

Statement of claim

No. _____ of 2024

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

Lesley Turner

Applicant

Jacinta Nampijinpa Price

Respondent

Parties

1. The applicant is and was at all relevant times the Chief Executive Officer of the Central Land Council (**CLC**).
2. The respondent is and was at all relevant times a Senator for the Northern Territory.

First Media Release

3. On or about 21 July 2024, the respondent published a media release in the Northern Territory, the Australian Capital Territory, New South Wales and the other States of Australia, a copy of which is **Schedule A** to this Statement of Claim (**First Media Release**).
4. The First Media Release:
 - a. was published online at the following URL: <https://www.jacintaprice.com/21-july-2024>;
 - b. was published to an email distribution list consisting of the email addresses of journalists and other individuals the names of whom the applicant is not presently aware;

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

- c. was intended by the respondent to be republished, and it was the natural and probable consequence of the First Media Release (given the respondent's public profile) that her allegations would be republished by the mainstream media;
 - d. was republished in the newspaper the NT News in an article on 22 July 2024 entitled "*No confidence motion against Lesley Turner defeated*" (**NT News Article**) which repeated the sense and substance of the defamatory allegations made by the respondent in the First Media Release.
- 5. The First Media Release was of and concerning the applicant, in that he was identifiable and identified by readers of the First Media Release:
 - a. by persons who knew at the time that they read the First Media Release that he was the CEO of the CLC;
 - b. by persons who made basic enquiries on the Internet or elsewhere to ascertain the identity of the CEO of the CLC at the time or shortly after reading the First Media Release;
 - c. by persons who read the NT News Article at the time of or shortly after reading the First Media Release,

and each such identification of the applicant was reasonable in the circumstances.
- 6. The First Media Release, in its natural and ordinary meaning, was defamatory of the applicant and carried the following defamatory imputations (or imputations that do not differ in substance):
 - a. The applicant, as CEO of the Central Land Council had behaved so unprofessionally, that it warranted his dismissal.
 - b. The applicant, the CEO of the Central Land Council, no longer had the support of the majority of Central Land Council members because of his unprofessional behaviour in that role.
 - c. The applicant, the CEO of the Central Land Council, was unfit to continue to occupy the role of CEO of the Central Land Council.

Loss and Damage

7. By reason of the publication of the First Media Release, the applicant has been seriously injured in his character and in his personal and professional reputation and has suffered and will continue to suffer hurt and embarrassment and loss and damage.
8. The applicant's hurt has been aggravated by the conduct of the respondent which has been improper, unjustified or lacking in bona fides:
 - a. The respondent issued the First Media Release without any attempt to check with the applicant whether the allegations in it were correct, or to give him an opportunity to respond;
 - b. The respondent intended that the First Media Release be republished in the mass media in order to hurt the applicant and damage his reputation;
 - c. The respondent has not retracted, or apologised, despite being told unequivocally on 22 July 2024 by the CLC that her claims were false;
 - d. The respondent ignored a concerns notice sent to her on 29 July 2024 (**Concerns Notice**);
 - e. The respondent has not provided the applicant with a retraction and apology as requested by the applicant in the Concerns Notice;
 - f. On 26 August 2024, almost a month after the respondent received the Concerns Notice, she published another Media Release of and concerning the applicant (**Second Media Release**) in which the respondent falsely alleged that the applicant had told three Arrernte female elders from the Mpweringe Arnapipe Aboriginal Land Trust to leave a session of the full Council meeting of the CLC held on 18 July 2024;
 - g. On 29 August 2024, NT News published the following:

Apology to Lesley Turner

The NT News published two articles on 21 and 22 July concerning a press release issued by Matthew Palmer, the Chair of the Central Land Council (CLC), purportedly on behalf of the CLC. Mr Palmer's press release stated that the CLC's board had moved a motion to dismiss chief executive, Lesley Turner. Mr Turner subsequently contacted the NT News and informed us that the press release was incorrect and no motion was

moved. The NT News apologises to Mr Turner for any hurt or embarrassment caused by the publication of the articles.

- h. Despite the apology and retraction from NT News, the respondent has still failed to retract her allegations about the applicant.

Schedule A

SENATOR JACINTA NAMPIJINPA PRICE
Shadow Minister for Indigenous Australians
Senator for the Northern Territory

21 July 2024

CENTRAL LAND COUNCIL TAKES MATTERS INTO THEIR OWN HANDS

1 A motion of no confidence was moved last week in relation to the CEO of the Central Land Council.
2 The motion demonstrates yet again that the needs and concerns of Indigenous Australians are not a
3 priority for the Albanese Government.

4 In September last year, the Coalition moved a motion calling for an inquiry into the governance of the
5 Land Councils, however the Albanese government refused to heed that call. Through last week's vote,
6 a majority of Central Land Council members showed their support for the dismissal of the CEO due to
7 unprofessional conduct.

8 Although unsuccessful, the motion was backed by the Central Land Council chair Matt Palmer, who
9 said, "the voices of people in community have been ignored for too long and many in this community
10 are being kept in poverty. Voices are ignored, people are left behind and the vision of the Central Land
11 Council has been lost. There is majority support for change of direction and leadership in the Central
12 Land Council, and it is time to get things done that matter for the people in the heartland and homelands
13 of the Council."

14 "Hard questions need to be asked, like why there are Traditional Owners still living in tin sheds? And
15 why are we still vulnerable while living on our homelands? Where have all the funds and resources
16 gone that should be getting to our grass-roots, to make a difference for our mob?" asked Mr Palmer.

17 "Following last week's vote, will the Albanese government simply leave the Central Land Council
18 members to fix this issue by themselves?" asked Senator Nampijinpa Price. "Will they simply label this
19 an isolated issue and continue to pretend that issues like this are not also present in other aboriginal
20 organisations?"

21 Senator Nampijinpa Price said the Albanese government has presided over the ongoing failure of
22 NAAJA, has ironically given boards with domestic violence offenders money to deliver domestic
23 violence prevention services, and has overseen the inexplicable cessation of ABA grants for Homelands.

24 "At the end of the day, it is the most marginalised Indigenous Australians who suffer when aboriginal
25 organisations are not held to a proper standard. Minister Linda Burney needs to step up and actively
26 ensure these organisations are being run to the highest standard possible; the same standard we would
27 apply to any other organisation in Australia," said Senator Nampijinpa Price.

28 "If Minister Burney continues to let these organisations off the hook as she has done with other
29 Indigenous-run organisations, she is simply revealing the racist low expectations she holds with respect
30 to Indigenous Australians, and doing nothing to actually improve the lives of those people she claims
31 to represent," Senator Nampijinpa Price said.

32 Senator Nampijinpa Price said a review into the Land Rights Act must be conducted to ensure greater
33 transparency and accountability. “For too long the status quo has overseen an arrangement whereby
34 traditional owners are land rich but dirt poor, and have little hope of being empowered to use the
35 resources available to them to build their own economic independence.”

36

37

38 [END]

39 Media Contact: Rebekah Hart – 0459 893 181

Date: 5 September 2024



Signed by Victoria-Jane Otavski
Lawyer for the Applicant

This pleading was prepared by Sue Chrysanthou, barrister.

Certificate of lawyer

I Victoria-Jane Otavski certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 5 September 2024



Signed by Victoria-Jane Otavski
Lawyer for the Applicant

NOTICE OF FILING

Details of Filing

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Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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