



REGISTRAR OBTAINS BANNING ORDERS TO PROTECT REMOTE STORE

In an action brought by the Registrar of Indigenous Corporations, Mr Anthony Beven, one former director and a former community volunteer of the Ngukurr Progress Aboriginal Corporation (NPAC) have today been disqualified from managing Aboriginal and Torres Strait Islander corporations. The proceedings were brought in the Federal Court in Darwin.

Simon Ponto was found to have misused his position as the chairman of NPAC when he tried to access the corporation’s funds without the knowledge or consent of the NPAC board. The corporation’s Westpac bank accounts contained significant funds for the construction of a new store at Ngukurr and for acquiring stock for the store during the wet season. Dwarka Dass, former community volunteer, was also found to have misused his position.

Justice Reeves of the Federal Court found that Mr Ponto ‘had breached the trust and confidence that the members of the Ngukurr Corporation and, indeed, the Ngukurr community as a whole, necessarily reposed in him as a director of the Corporation charged with the responsibility of ensuring the successful operation of an essential community service, viz the Ngukurr store. His conduct therefore fell well short of the proper standard reasonably expected of a director of such an important Aboriginal corporation.’

In relation to Mr Dass, Justice Reeves found that he had also breached the trust of the members of the Ngukurr community and that he had ‘demonstrated a high degree of incompetence and foolishness ... it is fitting that Mr Dass’ disqualification period should provide an indication to all outside volunteers ... that, if they abuse the trust and confidence that is placed in them by those Aboriginal corporations as volunteers, they can expect to be dealt with sternly by the Court.’

The Registrar also sought orders against Messrs Nelson Hall, Walter Rogers and Godfrey Blinter. The court found there was insufficient evidence to make orders against them. The court dismissed the Registrar’s application against these three respondents.

Mr Ponto was disqualified from managing an Aboriginal and Torres Strait Islander corporation for a period of three years and Mr Dass was disqualified for a period of four years. The court also ordered Mr Ponto and Mr Dass to pay the Registrar’s costs.

The Registrar brought the proceedings after an examination of NPAC in 2010 revealed certain ‘irregularities’ in the affairs of the corporation.

‘The disqualifications today will protect the community of Ngukurr and deter similar conduct in other Aboriginal and Torres Strait Islander corporations,’ Mr Beven said.

Background

NPAC was incorporated in 1997 and is the trustee of the Ngukurr Progress Trust, which owns the Ngukurr General Store—the only community store in the Ngukurr community, 600 km south-east of Darwin.

The Registrar maintains a publicly available register of people who are disqualified from managing Aboriginal and Torres Strait Islander corporations. It is available on the Registrar’s website at www.oric.gov.au.



For more information on the court proceedings, see ORIC’s media release of 16 May 2011, MR1011-31. For more information about disqualification see ORIC’s fact sheet—*Disqualification from managing corporations under the CATSI Act* available at www.oric.gov.au.

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