



FEDERAL COURT BANS FORMER BUNURONG DIRECTORS

The Federal Court in Melbourne has today made banning orders against four former directors of the Bunurong Land Council (Aboriginal Corporation) in proceedings brought by the Registrar of Indigenous Corporations, Mr Anthony Beven.

Justice Gordon found that the four former directors, Sonia Murray, Mervyn Brown, Leonie Dickson and Verna Nichols, had breached their duties as directors under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). They were also found to have failed to meet their obligation to ensure the corporation kept proper books and records.

The Bunurong Land Council (Aboriginal Corporation) was incorporated on 30 June 2000 and provides Aboriginal cultural heritage services on a fee for service basis in the outer suburbs of Melbourne. Ms Murray had sole responsibility for the day-to-day management of the corporation from 2002 until January 2014, when the Registrar placed the corporation into special administration.

Justice Gordon made declarations that the directors had failed to put in place policies and practices to control and monitor the activities of Ms Murray in relation to invoicing and money handling. As a result Ms Murray intermingled the corporation's money with money in her own personal bank accounts.

The inadequate records of the corporation meant the special administrator appointed in January 2014 was unable to properly identify the source and destination of large sums of money. Ms Murray admitted that between September 2008 and January 2014 she deposited \$924 000 into the corporation's bank account and withdrew more than \$929 000 from it but did not keep any record of who provided the money or to whom it was paid.

Before 2014 the Bunurong Land Council (Aboriginal Corporation) had failed to comply with its meeting obligations—holding no annual general meetings for 10 years and only one directors' meeting in five years. The corporation also failed to pay GST to the Australian Taxation Office in the financial years from 2010 to 2013 and subsequently incurred interest charges of \$23 000.

Justice Gordon declared that each of the former directors breached sections 265-1(1) and 363-1(1) of the CATSI Act and that in addition Ms Murray also breached section 265-10(1). Justice Gordon ordered that Ms Murray be disqualified from managing an Aboriginal or Torres Strait Islander corporation for seven years, pay a fine of \$25 000 and pay compensation of \$7717.98 to the Bunurong Land Council (Aboriginal Corporation). Mr Brown and Ms Nichols were both disqualified for three years and ordered to pay a fine of \$10 000. Ms Dickson was disqualified for three years and ordered to pay a fine of \$5000.

‘The Bunurong Land Council was treated by Ms Murray as her own personal business and the other directors failed to take even basic steps to monitor what Ms Murray did and to ensure the corporation met its record keeping, meeting and taxation obligations,’ said Mr Beven. ‘The former directors failed the Bunurong people and have demonstrated that they are not appropriate to be directors of an Aboriginal or Torres Strait Islander corporation.’

Background

For more information about disqualifications please see the Registrar's fact sheet:
Disqualification from managing corporations under the CATSI Act at www.oric.gov.au.

For more information about the special administration of Bunurong Land Council (Aboriginal Corporation) see ORICMR1314-24: *Victorian land council under special administration* ORICMR1415-02: *Strong message sent at the end of Bunurong administration* and ORICMR1415-11: *Registrar takes action against former directors of Victorian native title body* also available at www.oric.gov.au.

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