



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: D1/2025  
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#### Important Information

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**IN THE HIGH COURT OF AUSTRALIA  
DARWIN REGISTRY**

**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

**RESPONDENTS' SUBMISSIONS (FOURTH DETERMINATION)**

## PART I: CERTIFICATION

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1 These submissions are in a form suitable for publication on the internet.

## PART II: ISSUES

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2 The Minister exercised the power under s 23 of the *Housing Act 1982* (NT) on four relevant occasions. Proceeding D7/2025 in this Court concerns the determinations resulting from the first three exercises of that power (**First to Third Determinations**).

3 This special leave application (D1/2025) relates to a determination resulting from the fourth exercise of that power (**Fourth Determination**). The parties agree order 2 of the Full Court of the Northern Territory dated 24 January 2025 is affected by error. The issue for this Court is how, in all the circumstances, it should resolve the special leave application.

## PART III: SECTION 78B NOTICE

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4 Notice under s 78B of the *Judiciary Act 1903* (Cth) is unnecessary.

## PART IV: MATERIAL FACTS

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5 The Applicants adopt, as background, the summary of facts set out in their submissions filed in D7/2025 (**AS/D7**): see **AS/D1** [2]. That background is qualified by the matters set out in Part IV of the Respondents' submissions in that proceeding (**RS/D7**). For the purposes of this application, little turns on the detail of that background. It is, however, necessary to be more precise about two of the matters set out in **AS/D1** [3]-[15] — namely: (i) the relationship between the issues raised in the proceeding concerning the First to Third Determinations and those issues raised in the proceeding concerning the Fourth Determination;<sup>1</sup> and (ii) how the Full Court came to make the final order that the parties agree is affected by error.

### A THE RELATIONSHIP BETWEEN THE TWO PROCEEDINGS

6 Proceeding D7/2025 in this Court involves a challenge to the validity of the First to Third Determinations. It is an appeal from a judgment of the Court of Appeal of the Supreme Court of the Northern Territory made on 24 January 2025 in Proceeding AP 13/22 (2237775) (the **Appeal Proceeding**).<sup>2</sup> That proceeding was itself an appeal from a

<sup>1</sup> There was also another proceeding resolved by the Court of Appeal (No 2023-01346-SC), being an appeal from a decision of the NT Civil and Administrative Tribunal (**NTCAT Proceeding**). There is no appeal in relation to that proceeding, and so it can largely be put to one side, save in so far as it is mentioned in RS/D7 at [27].

<sup>2</sup> Judiciary Act, s 35AA.

judgment of the Supreme Court of the Northern Territory made on 10 November 2022 by Burns J in Proceeding 2022-01585-SC (**Burns J Proceeding**).<sup>3</sup>

7 Before Burns J, by way of Further Amended Originating Motion dated 4 September 2022 (**ABFM 400**), the Applicants applied for:

7.1 a declaration relating to the operation of s 41 of the *Residential Tenancies Act 1999* (NT) (**RT Act**) (paragraph 1);

7.2 a declaration relating to the operation of s 42 of the RT Act (paragraph 2);

7.3 an order that various parts of the First to Third Determinations be quashed, on procedural fairness and unreasonable grounds (paragraph 3).

10 8 Burns J dismissed each of those claims for relief. The first and third of those claims were then agitated in the Notice of Appeal filed with the Court of Appeal.<sup>4</sup> The appeal to this Court only concerns the claim for a quashing order.

9 Proceeding D1/2025 in this Court relates to the Fourth Determination. The Minister made that determination after Burns J delivered judgment and, therefore, it could not be challenged in the Appeal Proceeding.<sup>5</sup>

10 However, after the judgment of Burns J but before the hearing of the Appeal Proceeding, the Appellants commenced a new proceeding in the Supreme Court, which related only to the Fourth Determination (Proceeding 2023-01110-SC) (**New Proceeding**). At the time that proceeding was commenced on 31 March 2023, the relief sought overlapped with the relief that had been sought in the Burns J proceeding. In general terms, the Originating Motion in the New Proceeding sought relief as follows (**CAB 43**):

10.1 Paragraph 1 of the Originating Motion sought an equivalent declaration to Paragraph 1 of the Further Amended Originating Motion in the Burns J Proceeding, on the same basis;

10.2 Paragraph 2 did not overlap with Paragraph 2 of the Further Amended Originating Motion in the Burns J Proceeding;

10.3 Paragraph 3 sought an equivalent quashing order to Paragraph 3 of the Further Amended Originating Motion in the Burns J Proceeding, on two of the same

<sup>3</sup> *Supreme Court Act 1979* (NT), ss 51-52.

<sup>4</sup> See Notice of Appeal in Appeal Proceeding (**CAB 56**).

<sup>5</sup> The Fourth Determination was, however, received as further evidence by the Court of Appeal in the Appeal Proceeding: see Respondents' Submissions (D7/2025) (**RS/D7**) at [18].

grounds (procedural fairness and unreasonableness) and one additional ground (“beyond power” for a reason relating to the *Racial Discrimination Act 1975* (Cth)).

- 11 The parties subsequently made an agreement as to facts for the purpose of s 191 of the *Evidence (National Uniform Legislation) Act 2011* (NT). Then, with the consent of the parties, on 30 August 2023, Grant CJ ordered that (paragraph 1: **CAB 48**):

The application for the declaration numbered 1 in the originating motion dated 31 March 2023 is referred for determination by the Full Court pursuant to s 21(1) of the *Supreme Court Act 1979* (NT) in accordance with the Reference and Agreement as to Facts dated and filed on 16 August 2023.

- 10 12 His Honour also made:

12.1 an order that the “reference” was “listed” to commence on 15 November 2023, to be “heard together” with, relevantly, the Appeal Proceeding (paragraph 2);

12.2 an order that “[a]ll material received into evidence” in the Burns J Proceeding and the Appeal Proceeding be “evidence in this proceeding” (paragraph 3).

- 13 On 22 September 2023, in the Appeal Proceeding, the Respondent filed an affidavit of Mr Jared Clow (solicitor for the Respondents), which annexed a new tenancy agreement for Mr Nadjamerrek: **CAB 199 [4]**.<sup>6</sup>

- 14 On 9 October 2023, the Applicants filed an Amended Originating Motion in the New Proceeding: **CAB 51**.<sup>7</sup> There were no amendments to the relief sought in paragraphs 1 to 3 of the Originating Motion dated 31 March 2023 and, therefore, it had no bearing on the “part” that had been referred by Grant CJ. The amended document did, however, include two new claims for relief: one concerning the definition of “dwelling” in the Housing Act (paragraph 1A) and one concerning the effectiveness of a new tenancy agreement that was annexed to Mr Clow’s affidavit of 22 September 2023 (paragraph 1B).

- 15 There were exchanges of correspondence between the parties about these amendments and possible consequences of them for the “part” referral: see **ABFM 406, 409, 412**. The Respondents’ position was, in effect, the new claims for relief raised questions that were necessarily anterior to the existing claims for relief (including the claim that had been

<sup>6</sup> Although filed, in the end, neither party sought to read that affidavit into evidence in the Appeal Proceeding (or any other proceeding in the Court of Appeal/Full Court): see **CAB 337-338**.

<sup>7</sup> The Appellants did not apply for leave to amend, but an order for amendment was required under r 36.01 of the *Supreme Court Rules 1987* (NT). Because the amendments did not affect the referred “part”, nothing turns on the status of the amended document for this application.

referred to the Full Court), such that it was no longer appropriate for the Full Court to accept the referred “part” of the proceeding: **ABFM 412**.

16 Consistent with that position, on 14 November 2023, the Respondents emailed the associates for the Justices who were to constitute the Full Court and Court of Appeal (Grant CJ, Barr and Huntingford JJ), attaching an affidavit of Mr Clow dated 14 November 2023. The email indicated that the Respondents would seek leave to file the affidavit and “read it to raise a preliminary issue concerning whether the referral to the Full Court of Ground 1 in proceeding 2023-01110-SC [ie. the New Proceeding] ought to be accepted”: **CAB 330**.

10 17 At the commencement of the hearing on 15 November 2023, counsel for the Applicants and counsel for the Respondents both submitted that the Full Court should decline the reference made by Grant CJ on 30 August 2023: see **CAB 334-336**. No formal order was made. However, it was clear from the exchanges between the Court and counsel that the Court would conduct the hearing on the basis that the referral either had been, or would be, declined. That is evident, in particular, by the following exchange between Grant CJ and Mr Doyle KC (counsel for the Respondents):<sup>8</sup>

MR DOYLE: Yes, your Honour, we would invite the Full Court to decline to accept the referral under s 21(2) of the Supreme Court Act.

GRANT CJ: I should reject my own reference.

20 MR DOYLE: Yes, your Honour.

GRANT CJ: I do so

18 That position was formalised, at least to some degree, by the Court after the conclusion of the first day of the hearing, when the Associate to Grant CJ emailed the parties stating that the Court “notes” the “[t]he reference to the Full Court is declined pursuant to s 21(2) of the *Supreme Court Act* (NT)”: **CAB 409**. The second and final day of the hearing on 16 November 2023 proceeded on that understanding.

<sup>8</sup> That also meant there was no occasion for Mr Clow’s affidavit of 14 November 2023 to be read in any of the proceedings before the Court of Appeal/Full Court: see **CAB 336**, see also **CAB 409**.

## B REASONS AND ORDERS OF THE FULL COURT

### B.1 The Reasons

19 On 24 January 2025, reasons were published by the Court of Appeal and Full Court: [2025] NTCA 1. Those reasons addressed the Appeal Proceeding, described as the “principal matter”: **CAB 67 [2]**.<sup>9</sup> The cover page of the reasons also included a header for proceeding 2023-01110-SC (that is, the New Proceeding). That proceeding was described as an “adjunct” to the Appeal Proceeding: **CAB 68 [3]**. The reasons recorded that it was an “application for judicial review seeking, amongst other relief”, the relief sought in paragraph 1 of the Originating Motion (and Amended Originating Motion) in the New Proceeding — being the relief relating to the operation of s 41 of the RT Act: see **CAB 68 [3]**.<sup>10</sup>

20 The Court stated that, “[b]y consent that particular claim for relief was referred for determination to the Full Court, to be heard together with the other matters”: **CAB 68 [3]**. Read literally, that statement is correct, in that it accurately reflects the order made by Grant CJ on 30 August 2023. However, the reasons do not anywhere record that, on 15 November 2023, the Full Court declined to accept that referral.

21 Later in the reasons, after its reasons dismissing all of the grounds of appeal arising in the Appeal Proceeding, and under the heading “The reference in 2023-01110-SC”, the Court stated (**CAB 169 [160]**):

20 As stated at the outset, the second matter to be determined is an adjunct to the appeal from the decision of the trial judge. It is an application for judicial review seeking, amongst other relief, [the declaration in paragraph 1 of the Originating Motion (and Amended Originating Motion)]. It raises the same issues as have been determined above for the purpose of the appeal, and attracts the same findings.

22 The reference to the “same issues as have been determined above for the purpose of the appeal” is reference to [28]-[95] (**CAB 86-127**), which dealt with the ground of appeal concerning the operation of s 41 of the RT Act in the context of the Appeal Proceeding. The Court dismissed that ground of appeal: **CAB 127 [95]**.

<sup>9</sup> They also addressed the NTCAT Proceeding.

<sup>10</sup> To be clear, the judgment does not refer expressly to either paragraph 1 of the Originating Motion or the Amended Originating Motion, only to the substance of the relief set out in those paragraphs (which are identical).

## B.2 The Orders

23 Also on 24 January 2025, the Associate to the Chief Justice emailed the parties (**CAB 411**), “confirm[ing] the following Orders made by their Honours Chief Justice Grant, Justice Huntingford and Acting Justice Barr in the above matters”.<sup>11</sup> Those orders included:

23.1 “The appeal in proceeding AP 13/22 (2237775) is dismissed” (ie. the Appeal Proceeding) (order 1);

23.2 “The application for judicial review of the Fourth Determinations in proceedings 2023-01110-SC is dismissed” (ie. the New Proceeding) (order 2);

10 23.3 The Court will hear the parties in relation to the precise form of the Orders which should be made consequent upon the above findings and as to costs” (order 4).

24 The parties were alive to the problem with order 2, given what had occurred on 15 November 2023. On 30 January 2025,<sup>12</sup> the solicitor for the Respondents wrote to the solicitor for Applicants, noting the terms of order 4: **CAB 423**. That letter summarised what had occurred at the commencement of the hearing on 15 November 2025 and referred to the relevant parts of the Court’s reasons. It then stated (**CAB 424 [5]**):

20 It appears that their Honours may have overlooked, in the preparation of their reasons, that they had already declined the reference. In the circumstances, my clients consider that the appropriate course is simply for their Honours to now order that the reference is declined, and that costs are in the cause. That is the form the draft orders take.

25 The letter enclosed draft orders, in the required form, for each proceeding. For the New Proceeding, the proposed orders were in the following form (**CAB 426**):

1. The reference of the application for declaration numbered 1 in the Originating Motion dated 31 March 2023 in this proceeding is declined pursuant to s 21(2)(b) of the *Supreme Court Act 1979* (NT).
2. Costs are costs in the cause.

26 On 12 February 2025, by return letter, the solicitor for the Applicants indicated that they “agree[d]” to those proposed orders: **CAB 428 [2(c)]**. (That letter raised issues about the orders to be made in the other proceedings, but not the New Proceeding).

<sup>11</sup> The “above matters” is a reference to the subject of the email, which identified the Appeal Proceeding, the New Proceeding and the NTCAT Proceeding.

<sup>12</sup> Three business days after 24 January 2024, which was a Friday. Monday 27 January 2025 was a public holiday, because of Australia Day falling on a Sunday.



27 Thus, at that point in time, it was the position of both parties that the error that had been made by the Full Court in relation to the New Proceeding could be addressed through the mechanism proposed by order 4 of 24 January 2025. However, even in the absence of order 4, at that time, the orders made by the Court of Appeal and Full Court on 24 January 2025 had not been authenticated<sup>13</sup> and therefore had not been perfected.<sup>14</sup> For as long as that remained the position, one or both of the parties could have approached the Full Court to seek an order that the Full Court, in the exercise of its inherent jurisdiction,<sup>15</sup> reopen order 2 of 24 January 2025 and correct its own error. The circumstances in which the Full Court may do so must be “exceptional”, given the course of events, that requirement would have been satisfied.<sup>16</sup>

28 However, despite the position that was agreed and the possibility of having the Full Court correct its own error, on 20 February 2025, the solicitor for the Applicants wrote to the Supreme Court Registry, without any prior notice to the Respondents, and sought that the orders of 24 January 2025 be authenticated and providing the relevant form: **CAB 432**. Neither the email nor the form accounted for the position that had been agreed in relation to order 2. Within 90 minutes of the Applicants’ request for authentication, the solicitor for the Respondents replied to the Registry, asking that the request for authenticated orders be put on hold: **CAB 431**. The email noted that the Respondents had no notice of the request, and did not consent to the email being sent. It sought an opportunity for discussion with the solicitor for the Applicants before any action was taken: **CAB 431**. Unfortunately, 7 minutes later, the Registry wrote back indicating that the “orders submitted have been authenticated and sealed”: **CAB 431**.

29 Because of the Applicants’ unilateral communication to the Court, the possibility of having the Full Court correct order 2 disappeared (including the possibility that might occur by the Full Court making the orders that had otherwise been agreed by the parties).<sup>17</sup> Instead, it became necessary for the Applicants to seek to have the error addressed by way of this special leave application. It is because of that course of events that, in their initial

<sup>13</sup> See Order 60 of the *Supreme Court Rules 1987* (NT).

<sup>14</sup> See *Lottoland (Australia) Pty Ltd v Minister for Racing, Gaming and Licensing (No 3)* [2022] NTSC 75; 371 FLR 242 at [13] (Southwood J).

<sup>15</sup> See *Lottoland* (2022) 371 FLR 242 at [13] (Southwood J).

<sup>16</sup> See *Lottoland* (2022) 371 FLR 242 at [14]-[16] (Southwood J).

<sup>17</sup> There is no equivalent to r 39.05(f) of the *Federal Court Rules 2011* (Cth); see further *Wilson Transformer Company Pty Ltd v Anti-Dumping Review Panel (No 2)* (2022) 290 FCR 52 at [2]-[11] (Griffiths, O’Callaghan and Thawley JJ).

special leave response dated 14 March 2025, the Respondents resisted any costs order being made against them, despite their agreement that the application should be granted. That remains the Respondents' position.

## **PART V: ARGUMENT**

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### **C THE FULL COURT DID NOT HAVE JURISDICTION**

30 Under s 15 of the Supreme Court Act, the jurisdiction of the Supreme Court (other than its appellate jurisdiction) is relevantly exercisable by the Full Court or "where it is not expressly provided that the jurisdiction of the Court shall be exercised by the Full Court, by one Judge". However, s 15 must be read together with s 21, which governs the  
10 procedure for how the Full Court may come to exercise the jurisdiction conferred by s 15. In particular, a Judge of the Court may refer a "proceeding" or "part" of a proceeding to the Full Court (s 21(1)), which may then be accepted (in whole or in part) or declined (s 21(2)).

31 The course of events summarised above must be understood within that legislative context. So understood, the Respondents' position is that, as a matter of law, what occurred was as follows:

31.1 *First*, a Judge of the Court (Grant CJ) referred "part" of the New Proceeding to the Full Court under s 21(1). The "part" referred was the claim for the relief sought in paragraph 1 of the Originating Motion dated 31 March 2023: **CAB 45**. That is  
20 reflected in the terms of the order dated 30 August 2023: **CAB 48**.

31.2 *Second*, the Full Court subsequently "declin[ed]" to accept that referral: s 21(2)(b). That is reflected in the "note" in the email from Associate to the Chief Justice dated 15 November 2023.

32 If that is the correct legal characterisation of what occurred, jurisdiction in respect of the entirety of the New Proceeding (including the "part" referred by Grant CJ) remained to be exercised by a single Judge of the Court, not the Full Court. On that approach, the most straightforward approach for this Court to take would be to make the following orders:

32.1 special leave to appeal granted;

32.2 appeal allowed;

30 32.3 order 2 made on 24 January 2025 by the Full Court of the Supreme Court of the Northern Territory is set aside;

32.4 there be no order as to costs of the application for special leave or the appeal.

33 The proposed consent orders of the parties dated 21 March 2025 include each of those orders. They also include the following (**CAB 446**):

The matter be remitted to the Full Court of the Supreme Court of the Northern Territory for hearing on the question of whether it should decline to accept the referral of the proceeding under s 21 of the *Supreme Court Act 1979* (NT).

34 However, on further reflection, if the Respondents’ position about the legal characterisation of what occurred is correct, that order would not be necessary or appropriate because the Full Court already declined to accept the referral made by Grant CJ and, therefore, there is no extant referral to decline or accept. Once order 2 of 24 January 2025 is set aside, jurisdiction to determine the whole of the New Proceeding would be vested in a single Judge of the Supreme Court. Whether that judge chose to make a fresh referral of any part of the proceeding would be a matter for that judge.

#### **D POSSIBLE ACCEPTANCE OF REFERRAL**

35 Against the above analysis, the Respondents accept that the legal characterisation set out at paragraph 31 above is open to debate. It might be said that, despite what occurred during the hearing on 15 November 2023 and the email from the Associate that follows, the Full Court never made an order declining the referral from Grant CJ. It might then be said that, by giving reasons and making order 2 on 24 January 2025, the proper legal characterisation of what occurred is:

35.1 the Full Court implicitly accepted the “part” referral made by Grant CJ pursuant to s 21(2)(a) of the Supreme Court Act; and

35.2 by order 2, the Full Court either:

(a) dismissed the claim for relief the subject of that referral (being the claim for the declaration identified in paragraph 1 of the Originating Motion), which is what is suggested by the terms of the reasons; or

(b) dismissed the entirety of the Originating Motion (or perhaps the Amended Originating Motion), which is what the literal terms of order 2 suggest (see also **AS/D1 [16]**).

36 If possible, order 2 ought to be read as being limited to dismissing only the “part” that was referred by Grant CJ. It is evident from the Court’s reasons that is what they understood the order to be directed to. Further, if the broader reading was adopted, the order would have been made without jurisdiction. On any view of what occurred, there was never a referral of the whole of the New Proceeding. That said, there is conflicting

intermediate appellate authority about whether the terms of an order must be ambiguous before reasons can be used to assist in interpreting the terms of an order.<sup>18</sup> This Court has not resolved that issue.<sup>19</sup> It might be suggested that the terms of order 2 are unambiguous and they are not qualified to dismiss only reference to “part” of the New Proceeding.

37 That leaves two possibilities.

37.1 *First*, if order 2 is read in that broader way, then it is affected by error because the Court did not have jurisdiction to make an order in those broad terms because it never received a correspondingly broad referral.

10 37.2 *Second*, if order 2 is read in the narrower way, then it is affected by error because the Court made that order without affording procedural fairness to the Applicants: **AS/D1 [17]**.

38 In either event, the orders set out at paragraph 32 should be made. Again, on reflection, the order in paragraph 33 above would not be necessary or appropriate because the hypothesis is that the Full Court implicitly accepted the part referral. Jurisdiction would remain with the Full Court to deal with that part referral as it saw appropriate.

39 There is one final variation that the Court might wish to consider. In relation to the Appeal Proceeding, the Applicants did not seek special leave to appeal against the Court of Appeal’s dismissal of the ground relating to the operation of s 41 of the RT Act. Leaving aside issues of jurisdiction and procedural fairness, the Applicants have not suggested the  
20 Court was wrong to conclude that, on the reasoning in the Appeal Proceeding, the relevant “part” of the New Proceeding would be dismissed for the same reasons: **CAB 169 [160]**.

40 If it is right that the Full Court had jurisdiction in relation to the “part” referral, there may therefore be a question about the utility of the orders made by this Court.

40.1 If order 2 is read narrowly, such that it only dismissed the relevant “part” of the New Proceeding, there may be a question about the utility in granting special leave at all.

<sup>18</sup> See *Doyle v Commissioner of Police (No 2)* [2020] NSWCA 34 at [58]-[59] (Leeming JA).

<sup>19</sup> See Herzfeld and Prince, *Interpretation* (3<sup>rd</sup> ed, 2024) at [36.70], [36.90].

40.2 If order 2 is read broadly, such that it applied to the whole of the New Proceeding, there may therefore be a question about the utility in simply setting aside order 2, as opposed to this Court replacing it with an order that the “part” be dismissed.<sup>20</sup>

41 Either alternative would require the position to be distinguished from *DWN042 v Republic of Nauru*.<sup>21</sup> That course might be open on the basis that the Applicants made all of the arguments on the relevant issue in the course of the Appeal Proceeding, and there is no reason to think that they would not have made exactly the same arguments in relation to the New Proceeding: cf **AS/D1 at [18]**. In circumstances where those arguments were dismissed in the Appeal Proceeding, and have not been appealed, it may therefore be open to this Court to conclude the result could not possibly have been different if the Applicants had not been denied procedural fairness.

#### **PART VII: ESTIMATE OF TIME**

42 The Respondents will require 5 minutes to present oral submissions on the special leave application.

**Dated:** 17 July 2025



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<sup>20</sup> Judiciary Act, s 37.

<sup>21</sup> (2017) 92 ALJR 146 at [17]-[21] (Keane, Nettle and Edelman JJ).

**IN THE HIGH COURT OF AUSTRALIA  
DARWIN REGISTRY**

**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

**ANNEXURE TO THE RESPONDENTS' SUBMISSIONS  
(FOURTH DETERMINATION)**

No.	Description	Version	Provision(s)	Reason for providing this version	Applicable date or dates
1	<i>Judiciary Act 1903</i> (Cth)	Current	s 35AA	Version in force at the time the Applicants commenced the appeal in D7 of 2025	22 May 2025
			ss 37, 78B	Version in force at the time the Applicants commenced this proceeding	21 February 2025
2	<i>Housing Act 1982</i> (NT)	As in force between 1 July 2021 and 1 May 2023	s 23	Version in force at the time each determination was made and Gazetted.	First Determination: 23 December 2021 (made) 5 January 2022 (Gazetted)  Second Determination: 27 April 2021 (made) 29 April 2022 (Gazetted)  Third Determination:

					2 September 2022 (made and Gazetted)
					Fourth Determination: 1 February 2023 (made) 3 February 2023 (Gazetted)
3	<i>Residential Tenancies Act 1999</i> (NT)	As in force between 1 April 2021 and 2 January 2024	ss 41, 42	As above	As above
4	<i>Supreme Court Act 1979</i> (NT)	Current	s 15	Version in force at the date of the decision in the Court below	24 January 2025
		As in force between 3 March 2023 and 21 April 2024	s 21	Version in force at the time the Court below considered the reference to it	15 and 16 November 2023
		As in force between 2 March 2022 and 3 March 2023	ss 51-52	Version in force at the time the Applicants commenced the Appeal Proceeding	7 December 2022
5	<i>Supreme Court Rules 1987</i> (NT)	As in force between 23 December 2022 and 3 March 2025	r 36.01	Version in force at the time the Applicants filed their Amended Originating Motion	9 October 2023
			Order 60	Version in force at the time of the decision of the Court below	24 January 2025
6	<i>Racial Discrimination Act 1975</i> (Cth)	Current	ss 9(1), 10(1), 12(1)	Version in force at the time the Fourth Determination was made	Fourth Determination: 1 February 2023 (made) 3 February 2023 (Gazetted)
7	<i>Evidence (National Uniform Legislation) Act 2011</i> (NT)	As in force between 3 March 2023 and 25 March 2024	s 191	Version in force at the time parties made an agreement as to facts.	16 August 2023

8	<i>Federal Court Rules 2011 (Cth)</i>	Current	r 39.05(f)	Version in force at the time of the decision of the Court below	24 January 2025
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