



## CONVICTION FOR FORMER DIRECTORS OF NSW ABORIGINAL CORPORATION

In proceedings today before Magistrate Doug Dick at Batemans Bay Local Court, two former directors of the Gudhuga Training and Employment Aboriginal Corporation pleaded guilty to a charge of fraud (obtain financial advantage by deception).

These convictions follow a joint investigation by the Registrar of Indigenous Corporations, Anthony Beven, and the New South Wales Police.

On 18 November 2010, at Moruya, Mr Hika Te Kowhai and Mr Shane Carriage sold a motor vehicle that belonged to Gudhuga and placed the proceeds (\$10,000) into a bank account (in the name of Walbunja Aboriginal Corporation) controlled by the two men. They later withdrew the \$10,000 and used the money for their own personal gain.

In handing down the sentences Magistrate Dick noted that the guilty plea was only made in the face of 'a very strong, well-prepared prosecution case'. Mr Dick went on to say the offences committed 'amounted to a deliberate breach of trust'.

Mr Te Kowhai was sentenced to a 10-month term of imprisonment, with a non-parole period of seven months, which will commence on 30 November 2012 after the defendant serves the remaining month of a previous sentence.

Mr Carriage was sentenced to a seven-month term of imprisonment, commencing immediately with a non-parole period of four months.

Mr Dick also ordered both defendants to pay compensation of \$10,000 to Gudhuga.

The outcome of today's hearing is of particular significance—it is the first custodial sentence ordered following an investigation by the Registrar. It is also the first time that the Registrar has conducted a joint investigation with the New South Wales Police.

'My office takes a tough stance against deliberate wrongdoing against Aboriginal and Torres Strait Islander corporations,' said Mr Beven. 'The foremost duty of a director is to act in the best interests of the corporation and its members—never in self-interest.'

'This is an important result which sends, I believe, a clear message to directors of corporations,' said Mr Beven. 'If you act dishonestly my office will take action against you.'

Mr Beven commended the quick intervention of the New South Wales Police in the joint investigation and prosecution of the matter.

### **Media contact**

Patricia Gibson (02) 6146 4743  
ORIC MR1213-15  
30 October 2012

**Editor's note:**

Mr Te Kowhai's sentence on appeal was reduced in the following terms: imprisonment for seven months with a non-parole period of four months. Ordered to pay \$5000 compensation to the corporation.

Mr Carriage's sentence on appeal was reduced in the following terms: imprisonment for seven months fully suspended upon entering into a seven month good behaviour bond. Ordered to pay \$5000 compensation to the corporation.

