

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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File Title: FREDDIE JACKSON & ANOR v NORTHERN TERRITORY OF AUSTRALIA
Registry: NORTHERN TERRITORY REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

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.



**Amended Originating application starting a representative proceeding
under Part IVA of the Federal Court of Australia Act 1976**

No. NTD26 of 2024

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

Freddie Jackson

First Applicant

Patrice Koorabubba

Second Applicant

Northern Territory of Australia

Respondent

To the Respondent

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing: [Registry will insert time and date]

Place: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Filed on behalf of The Applicants
Prepared by Clancy Dane
Name of law firm Territory Criminal Lawyers
Address for service in Australia C108 19 Kitchener Drive Darwin Waterfront 0800
State NT Postcode 0800
Email cdane@territorycriminallawyers.com
Tel +61 8 8941 4417 Attention Clancy Dane



Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Note—Capitalised terms in this Originating Application bear the same meaning as in the Amended Statement of Claim.

Details of claim

On the grounds stated in the statement of claim, ~~the Applicants claim on their own behalf and on behalf of the Group Members:~~

The Applicants claim on their own behalf and on behalf of the False Imprisonment Group Members:

1. Damages, assessed in an aggregate amount pursuant to section 33Z(1)(f) of the *Federal Court of Australia Act 1976*.
2. In the alternative to paragraph 1, damages.

The Applicants claim on their own behalf and on behalf of the Racial Discrimination Group Members:

- 2A. A declaration that the Respondent has committed unlawful discrimination against the Applicants and the Racial Discrimination Group Members.
- 2B. An order that the Respondent pay to the Applicants and the Racial Discrimination Group Members damages.

The Applicants claim on their own behalf and on behalf of all Group Members:

3. Interest.
4. Costs.
5. Such further or other order as the Court thinks fit.

On the grounds stated in the statement of claim, the First Applicant claims:

6. Damages under section 10(1) of the *Compensation (Fatal Injuries) Act 1974 (NT)*.
7. Interest.
8. Costs.
9. Such further or other order as the Court thinks fit.



In compliance with s 14 of the *Compensation (Fatal Injuries) Act 1974* (NT), the First Applicant states that the persons for whose benefit the action for the relief in [6]-[9] is brought, and the relationship of each of those persons to the deceased person (Raylene Dick), are:

- A. Barry Dick, who is Ms Dick's biological father;
- B. The First Applicant, who is Ms Dick's husband;
- C. Nicole Jackson, who is Ms Dick's biological daughter;
- D. Farron Jackson, who is Ms Dick's biological son;
- E. Shandel Jackson, who is Ms Dick's biological daughter;
- F. The Second Applicant, who is Ms Dick's adopted daughter;
- G. Mikayla Koorabubba, who is Ms Dick's adopted daughter;
- H. Loralie Koorabubba, who is Ms Dick's adopted daughter;
- I. Kiahn Koorabubba, who is Ms Dick's adopted daughter;
- J. David George, who is Ms Dick's adopted son;
- K. Sheremiah George, who is Ms Dick's adopted daughter;
- L. Kavena Bob, who is Ms Dick's adopted daughter;
- M. Lucasta O'Keefe, who is Ms Dick's adopted daughter;
- N. Daniella Campbell, who is Nicole Jackson's biological daughter and thus Ms Dick's biological granddaughter;
- O. Malania Campbell, who is Nicole Jackson's biological daughter and thus Ms Dick's biological granddaughter;
- P. Mehala Campbell, who is Nicole Jackson's biological son and thus Ms Dick's biological grandson;
- Q. Kasiano Dick, who is Chantelle Jackson's biological son and thus Ms Dick's biological grandson;
- R. Jharal Dick, who is Chantelle Jackson's biological son and thus Ms Dick's biological grandson;
- S. Kyeewan Dick, who is Chantelle Jackson's biological son and thus Ms Dick's biological grandson;
- T. Alana Kingsley, who is the Second Applicant's biological daughter and thus Ms Dick's ~~biological~~ adopted granddaughter;



- U. Jakelyn Kingsley, who is the Second Applicant's biological son and thus Ms Dick's ~~biological~~ adopted grandson;
- V. Kerrilee ~~Simon~~ O'Keefe, who is Lorelee Koorabubba's biological daughter and thus Ms Dick's adopted granddaughter;
- W. Levy Simon, who is Lorelee Koorabubba's biological son and thus Ms Dick's adopted grandson;
- X. Wayne ~~Simon~~ O'Keefe, who is Lorelee Koorabubba's biological son and thus Ms Dick's adopted grandson;
- Y. ~~Jeremiah~~ Jeremy George, who is David George's biological son and thus Ms Dick's adopted grandson;
- Z. Rehani Lansen, who is Kavena Bob's biological son and thus Ms Dick's adopted grandson;
- AA. Rayniesha Lansen, who is Kavena Bob's biological ~~son~~ daughter and thus Ms Dick's adopted grandson;
- BB. Bernard Bob, who is Kavena Bob's biological son and thus Ms Dick's adopted grandson;
- CC. Madison Bob, who is Kavena Bob's biological son and thus Ms Dick's adopted grandson;
- DD. Lawrence Koorabubba, who is Mikayla Koorabubba's biological son and thus Ms Dick's adopted grandson.

Questions common to claims of group members

The questions of law or fact common to the claims of the False Imprisonment Group Members are:

1. Whether the Applicants and Group Members were detained by the Respondent's servants, agents or officers:
 - a. on or around 16, 17 or 18 November 2021, while they were being transported from Robinson River, in the Northern Territory (**NT**), to the Centre for National Resilience (**CNR**), in Howards Springs, in the NT;
 - b. while they were at the CNR.
2. Whether it was lawful for the Respondent's servants, agents or officers to detain the Applicants and Group Members:



- a. on or around 16, 17 or 18 November 2021, while they were being transported from Robinson River to the CNR;
 - b. while they were at the CNR.
3. What are the relevant principles for assessing loss and damage, including in an aggregate amount.

The questions of law or fact common to the claims of the Racial Discrimination Group Members are:

4. Whether, in identifying which persons to transfer from Robinson River to the CNR, the Respondent purported to apply or ought to have applied the NHMRC COVID Care Guideline Intentions.
5. Whether the Respondent's actions were consistent with the Contextual Matters.
6. Whether, as a result of the Contextual Matters, the Respondent said that it would implement the Cultural Health Intentions.
7. What matters were contemplated by the Respondent in determining whether a person was a 'close contact'.
8. What matters the Respondent said it would consider in deciding who to transfer from a High Vaccinated Community, or alternatively a community that had high vaccination rates compared to other communities in the Northern Territory, to the CNR.
9. Whether the Respondent was aware or ought reasonably to have been aware that Robinson River was a High Vaccinated Community or, alternatively, had high vaccination rates compared to other communities in the Northern Territory.
10. Whether, in engaging in the Transfer Actions, the Respondent gave any or any meaningful consideration to the matters in paragraph 10U of the amended statement of claim.
11. Whether, in engaging in the Transfer Actions, the Respondent did so in the circumstances alleged in paragraph 10V of the amended statement of claim.
12. Whether, as at 15 November 2021, the ROMP had the construction alleged in paragraph 10W of the amended statement of claim.
13. Whether, in engaging in the Transfer Actions, the Respondent did so in the circumstances alleged in paragraph 10X of the amended statement of claim.



14. Whether the Transfer Actions involved a distinction, exclusion, restriction or preference based on the Applicants' and the Racial Discrimination Group Members' Aboriginality.
15. Whether the Transfer Actions had the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the human rights and fundamental freedoms of the Applicants and the Racial Discrimination Group Members, and if so, which human rights and fundamental freedoms.
16. Whether, in carrying out the Transfer Actions, the Respondent contravened any or all of ss 9(1), 11, 12(1)(d), 13(b) of the RDA.
17. Whether the Respondent failed to implement, and had no system by which it purported to implement, the matters the subject of the Care Failures.
18. Whether the Respondent's Care Failures involved a distinction, exclusion, restriction or preference based on the Applicants' and the Racial Discrimination Group Members' Aboriginality.
19. Whether, the Care Failures had the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the human rights and fundamental freedoms of the Applicants and the Racial Discrimination Group Members, and if so, which human rights and fundamental freedoms.
20. Whether, by reason of the Care Failures, the Respondent contravened s 9(1) of the RDA.

Representative action

The Applicants bring this application as representative parties under Part IVA of the *Federal Court of Australia Act 1976*.

The group members to whom this proceeding relates are all persons who:

- a. were transported from Robinson River to the Centre for National Resilience at Howard Springs, in the Northern Territory, on or around 16, 17 or 18 November 2021; and
- b. were at the Centre for National Resilience for one or more days;

(False Imprisonment Group Members);

and that of all persons who:



- c. are Aboriginal and/or Torres Strait Islander persons;
- d. who were subject to the Transfer Actions or the Care Failures (as defined in this pleading) of the Respondent, including by its servants, officers and agents, between 18 March 2021 and 31 January 2022;

(Racial Discrimination Group Members).

Applicants' address

The Applicants' address for service is:

Place: Territory Criminal Lawyers, C108 19 Kitchener Drive Darwin Waterfront 0800 NT

Email: cdane@territorycriminallawyers.com

The Applicants' address is Lot 43, Robinson River, Northern Territory, 0852.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 18 August 2025 ~~18 November 2024~~

A handwritten signature in blue ink, appearing to read 'CDane'.

Signed by Clancy Dane
Lawyer for the Applicants