



HIGH COURT OF AUSTRALIA

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Details of Filing

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Important Information

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IN THE HIGH COURT OF AUSTRALIA
DARWIN REGISTRY

APPLICATION FOR SPECIAL LEAVE TO APPEAL FROM THE FULL COURT OF THE
SUPREME COURT OF THE NORTHERN TERRITORY (D1/2025)

BETWEEN:

Asher Badari
First Applicant

Ricane Galaminda
Second Applicant

Lofty Nadjamerrek
Third Applicant

Carmelena Tilmouth
Fourth Applicant

and

Minister for Housing and Homelands
First Respondent

Chief Executive Officer (Housing)
Second Respondent

ON APPEAL FROM THE COURT OF APPEAL OF THE SUPREME COURT OF THE
NORTHERN TERRITORY (D7/2025)

BETWEEN:

Asher Badari
First Appellant

Ricane Galaminda
Second Appellant

Lofty Nadjamerrek
Third Appellant

Carmelena Tilmouth
Fourth Appellant

and

Minister for Territory Families and Urban Housing
First Respondent

Minister for Housing and Homelands
Second Respondent

APPLICANTS / APPELLANTS' JOINT CHRONOLOGY

PART I — CERTIFICATION

This chronology is in a form suitable for publication on the internet.

PART II — CHRONOLOGY

Date	Event	Reference
1 January 1980	Lot 553, Gunbalanya was constructed.	ABFM 164[64(a)]
2007	Lot 553, Gunbalanya was renovated by having a kitchen bench and kitchen tiles installed.	ABFM 128[4]
28 May 2008	Lot 51, Laramba was constructed.	ABFM 164[64(c)]
26 August 2009	<p>Arnhem Land Aboriginal Land Trust granted a lease to the Chief Executive Officer (Housing) over all community housing lots in Gunbalanya, including premises on Lot 553 and vacant Lot 699 (Northern Housing Precinct Lease).</p> <p>The obligation to operate a Housing Reference Group in Gunbalanya commenced under the terms of the Northern Housing Precinct Lease.</p>	ABFM 246-275
2 November 2011	Lot 553, Gunbalanya was the subject of an agreement with the First and Second Applicants/Appellants. No rent amount was set out in that tenancy agreement. The premises had four bedrooms.	ABFM 45-46, 128[1], 155[43]-[46]
27 June 2012	Lot 699, Gunbalanya was constructed.	ABFM 164[64(b)]
20 November 2012	Lot 699, Gunbalanya was the subject of an agreement with the Third Applicant/Appellant. No rent amount was set out in that tenancy agreement. The premises had two bedrooms.	ABFM 58-59, 132[1], 159[51]-[52]
6 July 2018	Laramba Community Inc granted a lease to the Commonwealth with rights to sublease to the Chief	ABFM 277-343

Date	Event	Reference
	Executive Officer (Housing), over all community housing lots in Laramba, including premises on Lot 51 (Central Housing Precinct Lease). The obligation to operate a Housing Reference Group in Laramba commenced under the terms of the Central Housing Precinct Lease.	
16 July 2018	Stakeholder Advisory Group was consulted for the first time.	ABFM 146[13(b)]
11 December 2018	Stakeholder Advisory Group was consulted for the last time.	ABFM 146[13(e)]
20 October 2020	Lot 51, Laramba was the subject of an agreement with the Fourth Applicant/Appellant. The rent amount was set out in that tenancy agreement as \$140. The premises had three bedrooms.	ABFM 84-87, 136[1], 162[58]-[60]
7 December 2021	Cabinet of the Northern Territory approved 'a model for rent payable in remote public housing... determined by the number of bedrooms that the dwelling contains'.	ABFM 147-8[16]-[19], 222
23 December 2021	Minister for Territory Families and Urban Housing made a determination under s 23 of the <i>Housing Act 1982</i> (NT) (First Determination). That was the first time that power had been exercised in respect of each community listed in the First Determination. The First Determination listed 103 communities, including Gunbalanya and Laramba.	ABFM 6-10
5 January 2022	First Determination was gazetted, resulting in the: 1 First Applicant/Appellant and Second Applicant/Appellant being liable for rent in the sum of \$250 per week, a. Third Applicant/Appellant being liable for rent	ABFM 25-29, 149[21]

Date	Event	Reference
	in the sum of \$175 per week, and b. the Fourth Applicant/Appellant being liable for rent in the sum of \$230 per week, until 2 May 2022. From that date, rent for each household would change to \$70 per bedroom for premises up to four bedrooms (New Rent Rate).	
27 April 2022	Minister for Territory Families and Urban Housing made a determination under s 23 of the <i>Housing Act</i> (Second Determination), by which the New Rent Rate was deferred until 5 September 2022. The Second Determination listed 109 communities, including Gunbalanya and Laramba.	ABFM 11-15, 150[25]
29 April 2022	Second Determination was gazetted.	ABFM 30-34. 150[26]
24 June 2022	Application for judicial review of the First Determination and the Second Determination was made by the First, Second, and Third Applicants/Appellants against the First Respondent (the Application).	ABFM 396-397
29 July 2022	Fourth Applicant/Appellant applied to be joined to the Application.	ABFM 139[4]-[6]
2 September 2022	Minister for Housing and Homelands made a determination under s 23 of the <i>Housing Act</i> (Third Determination), by which the New Rent Rate was deferred until 6 February 2023. The Third Determination listed 109 communities, including Gunbalanya and Laramba. Third Determination was gazetted.	ABFM 16-20, 35-39, 368[3]
4 September 2022	Application was amended to also cover the Third Determination and to also be against the Second	ABFM 398-401

Date	Event	Reference
	Respondent.	
5 September 2022	Burns J heard the Application, as amended.	ABFM 379-380
10 November 2022	Burns J gave judgment, cited at <i>Badari v Minister for Territory Families and Urban Housing</i> [2022] NTSC 83.	CAB 6
7 December 2022	Applicants/Appellants appealed the judgment of Burns J.	CAB 56
14 December 2022	Lot 699, Gunbalanya was the subject of an agreement with the Third Applicant/Appellant. The rent amount was set out in that tenancy agreement as \$175. The premises had two bedrooms.	ABFM 71-74, 132[1]
1 February 2023	Minister for Housing and Homelands made a determination under s 23 of the <i>Housing Act</i> (Fourth Determination), by which the New Rent Rate was confirmed to commence on 6 February 2023. The Fourth Determination listed 92 communities, including Gunbalanya and Laramba.	ABFM 21-24
3 February 2023	The Fourth Determination was gazetted.	ABFM 40-44
6 February 2023	The New Rent Rate applied for the first time and only to those dwellings covered by the Fourth Determination.	ABFM 40-44
31 March 2023	Application for judicial review of the Fourth Determination was made by the Applicants/Appellants (Fourth Determination Application).	CAB 43
30 August 2023	Chief Justice of the Northern Territory referred part of the Fourth Determination Application to the Full Court of the Supreme Court of the Northern Territory pursuant	CAB 48

Date	Event	Reference
	to s 21(1) of the <i>Supreme Court Act 1979</i> (NT).	
15 November 2023	First day of hearing before the Court of Appeal and Full Court of the Supreme Court of the Northern Territory. Parties made submissions to the effect that the Full Court should 'decline to accept' the referral of part of the Fourth Determination Application, pursuant to s 21(2)(b) of the <i>Supreme Court Act</i> . Full Court announced that it declined to accept the referral made by the Chief Justice on 30 August 2023. Court of Appeal proceeded to hear (on 15 and 16 November 2023) only the appeal from Burns J.	CAB 200[7], 332-408
24 January 2025	The Court of Appeal and Full Court of the Supreme Court of the Northern Territory gave judgment, cited at <i>Badari v Minister for Territory Families and Urban Housing; Badari v Minister for Housing and Homelands; Nadjamerrek v Chief Executive Officer (Housing)</i> [2025] NTCA 1.	CAB 60
27 February 2025	The Court of Appeal and Full Court of the Supreme Court of the Northern Territory sealed orders to reflect the reasons for judgment, including an order dismissing the Fourth Determination Application.	CAB 185

DATED: 26 June 2025



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