring the change you mob are needing and you know I'm a fighter. Don't back down!
Jacinta Nampijinpa*
82. On 18 July, Senator Price drove with Ms Hart, Ms Lila and Ms Milstead to Katherine, Northern Territory and spent the day and night there, meeting with Jo Hersey, the CLP member for Katherine in the Northern Territory Legislative Assembly among other professional engagements: Hart [18].
83. On 18 July, before 1:13pm (AEST), Senator Price received, probably from Dr Morris, an image of a document (the **18 July Motion**) containing the following resolution that she understood Mr Palmer intended to move at the CLC meeting that day (Price [85]; CB 18, p 502):

*DRAFT RESOLUTIONS
THURSDAY 18th JULY, 2024*

1. *Call by the Chairman for instant dismissal of the Chief Executive Officer of the Central Land Council based on insubordination and unprofessional conduct in relation to Agenda item: Governance Matter held on Wednesday 17th July, 2024, be effective immediately on Thursday 18th July, 2024.*
 2. *The Agenda Item: Governance Matter was not conducted in a professional manner and detrimental to the governance and functions of the Central Land Council according to the Aboriginal Land Rights (NT) Act 1976.*
 3. *The Chief Executive Officer of the Central Land Council be paid full wages and all due entitlements accordingly and return all items relating to business of the Central Land Council immediately including, vehicle and keys.*
 4. *The Central Land Council agrees for the immediate placement and engagement of services by a qualified and experienced candidate, to act as interim Chief Executive Officer and to work closely with the Chairman, delegates, executive members and staff for the interim period a suitable candidate can be employed.*
 5. *The Full Council Delegates of the Central Land Council accepts and agree for these draft resolutions to support professional ethics and standard of service with a duty of care to full council delegates, staff members and constituents of the Central Land Council, according to the Aboriginal Land Rights (NT) Act 1976.*
84. At 1:13pm (AEST), Senator Price sent Ms Lila the image of the 18 July Motion: Price [85].
85. At 1:56pm (AEST), Mr Wilks sent an email to Dr Morris about Mr Palmer’s proposed media release (CB20, p 649):
- This is good mate. Think you should add a line along the lines of, “We need a new structure and system that distributes power to the many and not the few, with transparent and accountable decision making.*
- Recommend you send it to:*
matt.cunningham@skynews.com.au
taylorp@theaustralian.com.au
paul.sakkal@nine.com.au
alex.treacy@news.com.au
86. Mr Palmer’s media release, as ultimately issued on 20 July, did not take up or include Mr Wilks’ suggested addition. Mr Palmer did send his release to the four addressees recommended by Mr Wilks: CB 32.
87. At 1:58pm (AEST), Mr Wilks received a text message from Dr Morris with a copy of the 18 July Motion: DJW1 CB 20, p643.

88. As at July 2024, Mr Wilks (Wilks [26]) and Ms Hart (Hart [19]) were participants in four chat groups on the Whatsapp private messaging application:

- (1) a group with just Mr Wilks and Ms Hart (**Wilks/Hart group**);
- (2) a group named “Media Advice” with Senator Price (**Media Advice group**);
- (3) a group named “JNP News 24” with Senator Price and other staffers (**JNP News 24 group**); and
- (4) a group named “JNP ACT 24” with Senator Price and other staffers (**JNP ACT 24 group**).

89. At 1:43 (ACST) on 18 July 2024, Senator Price sent a copy of the Motion to the JNP ACT 24 group (CB18, p504). Ms Hart and Mr Wilks each received the message: Hart [20]; Wilks [27]. The following messages were exchanged in that group:

[Wilks, 2:00pm (ACST)] I've been speaking with Gav, and helping him out with a release that will go out from Matt Palmer

[Price, 2:33pm (ACST)] [Thumbs up emoji]

[Price, 2:33pm (ACST)] We going to put out a release in support?

[Wilks, 2:34pm (ACST)] we do, but you could also do a press conference in Katherine tomorrow? Is there media around?

90. Mr Wilks used the 18 July Motion to finalise his first draft of the proposed media release. It was his expectation, based on the Motion and his communications with Dr Morris, that the Motion would be moved and carried. However, as he did not then know the outcome of the Motion, he expected that his draft would need to be amended as further facts emerged: Wilks [28].

91. At 2:34pm (ACST) on 18 July 2024, Mr Wilks sent the **First Draft** to Ms Hart, in an email with the subject “*Draft Release: You should have a go at it, then show the boss*”: CB 20, p 655.

92. The text of the First Draft, as embedded in that email, was:

The vote this afternoon at a meeting of the Central Land Council, has shown yet again that the needs and concerns of Indigenous Australians are not a priority for the Albanese government.

In September last year the Coalition moved a motion calling for an inquiry into the governance of Land Councils.

The Albanese dismissed that call. Now the Central Land Council, at the request of the chair Matt Palmer, agreed to dismiss the CEO due to unprofessional conduct.

The Albanese government has presided over the ongoing failure of the NAAJA, has given boards with DV offenders money to deliver DV services, and oversaw the inexplicable cessation of ABA grants for Homelands.

Will the Albanese government now just leave the CLC members on their own? Will they continue to pretend that these issues are not present in other aboriginal organisations?

At the end of the day it is the most marginalised Indigenous Australians who suffer when aboriginal organisations are not held to a proper standard. Minister Burney needs to step up and actively ensure these organisations are being run to the highest standard possible.

There needs to a review into the Land Rights Act, to ensure greater transparency and accountability. For too long, the status quo has presided over an arrangement that leaves traditional owners land rich but dirt poor – with little scope for individuals to be empowered and use the resources available to them for their own economic independence.

93. At 2:34pm (ACST), Ms Hart and Mr Wilks discussed the First Draft by phone (Hart [23], [28]; Wilks [35]).
94. Mr Wilks sourced the information about indigenous affairs in his First Draft from his knowledge and research into indigenous affairs in his role as Senior Adviser, and from his discussions with and knowledge of Senator Price's policies towards land councils, particularly that they should be subject to greater accountability: Wilks[29].
95. Mr Wilks did not name Mr Turner in his First Draft, because he understood from Senator Price that her focus was on the need for change and the Albanese government generally, rather than Mr Turner specifically: Wilks [31].
96. When she read the First Draft, Ms Hart noted that Mr Wilks had not named Mr Turner, and she followed that example in subsequent drafts that she prepared: Hart [24].
97. Ms Hart and Mr Wilks had a number of telephone discussions on 18 and 19 July. In one of those conversations that discussed that they would need to wait until there was confirmation as to the outcome of the meeting before issuing the media release: Hart [28].
98. Senator Price does not recall seeing the First Draft (which was not sent to her) at the time: Price [88].

The 18 July “men only” session

99. At about 4pm (ACST) on 18 July 2024, just before the close of the CLC meeting, during the time allocated for “Other Business”, Mr Palmer asked the staff and female delegates to leave the meeting: Williams [6]-[7]. There then ensued a “men only” session.
100. The CLC recently produced under subpoena a recording and transcription of the words spoken during the “men only” session: recording CB 29; transcription CB 30.
101. As the transcription indicates, some of what was said was in English, some was in Arrernte language (**shown in red** as translated), some was in Warlpiri language (**shown in green** as translated), and some was in other languages (**shown in blue** as translated). Further, parts of what is spoken on the recording are inaudible or unclear (shown by highlighting), including because people speak over each other.
102. The following extracts, in particular, are of importance:

1:00 **Palmer:** [inaudible] ... *Yesterday and then the problem is this. And ah whitefella kardiya they wanted Ingkerreke. I told my problems – them white people wanted get me out. Reason why this mob I am helping this mob either way all around the centre, outstations, cattle stations.* [Arrernte: language inaudible] *They don't want that we worked on, they want to keep us down like they did to our old people, put under the thumb under the sun. All mob. People are you listening?*

...

1:40 **Palmer:** *Right, I spoke to the Minister, Minister spoke to me. Minister boss told me to break the middle man. That's where all the money's gone. Money's gotta go back to the people. And they said Minister, Prime Minister, and all they coming to speak to us, do you want that or you mob want to live like dogs.*

Other voice: yes

2:18: **Palmer:** *Like, uh, old people was. No work. No anything, like the old people used to talk, write everything on paper, yeah we're right and damn right.*

2:36: **Palmer:** *Minister mob are backing me up. Then this mob wants backing me up. They said don't say it like that, take the middle man so all the money can go back to the community like that. I am going on a right road.*

3:13: **Palmer:** [Arrernte language inaudible] *We will be getting older and older and see how the white man standing now and watching our old people getting old and Community can stay like that family mob like that, community will remain the same. Everything everybody [Arrernte language inaudible] all you mob know, you heard that again about the roads from, like that well with back up like that we follow put fences up, bob cat or have own road crews in community. Work like that keep money in the community. That's the story I wanted to tell you mob. Middle man is stopping all the money. They still holding the money.*

- ...
5:06 **Palmer:** *Yeah and another thing. I want to tell you mob when you put me in the position at the start, I was in the office looking at other white staff and I asked them "where is this person – CEO?" In Canberra... One week. He's the boss how come he never taken me to Canberra all the time he used to go visit Canberra by himself without me knowing. He known if he'd taken me I would have listened to what parliament is talking about the Aboriginal people.*
- 5:44 **Other voice:** *you should go with him.*
- 5:55 **Palmer:** *But nothing, he used to cruise himself for two weeks and I get left behind. That's not working together.*
- Other voice:** *nah, should be the CEO and the Chair should be working together*
- 6:00 **Palmer:** *Yeah but nothing. This year coming to the end, he used to go for 2 week, 1 week but nothing so only the white people can talk for money, that's not good. He should have taken me from the start.*
- ...
6:40 **Palmer:** *He does not tell us what happened in the meeting that's all then he has conversation with whitefella People that he knows and they keep secrets, no information.*
- ...
10:50 **Palmer:** *Look at the boss, he is quietly listening. He does not come back from Canberra from staying one week or two weeks and how government was talking, and see here when he comes back he does not share what was spoken and I am working with knowing what went on.*
- 11:20 **Ned Hargraves:** *We don't want that thing, no, we don't want that, we can't allow that because it's terrible, it's secret, can't make that happen. No*
- ...
12:30 **Palmer:** *I done this paper from the, what I heard from the Minister. They told me to write it down on what spoken in Council meeting. They'll come speak to us [Arreente language inaudible].*
- 13:21 **Ned Hargraves:** *we want you to read something out [cross talk inaudible]. Give it to him to read.*
- ...
13:57 **Palmer:** *He told me himself, the Minister, do you want to see changes in the community, every community the building up, but he is stopping the funding. Old people didn't know. That'll give us power.*
- 14:35 **Hargraves:** *Bro, let this one read it first. Let Japanangka [Warren Williams, Warlpiri skin name] read it. Let Japanangka [Williams] read and the from there we're [inaudible].*
- 14:46 **Palmer:** [Arreente language inaudible]

14:53 **Williams:** *I can't get myself involved in this one. I can't get myself involved in this one. That's out of jurisdiction, that's out of jurisdiction. [cross talk] Yeah, I can't get involved.*

15:10 **Hargraves:** *All we want you to do is read it.*

15:13 **Williams:** *I can't even read it. No Ned, because you're asking me... [Warlpiri language]*

15:17 **Palmer:** *Is there anyone who can read this paper? – so everyone can listen*

...

16:33 – **other voice:** *Maybe, maybe, maybe we gotta trying to find fault. Any fault what he's done wrong, and then we can try and help you. If we go ahead and sign he might take us to court.*

17:00 **Palmer:** *we'll put him in court this one here. I can put him in court with what I've got here.*

...

17:11 **Palmer:** *I can put him in court, the two of them, with this one I can sue him. See he made wrong here*

...

17:19 – **other voice:** *Well you mob can sign it because I don't wanna be in jail*

...

17:55 – **other voice:** *He's the chairperson still for us so we can't turn around back way for CEO. No. There's no proof. He will take us to court.*

18:04 **Hargraves:** *There is a proof there [Warlpiri language]*

18:06 – **Other voice:** *where?*

18:07 **Hargraves:** *because number [Warlpiri language] put that thing*

...

18:17 **Williams:** *Ned, he's won that [Warlpiri language]. He's still the chair, he's still the chair [Warlpiri language] Ned you and Valerie voted [Warlpiri language]. He's still the chair. For the period relevant next year April. You can't take it, no. He's the chair.*

...

18:47 **Palmer:** *anything wrong then that CEO we gotta find really fault he made wrong here.] I can put him in court, two of them in court no worries that's why I was telling you from the start he was going to Canberra from start by himself ... [inaudible] council, he went again by himself, hey what's been happening, what I got to tell my people I got no information*

...

19:12 **Hargraves:** *We gotta think hard about it you know, because it's a time that we stood up, we stood up.*

19:20 **Williams:** *Nah, Ned. You understand. He's already a Chair. Voted in today. He's already a chair [Warlpiri language] until April next year... No... you can't...*

[Cross talk]

- 19:30 **Hargraves:** *Yes he's writing that thing* [Warlpiri language]
- 19:45 **Williams:** *for what reason? For what reason – you give me a good reason?*
- 19:48 **Hargraves:** *The good reason is* [Warlpiri language]
- 19:50 **Williams:** *No. He's back in the chair* [Warlpiri language, inaudible]
- 19:57 **Other voice:** *when we vote him in and bring him back as a chair, we can't backfire for CEO, no.*

[Cross talk]

- 20:02 **Williams:** *I'm telling you. I'm telling you right now Ned.*

Other voice: *we can't do that, we can't do that*

- 20:04 **Hargraves:** *Yes we can. Yes we can.* [Warlpiri language] *seal* [Warlpiri language] *No.*

...

- 20:13 **Williams:** *That one hasn't got a common seal. Ned that letter doesn't have a common seal. You just be careful. You mob can go but we're standing by ... [inaudible]. You mob can go, but we standing by*

- 20:44 **Hargraves:** *This isn't* [Warlpiri language] *this is our choice, no, no non-aboriginal people (kardiya) can tell us what to do. No*

- 20:48: **Williams:** *Ned...*

- 20:48: **Hargraves:** *Why are we fronting about the non-aboriginal people (kardiya) Why? Why? Why are we fronting about the non-aboriginal people (kardiya) Huh? Ya know why?*

- 20:54 **Williams:** *What reasons you got there?*

- 20:55 **Hargaves:** *I just told you.*

...

- 22:30 **Hargraves:** *This is the choice of our own people. This what we want. We're not happy about what he's doing and what he's done. No*

...

- 24:25 **Palmer (on microphone):** *Is it okay or what? People on my side. In October, people on my side let's pull out okay? or* [Arernte language inaudible]. *So Minister can see. The Minister can join our side and Prime Minister to come to our side so we can do that. So these mob pick each other by voting we can turn in another direction. I'm telling the truth I've heard this from the minister okay. Alright go and get your money* [Arernte cross talk – language inaudible] *yeah thank you*

103. On that day, Thursday 18 July, Ms Hart reframed the First Draft so that it was in the form of a media release from Senator Price, including quotes to be attributed to the Senator (the **Second Draft**): Hart [27], Wilks [39].
104. The Second Draft added a heading “*Central Land Council takes matters into their own hands*”: CB 31, p 846.
105. At 4:22pm on 18 July, Ms Hart sent Senator Price a text message “*Media release re CLC – let me know your thoughts*” (CB 31, p845), attaching a copy of the Second Draft.
106. Although she received this text message, Senator Price does not recall whether she actually saw the Second Draft at any time prior to the commencement of these proceedings. She was generally aware that Ms Hart was working with Mr Wilks to prepare a media release: Price [94].

Friday 19 July 2024

107. On 19 July at 10:39am (AEST), Mr Wilks sent a text message to Dr Morris (CB20, p644), asking “*How’d it go Gav?*”.
108. At 1:17pm (AEST), Mr Wilks received text messages from Dr Morris: firstly, “*I’m meeting with the chair at 1:30pm*”, followed by a message a short time later, “*I’m talking with Jacinta and Matt now*”.
109. At about 1:30pm (ACST) on 19 July 2024, Senator Price had a telephone discussion with Mr Palmer and Dr Morris in her car on speaker phone, with Ms Lila and Ms Hart also in the car: Price [89].
110. Ms Lila recorded most of the discussion on her phone: CB 87. Ms Hart prepared a transcript of that discussion (CB19, p 571), which Senator Price edited (mainly in relation to the identity of the speakers and indigenous places or names Ms Hart was not familiar with): Hart [30].
111. In that speaker phone discussion in the car, Mr Palmer informed Senator Price, *inter alia*:
- (1) that all the men and women were behind the removal of Mr Turner, other than two men and one woman:

Palmer: But the two two cool fellas saved saying that Les. [NB: corrected transcription]

...

Yeah its deputy chair ... and fella from Lajamani ... but the rest of the men were behind me. There's only two saved Les (CB 19, p571)

...

Palmer: I'll get all them fellas who stood behind me ... And more might add on too cos thing was behind me too, Luritja mob from Haasts Bluff. They were all behind me as well. ... Papunya. They was all behind me, only two men ... two evil men. (CB 19, p572)

...

Palmer: All of the those old men want, even the women ... except for Barbara [Shaw] (2 CB 19, p573);

- (2) that the Motion did not pass because those two men scared the other men about possible legal repercussions from Mr Turner if the Motion were passed:

Price: So you didn't get to pass that motion, did you get to pass it or nothing? (CB 19, p 571)

Palmer: Ah no, cos they was a bit too scared. (CB 19, p 571)

...

Palmer: He was saying – oh, he was saying, those two men were saying, especially Geoffrey from Lajamanu... He was saying oh – he'll put you mob in jail ... He'll put you mob in jail (CB 19, p 574)

Palmer: And they you know our mob got really frightened ... And they reckon ... I don't want to go to jail. ... That's why I'm not, I'm not doing any voting he reckoned. ... You know be in jail for a long time. (CB 19, p575);

- (3) about the “paper” that Mr Palmer had shown people at the meeting (being the 18 July Motion):

Palmer: I showed a piece of paper in and I'll send it soon, later ... I said I showed [inaudible] him and put him in jail cos of this, look what he done here

... very wrong

... and someone come behind me, sneak behind my back and said “I'm sorry”, that was Kate O'Brien. Ooh made me real angry ... Really angry. They said, I was just doing my job, she reckoned.

... Yeah, them two both wanted to get me out of there. ... I was listening, looking what they doing, you know what I mean? ... For our mob. (CB 19, pp575-576);

- (4) that as the Motion had been unsuccessful, his people would seek to break away from the CLC:

Palmer: You can get this breakaway sorted out (CB 19, p571)

...

So I said okay, I said to my people, I said, okay, let them go with that – we break away. With all our regions, we'll break away. (CB 19, p571)

112. Senator Nampijinpa Price believed the information which she and her staff received from Mr Palmer and Dr Morris about the CLC and Mr Turner at this time to be reliable: Price [90].

113. At 2:17pm (ACST) on 19 July 2024, Ms Hart sent the Second Draft (being the version she had prepared the day before and had already sent to Senator Nampijinpa Price (see [103] ff above) to Mr Wilks, in the Wilks/Hart group: Hart[31]; CB18, p523. Ms Hart said to Mr Wilks, in that WhatsApp message:

Hey let me know what I can do for this media stuff. I can flick the EP at 7:30 an email wanting to discuss on Monday, but will need to know we're wanting to raise exactly before I do. I did made the tweaks to the media release as attached, but let me know if there are additions from those CLC members that you want to do. I think we should get back into reception this afternoon, so I'm happy to help where I can. Thanks

114. The Second Draft (having been prepared by Ms Hart on 18 July) did not yet reflect the new and additional information Mr Palmer had provided in the 19 July speaker phone discussion: Hart [32]. Both Ms Hart and Mr Wilks anticipated that additional changes would be required: Hart [32]; Wilks [39].

115. At about 3:15pm (ACST) on 19 July, Dr Morris told Mr Wilks in a telephone discussion that the 18 July Motion had been moved but that it had been ultimately unsuccessful despite majority support. Mr Wilks did not know whether that was because a super majority was required to remove Mr Turner, or whether there was some technical issue preventing his removal, or whether the Motion had been defeated in some way: Wilks [40].

116. At 3:15pm (ACST) on 19 July 2, Mr Wilks sent a message to the Media Advice Group, saying that Senator Nampijinpa Price's media release would not go out until Sunday (CB18, p526):

Have chatted with Gav. Very little point putting something out now on Friday arvo, especially with the RNC [Republican National Convention] going on.

We're going to work on a release over the weekend and get it out on Sunday to make it a news story for Monday AM.

Once the release goes out from Matt Palmer Bek should call Paige Taylor offering comment from JNP as a way of making sure its written about. Bek can also message radio stations once the release is out to see who might want you

for Monday morning as well, as well as telling the 7:30pm producer that its something you should talk about with your interview with Sarah.

Both Senator Nampijinpa Price and Ms Hart gave a thumbs-up of acknowledgment.

Saturday 20 July 2024

117. On Saturday 20 July, at 12:05pm (AEST), Mr Wilks received an email from Dr Morris comprising the text of the media release that Mr Wilks understood was going to be issued by Mr Palmer (the **Palmer Release**): Wilks [42]. The text of that email is at CB18, p528:

CLC council voice no confidence in CEO Lesley Turner

Media Release, 20 July, 2024

At this week's Central Land Council meeting, Mr Lesley Turner, CLC CEO, lost the confidence of CLC delegates.

At the full Council meeting, members moved a motion of instant dismissal of the Chief Executive Officer based on insubordination and unprofessional conduct.

Mr Turner has been at the helm of CLC since April 2021.

Council Members expressed dissatisfaction with the current state of CLC operations that have failed to address basic needs of Aboriginal people across the region, weakening many communities and contributing to increasingly worse conditions.

Mr Matthew Palmer, CLC Chair, said, "The voices of people in community have been ignored for too long and many in this community are being kept in poverty. Voices are ignored, people left behind and the vision of CLC has been lost.

There is majority support for change of direction and leadership in the CLC. It is time to get things done that matter for the people in the heartland and homelands of the CLC."

While CLC values, are driven by Aboriginal world views, members are insistent this needs to go further for tangible on-the-ground change. Along with radical action and progress, some members strongly support a breakaway Arrernte Land Council.

Lindsay Watson, who recently stepped into the administration of the Alcoota Station, said, "Hard questions need to be asked. Why are there Traditional Owners still living in tin sheds?

Why are we still vulnerable while living on our homelands?

Where have all the funds and resources gone that should be getting to our grass-roots, to make a difference for our mob?”

Mr Palmer declared that the time of unfulfilled promises and delay was over: “We are demanding real impacts and accountability, delivered directly to CLC members – where they live, and with what is needed to thrive.

This is what self-determination looks like.”

118. At 12:05pm (AEST) on 20 July, Mr Wilks received a text message from Dr Morris (Wilks [43], CB20, p644):

Heya Damo, just sent through draft media release – Matt P is happy with it and about to meet with him again in about an hour.

119. Although Dr Morris referred in this message to “*draft media release*”, Mr Wilks understood from the message (correctly, as events were to show) that the release was in final form and was about to be released. Mr Wilks was waiting for Mr Palmer’s media release to be issued before arranging with Mr Hart to finalise Senator Nampijinpa Price’s media release: Wilks [44].

120. Mr Wilks noted that Mr Palmer had stated in the Palmer Release that Mr Turner had “*lost the confidence of CLC delegates*” and that CLC members had “*moved a motion of instant dismissal of the Chief Executive Officer based on insubordination and unprofessional conduct.*”: Wilks [45].

121. At 1:46pm (ACST) on Saturday 20 July, Mr Palmer sent an email (from his CLC email address (matthew.palmer@clc.org.au), containing the Palmer Release, over his CLC email signature as “CHAIR, Central Land Council”.

122. The subject of Mr Palmer’s email was “**Re: CLC Council voice no confidence in CEO Lesley Turner**”, and the email was sent to four addressees namely:

- Matt Cunningham, matt.cunningham@skynews.com.au;
- taylorp@theaustralian.com.au;
- paul.sakkal@nine.com.au;
- alex.treacy@news.com.au.

The email ended: “*Please call Matt Palmer, Chair CLC for comment and interviews – (08) 89569670 0448693057*”. (CB 32, pp 647-648)

123. On Saturday 20 July, ABC Radio broadcast an interview with Mr Palmer: Boffa [7].

Sunday 21 July 2024

124. On Sunday 21 July 2024 at 8:37am, Matt Cunningham of *Sky News* forwarded Mr Palmer's email (containing the Palmer Release) to four more [news.com.au](https://www.news.com.au) personnel, namely (CB33, p849-850):
- Melanie Plane, melanie.plane@news.com.au;
 - camden.smith@news.com.au;
 - fia.walsh@news.com.au;
 - Jason Walls, Jason.walls1@news.com.au.
125. At about 1:04pm (ACST), 1:34pm (AEST), on 21 July, the *NT News*, together with other NewsCorp Australia publications, published online an article by Camden Smith with the headline (emphasis added) "*Lindsay (sic) Turner **dumped** as Central Land Council chief executive*" (**First *NT News* article**): JNP14 CB18, p533-537; also CB 9 p 162ff.
126. The article ended with "*The NT News has attempted to contract Mr Turner for comment.*" The article had 247 unique visitors across all News Corp Australia platforms: CB60, p956.
127. The First *NT News* article referred to and quoted from the Palmer release at length. Statements made in the First *NT News* article included, in relation to the CLC meeting:
- (1) "*A Northern Territory land council has moved to sack its chief executive, citing ongoing poverty and poor conditions*";
 - (2) "*There has been change at the top of the Central Land Council, with the board moving against chief executive Lesley Turner*"; and
 - (3) that Mr Palmer had said, in a statement, that at the meeting "*members moved a motion of instant dismissal against Mr Turner*", and that "*there is majority support for change of direction and leadership in the CLC*".
128. At 1:31pm (ACST) on 21 July 2024, Tess O'Loughlin, a CLC communications manager, received a Meltwater alert for the First *NT News* Article, as appearing on the *Herald Sun* website from 1.04pm: CB 67.
129. At 1:40pm (ACST) (CB 68) and 1:43pm (ACST) (CB 69) respectively, Tess O'Loughlin forwarded a link to the First *NT News* Article, as appearing on the *Herald Sun* website, to Dr Douglas and Mr Turner: O'Loughlin [4].

130. A short time later, Ms O’Loughlin discussed the First NT News Article with Mr Turner, who directed her to contact Mr Smith: O’Loughlin [7].
131. Ms O’Loughlin talked with Mr Smith and then had a further discussion with Mr Turner, Dr Douglas and Ms Kate O’Brien (CLC principal legal officer). Mr Turner directed her to ask Mr Smith to take the article down. Ms O’Loughlin talked again with Mr Smith: O’Loughlin [8]-[10].
132. At 2:01pm (ACST) on 21 July, Ms Hart sent a Whatsapp message to Mr Wilks, in the Wilks/Hart group, to which Mr Wilks responded at 2:14pm (ACST), CB20, p664:

[Hart] Hello just checking – I’m waiting for additions to the Release by CLC people before we need to get it out today yeah? Just checking you’re not waiting on me to have sent out already?

[Wilks] that’s right Bek, all good. Hopefully it wont be much longer before they get it out

133. At 2:55pm (AEST) on 21 July, Mr Wilks received a message from Dr Morris with a link to the First NT News Article: Wilks [48], CB20, pp 644-645.
134. Mr Wilks read the First NT News Article, which confirmed to him that the Palmer Release had been released publicly. However, since the NT News report (saying that Mr Turner had been sacked) was different from the information he had, he was confused as to whether other events had occurred or if there was a mistake involved: Wilks [50]-[51].
135. Senator Nampijinpa Price also read the First NT News article about this time: Price [97]-[99].
136. When she read the article, Senator Nampijinpa Price saw that the article claimed, contrary to what Mr Palmer had told her the day before, that Mr Turner had been removed as CEO of the CLC. Senator Nampijinpa Price at that time believed the journalist who had written the article may have had further source of information, or there had been further developments: Price [101].
137. From 2:35pm (ACST) on 21 July, Ms O’Loughlin and Mr Smith had the following text message exchange (Ex A1 CB 34, p 851):

[Smith] Please call Camden Smith nt news asap

[O’Loughlin] Hi Camden, we are organising a CLC representative to call you as soon as possible.

[Smith] Can you be more specific around as soon as possible Tess? We have deadlines and can't wait around for some desdbeat [sic] to phone us when they feel like it. Can you please forward me Lesley's contact text so o can speak with him ... As it stand's I'm writing a story about chaos within the central land council because based on your phone call I feel I should be on pretty safe legal ground with that

[Smith] And we have taken the story down fyi pending a swift resolution to this

138. At 2:36pm (ACST), Senator Nampijinpa Price sent a message “We need to get onto this right away” to the JNP News 24 group, with a hyperlink to the First NT News article: Price [98], CB 18 p 530.

139. Between 2.38pm and 2.57pm (ACST), a discussion ensued between Mr Wilks and Ms Hart in the JNP News 24 group: Price [102], CB18, pp530-531:

[Hart 2:38pm] Damo have they sent you anything further for the release? Or do you want me to put the release we drafted the other day as it is?

[Wilks 2:54pm] [image of deadlink to First NT News Article]

[Wilks 2:54pm] Has it been deleted for everyone else?

Thumbs up emoji

[Hart] Mine seems to be there still but can't read bc behind paywall

[Wilks 2:55pm] the paywall thumbnail it still there, but I clicked on story with my account and that's what I got

[Hart] Oh yeah I just tried through isentia and seems to be gone

140. As is apparent from the above, Mr Wilks discovered, at about 2:54pm (ACST) on 21 July, that the First NT News Article had been taken down: Wilks [49] - [54].

141. Within a minute of making that discovery, Mr Wilks attempted to call Dr Morris but he did not answer: Wilks [53].

142. However, Dr Morris responded almost immediately by text message “I'm on the phone I'll call you back as soon as I'm free”. Mr Wilks responded “Just trying to clarifying why the article is saying he was dumped. (Looks like the article is no longer available)”: CB 20, p645.

143. At about 2:56pm (ACST) on 21 July, Mr Wilks sent the Palmer release to Senator Nampijinpa Price and Ms Hart in the JNP News 24 group (Wilks [54], CB 20, p 668):

[Wilks 2:56pm] Bek, this is the release that went out
[text of Palmer Release]

[Hart 2:57pm] Okay – and it went out yesterday

[Wilks] Yep

144. From 2:58pm to 3.05pm (ACST) on 21 July, Mr Wilks had a discussion with Ms Hart in the Wilks/Hart group (Wilks [55]-[56], CB 20, p664):

[Wilks] Unless there was a subsequent action that lead to the CEO being fired, suspect the article was pulled because it seemed to report as if the CEO had been fired at the meeting, which he hadn't.

[Wilks] did you send me a copy of the release, updated to reflect that the vote was scuttled?

[Hart] No -sorry I thought we were waiting on the CLC comments to amend it, so it's still as it was the other day. Are we still wanting to release one ourselves like just JNP? If so, I'll send an updated one to the Media Group in a few minutes and then send out to our media lists.

[Wilks] That was the plan until the screwed the vote up.
Ours does not change substantially. Just lines about the vote being carried need to be altered. You can say there was a no confidence motion, and the CEO has lost the support of the chair.

[Hart] Yeah okay

145. As a result of this Whatsapp discussion with Mr Wilks, Ms Hart amended the Second Draft, in particular the first and second paragraphs, so as to produce the **Third Draft**. Among other things, the Third Draft removed reference to the CEO being “dismissed”, and changed the first line to indicate that the motion had been “moved” rather than “carried”: Hart [42]-[45]; CB 19, p 600.

146. At 3:12pm (ACST) on 21 July 2024, Ms Hart sent the Third Draft to the Media Advice group with the following message (Hart [44]; CB19, p 597):

Is everyone happy for me to send out this media release? Amended so it doesn't say CEO was dismissed.

147. Although Senator Nampijinpa Price read the message, she does not recall if she reviewed the Third Draft at that time. She was aware that there were multiple drafts of the proposed media release: Price [104]-[106].

148. From 3:30pm to 3.34pm (ACST) on 21 July, Mr Wilks had a discussion with Ms Hart in the Wilks/Hart group (Wilks [59], CB 20, pp664-665):

[Wilks] Sorry for the delay Bek, trying to raise the guy who is running this
He's not getting back to me

[Hart] No stress. I'm at my laptop whenever we're ready to go.
I'll post a comment for Paige Taylor in the meantime for you and JNP to look at

[Wilks] Great, has Paige reached out?

[Hart] No she hasn't – did we still want to offer something to her? Or you think give it to someone else?

149. At 3:36pm (ACST) on 21 July, Ms Hart as foreshadowed sent the following message to the Media Advice group (CB18, p539):

ideas on a comment for Paige Taylor (or whichever journo we decide to go with) re CLC decision:

This is a defining moment in government-land council relations. It presents a fork in the road whereby the government must now choose whether it will keep the status quo or take notice of what people on the ground are trying to tell them – that the current system is failing.

It is evident that land councils are not delivering for indigenous people in the way they need to be, so much so that Council members are now losing faith in their own leaders. If the government won't listen to people and intervene in a situation like this, Australians should have no confidence that they are fit to continue representing and running this country.

150. Thereafter, between 3:36pm and 4.43pm (ACST) on 21 July, Mr Wilks and Ms Hart continued their discussion in the Wilks/Hart group, at CB20, pp665:

[Wilks] It would be good to get her something, but we need to nail these facts down. That NT news thumbnail saying he had been fired is not what I was told on Friday

[Hart] Yeah no and JNP had a chat to Gavin Morris and others from the CLC while were in the car on Friday and they definitely didn't say he had been fired.

[Hart] Have you spoken to JNP about it since Friday?

[Wilks] Just been speaking with Hav

[Wilks] Gav

[Hart] Oh okay so he's waiting on someone else re the Release?

[Wilks] Yep

[Hart] No probs, just let me know how you go

151. Between 4:57pm and 4.59pm (ACST) on 21 July, there was a discussion between Senator Nampijinpa Price, Mr Wilks and Ms Hart in the Media Advice group, in the course of which Mr Wilks and Ms Hart confirmed that the First NT News Article had been taken down (CB18, p539):

[Price] Can we please have a fb post also with article go up tonight

[Hart] Do you mean the NT News article?

[Wilks] NT news have taken it down. Thumbnail still presents but nothing behind it

[Hart] Yeah and looks like all the syndicates have taken down too

152. At 5:21pm (ACST) on 21 July, Ms O'Loughlin sent an email to an editor of the NT News (Bethany Griffiths) with the subject "*Central Land Council story 21/07/24*": O'Loughlin [12], CB17 p 456 (emphasis added):

Hello Bethany,

Regarding your story today about the Central Land Council:

1. The story is factually inaccurate.

2. *No “motion of instant dismissal against Mr Turner” was moved by council at its meeting last week.*
3. *Mr Lesley Turner is the CEO of the Central Land Council.*
4. *The media statement referred to in your story was not a CLC media statement. It was not endorsed by CLC’s full council.*

153. Before she sent this email, Ms O’Loughlin spoke to Ms Griffiths, in terms the substance of which was in the email, and Ms Griffiths agreed the First NT News Article would be taken down: O’Loughlin [12]-[13].

154. Between 5:33pm and 5.50pm (ACST) on 21 July, discussion continued between Senator Nampijinpa Price, Mr Wilks and Ms Hart in the Media Advice group, about the First NT News article having been taken down (CB18, p540):

[Price] Strange
[Price] Are they having to make corrections perhaps?
[Price] I don’t think they actually got rid of Les
[Price] Rather he survived the coup and they’ve drawn a line
[Hart] Yep I think so. That’s why we’ve just been waiting to confirm with the people from CLC exactly what’s happened if I’m not wrong?
[Wilks] Gavin is still awol
[Wilks] Definitely looks like an error in the original report

155. At 6:11pm (ACST) on 21 July, Ms O’Loughlin sent a text message to Ms Griffiths at the NT News to which Ms Griffiths responded (TOL-3 CB17, p458):

[O’Loughlin] Hi Bethany, just confirming the story won’t run in tomorrow’s paper?
[Griffiths] Yep correct. Cam will get in touch tomorrow I think to do the story.

156. At 7:17pm (AEST) on 21 July 2024, Mr Wilks had a telephone discussion with Dr Morris. Dr Morris confirmed to Mr Wilks that the First NT News Article was not correct and that Mr Turner had not been dismissed: Wilks [61].

157. A few minutes later at 6:55pm (ACST), Mr Wilks sent a message in the Media Advice group reporting on his discussion with Dr Morris: Wilks [62]; CB18, p540:

Just spoke with Gavin. Confirmed the NT News misreported. Really up to us now to give it some momentum.

With our release Bek, maybe add a line along the lines of, “although unsuccessful the motion was backed by the CLC chair Matt Palmer, who said “The voices in community have been ignored too long and many in this community are being kept in poverty.

Voice are ignored, people left behind and the vision of CLC has been lost. There is majority support for change of direction and leadership in the CLC. It is time to get things done that matter for the people in the heartland and

*homelands of the CLC ... Hard questions need to be asked. Why are there Traditional Owners still living in tin sheds?
Why are we still vulnerable while living on our homelands?
Where have all the funds and resources gone that should be getting to our grass-roots, to make a difference for our mob?*

158. At 8:08pm (ACST), Ms Hart sent a message in the Media Advice group in response to that message from Mr Wilks: Hart [48]-[50]. Ms Hart's message was (CB 18, p540):

So sorry – yes will do this now. Do we still want to get this out today or are people more likely to pick it up if I send tomorrow? Easy either way."

159. After 8:08pm (ACST), Ms Hart prepared a further draft (the **Fourth Draft**) of Senator Nampijinpa Price's media release, incorporating the changes suggested by Mr Wilks in his message at 6:55pm (ACST): Hart [50]; CB18, p544.

160. Neither Mr Wilks nor Ms Hart noticed that Mr Wilks' text message (at CB18, p540) had mistakenly attributed to Mr Palmer some words which were actually those of Mr Watson, as quoted in the Palmer release (from "*Hard questions ...*" to "*to make a difference for our mob*"): Wilks [63]; Hart [49].

161. At 8:25pm (ACST), Ms Hart sent a copy of the Fourth Draft to the Media Advice group, with a message at 8:26pm (ACST) saying "*Let me know if this is good to go*": CB 18, p 540.

162. The discussion in the Media Advice group then proceeded (CB 18, p 540):

<i>[Wilks 8:31pm]</i>	<i>Pending Boss' approval, send it then follow up with call etc tomorrow morning</i>
<i>[Hart 8:31pm]</i>	<i>Okay sure will send tonight once approved. Thank you.</i>
<i>[Price 9:01pm]</i>	<i>Approved</i>
<i>[Hart 9:19pm]</i>	<i>Release has been sent. I will follow up with media outlets in the morning to see if anyone wants to line anything up about this. Have also sent to the EP at 7:30 to try and get it on the show tomorrow with Sarah</i>

163. Senator Nampijinpa Price read and reviewed the Fourth Draft. She noted that the Fourth Draft did not name Mr Turner, which was consistent with her objective to highlight the actions of Mr Palmer and the need for change in the Land Councils generally to support traditional owners. She understood the Fourth Draft to be accurate, including as to the results of the 18 July Motion as Mr Palmer had informed her on 19 July 2024: Price [109].

164. Senator Nampijinpa Price approved the Fourth Draft (thereafter, the **Price release**) to be issued in her message at 9:01pm (ACST) in the Media Advice group. She did so in

the light of all the communications and knowledge she had, and being satisfied as its accuracy, and her trust in Mr Wilks and Ms Hart: Price [110].

165. Senator Nampijinpa Price considered that the call, and attempt, by Mr Palmer as Chair, to remove the CEO of the CLC, and the failure of that attempt, were issues of significant and immediate public interest that required her comment as the Shadow Minister for Indigenous Australians and Senator for Northern Territory. She considered that the publication of the Price release was in the public interest: Price [112].
166. Senator Nampijinpa Price understood, based on her past experience in relation to such releases, that the intended audience were journalists and media organisations on Ms Hart's distribution list or who would access her website directly: Price [111].
167. At about 9:35pm (AEST), Ms Hart sent eight emails, enclosing the Price release, to Senator Nampijinpa Price's email distribution list of journalists and media organisations which is Annexure A to the Further Amended Defence: Hart [54]. One of the emails is CB19, pp605-608. Among the recipients was CCH.
168. At 9:37pm (AEST), Ms Hart sent an email, enclosing the Price release, requesting that it be uploaded to Senator Nampijinpa Price's website: Hart [55]; CB19, p610. That was done the next morning, Monday 22 July, at 9.20am: Hart [56].
169. At 10:07pm, on 21 July, Thomas Denham (Producer for The Night Shift, Triple M, one of the recipients of Ms Hart's email enclosing the Price release) replied to Ms Hart (Ex A1 CB 36):

Hi Rebekah,

Would it be possible to book an interview for Triple M this week with Senator Nampijinpa Price on this?

She will be speaking with Luke Bona.

Let me know if tomorrow is a possibility.

Cheers,

Tom

170. There is no evidence of such an interview later taking place.
171. Arrangements had previously been made for Senator Nampijinpa Price to appear on the 7.30 Report (the ABC TV current affairs programme) on Monday 22 July. On 21 July, Ms Hart sent an email attaching the Price release to Marina Freri at the ABC 7.30 Report (Ex A1 CB 35, pp 852-855):

Hi Marina.

The Senator would be keen to discuss the motion of no confidence moved by Central Land Council on the show tomorrow night. We've put out the attached media release for your info.

Can you let me know if Sarah would be agreeable to discussing this with the Senator on the program?

[Senator Nampijinpa Price did appear on the ABC 7.30 Report on Monday 22 July 2024, but neither the 18 July Motion nor the CLC was mentioned: CB 91, p1701.]

Monday 22 July 2024

172. At 9:20am (ACST) on Monday 22 July, the Price release was uploaded to Senator Price's website at the URL <https://www.jacintaprice.com/21-July-2024>: Hart [56].
173. Slightly earlier, at 7:08am, each of Mr Turner (Turner 1 [33], CB 72-73), Dr Douglas (Douglas [3], CB70) and Ms O'Loughlin (O'Loughlin [14], CB71) received an email alert from CCH Political Alert (politicalalert@cch.com.au) attaching the Price release. (CCH Political Alert had been one of the recipients of Ms Hart's email at 9.35 pm on Sunday 21 July.)
174. After receiving the CCH alert, at 7:38am (ACST) Mr Turner forwarded it to Ms O'Loughlin and Ms O'Brien: CB72.
175. Later that morning, Mr Turner met with Ms O'Loughlin, Dr Douglas, and Ms O'Brien: Turner 1 [39]; O'Loughlin [16]; Douglas [5]-[6].
176. Thereafter, at 10.24am, the CLC issued a media release (**CLC statement**): Turner 1 [40]; O'Loughlin [16]-[17]; and see CB 37.
177. The CLC statement is CB 9, p 169. Relevantly, its second paragraph was as follows (emphasis added):
- Senator Jacinta Price's statement and the NT News report are inaccurate. **There was no motion** to dismiss Central Land Council's chief executive Mr Lesley Turner at its full council meeting last week.*
178. Ms O'Loughlin contacted Ms Hart after the CLC statement had been finalised and emailed to the media: O'Loughlin [17], Hart [52].
179. At some time prior to 11.36am (AEST) on 22 July – see [183] below – the NT News published a second online article (**the Second NT News article**). It was headed (emphasis added) “*No confidence motion against Lesley Turner **defeated***”: CB 9, p 171.

180. In that second article, *inter alia*, the NT News:
- (a) repeated the statement made in its first article the day before, that the CLC had “*moved to sack its chief executive, citing ongoing poverty and poor conditions*”;
 - (b) again referred to and quoted from the Palmer release at length, including its statements that CLC members had “*moved an instant dismissal motion against Mr Turner*”, and that “*there is majority support for change of direction and leadership in the CLC*”;
 - (c) reported (emphasis added) that the CLC had “*denied an instant dismissal motion **was moved***”;
 - (d) referred to and quoted from part of the Price release.
181. The language in (c) above was the language of Ms O’Loughlin’s email of 5.21pm the day before (21 July – CB 17, p 456) rather than the language of the CLC statement issued earlier that morning (22 July – CB 9, p 169).
182. There was no link to the Price release in the Second NT News article.
183. At 11:36am (AEST), the NT News shared, on its Facebook page, a hyperlink to the Second NT News article: CB 9, p181 (**NT News Facebook post**).
184. The NT News Facebook post began with the words “*A Northern Territory land council has moved to sacks its chief executive, citing ongoing poverty and poor conditions. [emoji] Here’s what happened. [emoji]*”, followed by a hyperlink to the article showing images of Mr Turner and Senator Nampijinpa Price and the caption “*‘Need to step up’: Price weighs in on Land Council spat*”.
185. There was no link to the Price release in the NT News Facebook post, just as there was no link to the Price release in the Second NT News article itself.
186. At 11.13 am (ACST) on 22 July, Ms Hart sent a message to the Media Advice group (Hart [57], CB18, p547):
- Heads up I’ve been called by a media person at the CLC – tried to call her back but couldn’t get through so not sure what she wants. Will keep you all updated.*
187. At 11:16am (ACST), Ms O’Loughlin called Ms Hart and they spoke briefly: Hart [58]. At 11:20pm (ACST), Ms O’Loughlin sent an email to Ms Hart attaching the CLC statement. The substance of the email reflected their telephone discussion: Hart [58]-[59]. A copy of the email and attachment is CB19 (emphasis added):

Hi Rebekah,

*Thanks for your time on the phone just now. As mentioned, we are asking for the retraction of Senator Price's statement yesterday as it is factually incorrect. We have issued a statement of our own this morning stating that **there was no motion** to dismiss Central Land Council's chief executive Mr Lesley Turner at its full council meeting last week.*

I have attached the statement for your reference.

Kind regards,

188. At 11:24am (ACST), Ms Hart had forwarded the email from Ms O'Loughlin, attaching the CLC statement, to Senator Nampijinpa Price and Mr Wilks: CB18, pp549-550.

189. When Senator Nampijinpa Price read the CLC statement, she believed that its claim that there had been no motion to dismiss the CEO was irreconcilable with the content of the 18 July Motion, which she had, and with what Mr Palmer had told her: Price [116].

190. Between 11.24am and 11.47am (ACST), immediately after Ms Hart forwarded Ms O'Loughlin's email to Senator Nampijinpa Price and Mr Wilks, a discussion ensued with Senator Nampijinpa Price and Mr Wilks in the Media Advice group (CB 18, p547):

[Hart] Have just forwarded you both the email from them. They want a retraction. Not sure if one of you want to speak to your contacts at the CLC to clarify the situation? I am happy to call someone at CLC just not sure if adding another contact (me) in the mix is helpful at this point?

[Hart] I'm going to hold off on contacting/locking in any media about this story until we have it sorted.

[Price] It seems the CLC are trying to cover it all up

[Price] We have the motion

[Wilks] speaking with Matt and Gavin now ...

[Wilks] Matt is saying there was a vote, just unsuccessful

[Wilks] they going to put a list together of people who can say that the vote occurred

[Hart] Is there any chance it wasn't a FULL meeting of the Council members last week? Was there more than one meeting this month? Because their release specifically says full meeting and I wonder if there's something in that?

191. During the course of that Whatsapp discussion, there were also telephone conversations

- between Ms Hart and Mr Wilks at 11:32am (ACST);
- between Mr Wilks, Mr Palmer and Dr Morris at 12.09pm (AEST);
- between Ms Hart and Mr Wilks at 11:54am (ACST).

See Hart [63]; Wilks [72]-[74]

192. Mr Palmer confirmed to Mr Wilks, in the second of those conversations, that there was a vote on the motion to remove Mr Turner at the CLC meeting but that it was

unsuccessful. Mr Wilks told Ms Hart that Mr Palmer had so confirmed: Hart [63]; Wilks [72]-[74].

193. Mr Wilks advised Ms Hart to tell Ms O’Loughlin that the information available to Senator Nampijinpa Price and her staff from Mr Palmer was that there was a motion to remove Mr Turner, but that they would be happy to retract the Price release if they could provide evidence that the motion was not moved: Wilks [74].
194. At 12:31pm (AEST), shortly after speaking with Mr Wilks the second time, Ms Hart made notes for herself, in preparation for a second telephone call she planned to have with Ms O’Loughlin. She sent those notes to herself in an email: Hart [64]; CB19, p 619. The text of that email was:

Matt Palmer the chair gave us that information. We have a copy of the draft motion. If there is some other information about the meeting or what happened that would change things, can you let us know, otherwise we don’t have any reason to believe that the information we published is factually incorrect.

70 in favour and 2 against.

195. At 12:19PM (ACST), Ms Hart telephoned Ms O’Loughlin and informed her: that “we” [Senator Nampijinpa Price and her staff] believed the motion of no confidence did happen; that “we” had got the information from the Chair of the CLC; and that “we” would be open to hearing any further information she could provide that would substantiate their claim, but that without further information “we” were not in a position to retract the release. Ms O’Loughlin said she understood, and to leave it with her: Hart [65].

196. A file note prepared by Ms Hart a week after this conversation is CB19, p 621:

RHA called in response to email received from Tess at 11:20am seeking a retraction on the basis the information in our press release was factually inaccurate.

RHA explained that we believed the motion of no confidence did happen and we got that information from the chair of the CLC.

Tess asked how we got that information – was it oral or written but RHA couldn’t confirm.

RHA reiterated that we would be open to hearing any further information she can provide that would substantiate their claim that the motion was not moved. However, without further information we aren’t in a position to retract the statement.

Tess understood and said leave it with her.

197. 12:41pm (ACST), Ms Hart sent a copy of the Palmer Release in an email to Ms O’Loughlin: Hart [67]; CB19, p624.
198. Ms O’Loughlin did not provide any additional information or response to Ms Hart, Senator Nampijinpa Price or anyone else in Senator Nampijinpa Price’s office: Hart [68]; O’Loughlin [23].
199. At 2:50pm, Paige Taylor, Indigenous Affairs correspondent for The Australian, who had been a recipient of Ms Hart’s email of 9.35pm on Sunday 21 July (CB 5, p68 [676]), sent an email to Ms Hart with the subject “Land councils”:

Hi Rebekah I’m going to keep going on a story about remote housing this week (competitive week!) but I’d also be glad to listed to you on the CLC if you have time/inclination. I gather there have been issues a the NLC too.

Paige.

200. At 3:48pm, Senator Nampijinpa Price shared the NT News Facebook post on her own Facebook page: CB 9, p216. Senator Nampijinpa Price’s post began with the words:

The fact of the matter remains an inquiry into Land Councils and Statutory Authorities is what we the coalition have been calling for for months. Albanese, his Greens mates and Senator Pocock voted down an inquiry every time we put up a motion. They don’t care about the needs of our marginalised!

The Central Land Council should not gaslight its members when they have clearly called for better leadership and real outcomes! The people are calling for change!

201. There then followed a copy of the NT News Facebook post (and thus a hyperlink to the Second NT News article).
202. The NT News online is a subscription service. The articles are behind a paywall: see CB 18, p 530 and Hart [37].
203. Hence only NT News subscribers could have actually accessed the Second NT News article from the link in the NT News Facebook post.
204. Similarly, only NT News subscribers could have actually accessed the Second NT News article from Senator Price’s Facebook post
205. In his first affidavit at [46]-[49], Mr Turner speaks about these two Facebook posts.

- At CB 9, pp 181-215, he exhibits the NT News Facebook post, together with posts comprising comments by members of the public on that NT News post.
 - At CB 9, pp 216-235, he exhibits Senator Price’s Facebook post, together with posts comprising comments by members of the public on her post.
206. Articles published online by the NT News are behind a paywall: CB 18, p 530.
207. Moreover, as noted above, there was no link to the Price release, either in the Second NT News article, or in the NT News Facebook post, or in Senator Price’s Facebook post.
208. On 22 July 2024, the National Indigenous Times published an online article by Dechlan Brennan with the headline “*Central Land Council deny no-confidence motion against CEO*”: CB 38. Neither Mr Brennan nor the NIT was a recipient of Ms Hart’s 21 July email attaching the Price release.
209. The article:
- (a) highlighted the CLC’s denial that a no-confidence motion had been “moved” against Mr Turner;
 - (b) quoted in full the CLC statement;
 - (c) quoted in part from the Palmer release;
 - (d) quoted in part from the Price release (content presumably derived from the Second NT News article); and
 - (e) stated that Senator Price had been heavily criticised by the CLC in the past.
210. On the evening of 22 July 2024, during the 7pm ABC nightly TV news broadcast in the Northern Territory, the ABC broadcast a segment where the newsreader said (along with CLC-related footage):
- The chair of the Central Land Council has called for the dismissal of its chief executive ... and thrown his support behind a break-away council.*
- The C-L-C is one of the largest Aboriginal land councils in Australia ... made up of 90 elected delegates from across the N-T's central desert region.*
- Chair Matthew Palmer claims he received strong support for a motion to dismiss the chief executive ... Lesley Turner ... at a recent full council meeting.*
- He says the largely remote member base aren't getting the support they need from the council.*

But in a statement, a C-L-C spokesperson has denied such a motion had been raised.

211. The audio visual recording of the broadcast is CB 74 and a transcript is CB 75.

Tuesday 23 July 2024

212. On Tuesday 23 July, the *NT News* published in its print edition, in the *Centralian Advocate* section, an article headed “*Divisions fracture at CLC*”: CB 39, p 862. This article was in similar terms to the (online) 22 July Second *NT News* article.

213. On Tuesday morning 23 July, the ABC published two radio broadcasts in the NT. The first was published at least on ABC Radio Alice Springs local news as follows (paragraphs numbered here for reference only):

- 1 *The chair of the Central Land Council has called for the dismissal of its C-E-O and has thrown his support behind a break-away council.*
- 2 *The C-L-C is one of the largest Aboriginal land councils in Australia ... made up of 90 elected delegates from across the Northern Territory's central desert region.*
- 3 *Chair Matthew Palmer claims he received strong support for a motion to dismiss the C-E-O at a recent full council meeting.*
- 4 *He says the largely remote member base aren't getting the support they need from the C-L-C.*
- 5 *[AUDIO (of Mr Palmer): A lot of the directors and delegates got the same feeling. They don't get much help, much support and funding. they just get broken promises year after tear.]*
- 6 *(B/A): In a statement, a C-L-C spokesperson denied such a motion had been moved at the full council meeting.*

214. The text of this radio broadcast is set out at CB 22, p 747. The audio recording of that broadcast is Exhibit R1.

215. A second, slightly different, ABC radio story was broadcast on ABC Darwin, and uploaded to the ABC website for streaming at 5:30am on 23 July 2024 (CB 86, p1696). The audio recording of this broadcast is CB 76. The transcript is CB 77:

And the chair of the Central Land Council has called for the dismissal of its CEO and has thrown his support behind a breakaway council.

The CLC is one of the nation's biggest aboriginal land councils, made up of 90 elected delegates from across the Northern Territory's central desert region.

Chair Matthew Palmer says he received strong support for a motion to dismiss the CEO at a recent full council meeting.

In a statement a CLC spokesperson denied such a motion had been moved at the full council meeting.

ABC News

216. As can be seen, the second ABC Radio broadcast is substantially similar to the first, except that it does not include paragraphs 5 or 6 of the former (including the audio of Mr Palmer speaking).
217. On 23 July 2024, Senator Price appeared on 2CC Breakfast with Stephen Cenatiempo. 2CC Radio (news@2cc.net.au) had been a recipient of Ms Hart's email attaching the Price release on 21 July: Defence CB5, p 93 [1568].
218. The presenter asked Senator Price about "*the motion of no confidence*", that (he said) "*was moved last week in relation to the CEO of the Central Land Council*". Mr Turner was not named in Senator Price's responses, or at all: CB 42, pp866-868.

29 July – 3 September 2024: Concerns Notice to Senator Price

219. On 29 July 2024, Mr Turner's lawyers emailed a concerns notice to Senator Price: CB 9, pp 236-253.
220. The concerns notice asserted *inter alia* that (emphasis added):
- "The assertion by you in the [Price release] that Mr Turner was **subject of a no confidence motion** by Central Land Council members last week is **completely false**"*

It did not refer to Ms O'Loughlin's final discussion with Ms Hart, or provide any new information or evidence to substantiate the claim of falsity.

221. On 3 September 2024, Senator Price's solicitor responded to that concerns notice: CB 4, p 18; CB 22, p 760.
222. On the same day, 3 September, the Price release was removed from Senator Price's website: CB 4, p 18; CB 5 (at [8(e)]; CB 6 (at [4(viii)]).

30 July – 29 August 2024: Concerns Notice to News Corp Australia

223. On 30 July 2024, Mr Turner's lawyers emailed a concerns notice to News Corp Australia and Mr Camden Smith, in respect of both the First and Second *NT News* articles and the *NT News* Facebook post: CB 9, pp254-276.

224. The concerns notice stated, *inter alia*, that (emphasis added):

*“Both Articles assert that Mr Turner was **subject of a no confidence motion** and a motion of instant dismissal at the Central Land Council meeting held on 16-18 July 2024 (Meeting). These assertions are completely false. Mr Turner was **not the subject of any motion** at the Meeting.”*

The concerns notice did not provide any new information or evidence to support the claim that the stated assertions were “*completely false*”, or that Mr Turner was “*not the subject of any motion*”.

225. The concerns notice requested both a retraction and an apology, including an acknowledgement that the articles had made allegations against Mr Turner that were “*false and defamatory*”, together with \$60,000.00 by way of damages.

226. As set out more fully in Senator Price’s Outline of Closing Submissions, in the ensuing correspondence (CB 46, 47, 48 and 52) News Corp Australia refused to retract anything, refused to acknowledge that the articles were “*false*” or “*defamatory*”, and ultimately offered \$5,500.00 by way of compensation together with a form of apology in significantly different terms from that initially sought.

227. Mr Turner accepted that offer, and an apology in those terms was published in the NT News on 29 August: CB 9, p 281.

Wednesday 7 August 2024

228. On 7 August 2024, there was a meeting of the CLC’s 11-member Executive Committee (without Mr Palmer, the Chair): Ex A1 CB 45 pp 876, 877; see now also Exhibits R2 and R4.

229. At that meeting, those present “resolved” that “*what happened at the CLC Council meeting on 18 July 2024*” was as set out in 13 numbered paragraphs which followed (p 876).

230. The meeting also resolved to call a meeting of the full Council to consider the conduct of Mr Palmer at the 18 July meeting and what action if any should be taken about it.

26-28 August 2024: the three Arrernte female elders

231. On 26 August, Senator Price issued a media release about claims made by three Arrernte female elders (Veronica Ngkwarraye Lynch, Margaret Ngkwarraye Lynch, and Sabella Ngkwarraye Turner) about the conduct of Mr Turner towards them at the

CLC council meeting in July: CB9, p 277. The release included the following (emphasis added):

[The three women] *have claimed **they were told by the CEO of the Central Land Council to leave a session** of the full Council meeting held in July 2024. The women have said they fully support a number of resolutions previously proposed by the Council Chairman including the removal of CEO Lesley Turner.*

232. On 27 August 2024, there was a “door stop” interview with Senator Price and the three Arrernte female elders. The audio-visual recording of this interview is CB 90, and the transcript is Ex A1 CB 44. The Arrente elders are recorded as saying, among other things (emphasis added):

[p871]

Margaret Lynch: *...We need support with administration and a full inquiry into the Central Land Council. There has been too many breach of the Aboriginal Land Rights Act in the Northern Territory, and there's been a lot of issues relating to unprofessional conduct and unprofessional ethics and standards of service shown to traditional Aboriginal owners under the Act.*

...

*We've had many situations where the Arrernte have been trying to raise our concerns regarding representational, regional representation and, in our region, and we went to that full council meeting, the recent one, from 16th July to 18th July at Watarrka in Kings Canyon. **And we were told to leave the meeting by the CEO. And also again by a delegate representative Barbara Shaw.** And it's not right that we are treated in this way. ...*

Sabella Ngkwarraye Turner: *My name is Sabella Ngkwarraye Turner. I'm Arrernte elder, and I agree with every word that my sister Margaret Lynch said that we have to be working together. The Land Council have to be made accountable for disrespecting us at the meeting at Warrtaka.*

...

[872]

Journalist: *Just quickly on that meeting, where you said you've been dismissed. **You were dismissed or asked to leave by CEO I believe it was** of the Central Council. What was his reasoning behind asking you to leave from that meeting out at Kings Canyon?*

Margaret Lynch: *During sessions of that full council meeting, **he said to, looking directly at us, because we were the only people there outside the delegates and said the next session is involving governance matter and, no, no staff, only three.** And it included himself, I guess the lawyer and perhaps the minute takers, but no staff and no visitors. And according to section 31(9), we had a right to be there. We are not visitors. We are identified traditional Aboriginal owners and constituents of the Central Land Council, to be there.*

233. On 28 August 2024, the CLC issued a media release to “*set the record straight on disinformation*”: CB9, pp 279-280. This release was seemingly intended to address the claims by the three Arrernte female elders. However, although the release contained statements attributed to Ms Barbara Shaw asserting that “*nobody was removed from the meeting*”, the release:

- (a) went on to quote Ms Shaw as saying that the three Arrernte female elders were asked “*not to rejoin the group*” after a break; and
- (b) contained no denial of, or any response to, the claims by the three Arrernte female elders that Mr Turner (as well as Ms Shaw) had told them to leave.

28 August 2024: full CLC Meeting

234. On 28 August 2024, there was a meeting of the full Council of the CLC: Ex A1 CB 49.

235. 61 of 90 delegates attended, as did some 24 staff including (for some of the time) Mr Turner. The meeting was chaired by the Deputy Chair, Warren Williams, rather than by the Chair (Mr Palmer). Mr Palmer was present, but without his lawyers

236. The meeting discussed what had happened on 18 July, including *inter alia* listening to a recording of the relevant part of that meeting. It was agreed to call another meeting, at which Mr Palmer’s lawyers could be present.

3 September

237. On 3 September 2024, the Price release was taken down.

5 September

238. On 5 September 2024, Mr Turner commenced these proceedings.

17 September 2024

239. On 17 September 2024, there was a further meeting of the full Council of the CLC: Ex A1 CB 54.

240. 65 of 90 delegates attended, as did some 26 staff including (again for some of the time) Mr Turner. The meeting was again chaired by the Deputy Chair, Warren Williams, rather than by the Chair (Mr Palmer). Mr Palmer was present, and his lawyers participated in part of the meeting by Zoom.

241. At the meeting, among other things:

- A “*consensus statement*” as to what occurred on 18 July, broadly similar to the 7 August “*Statement of Facts*”, was “*resolved*”;
- It was resolved that Mr Palmer had broken various CLC Rules;
- Mr Palmer was removed as a delegate, and thus as Chair. He was asked to leave the meeting, and did so;
- Warren Williams was elected Chair, and Barbara Shaw Deputy Chair.