



REGISTRAR TAKES ACTION AGAINST FORMER DIRECTORS OF VICTORIAN NATIVE TITLE BODY

The Registrar of Indigenous Corporations, Anthony Beven, has begun civil penalty proceedings in the Federal Court in Melbourne against four former directors of the Bunurong Land Council (Aboriginal Corporation). The proceedings have been commenced under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

The Bunurong Land Council, which is based in the suburbs of Melbourne, was established in 2002 to manage the native title and cultural interests of the Bunurong people. The corporation plays an important role in providing cultural heritage clearances to third parties undertaking developments on Bunurong land in Melbourne.

In January 2014 the Registrar placed the Bunurong Land Council under special administration after conducting a routine examination of the corporation’s books and records. The examination revealed a large number of serious concerns, particularly in relation to the corporation’s finances and record keeping.

During the special administration an investigation was commenced by the Registrar.

It will be alleged that Ms Sonia Murray, a former director, controlled every aspect of the Bunurong Land Council and ran it for her own personal benefit. Ms Murray issued invoices for work undertaken by cultural heritage officers of the corporation in her own name or that of her private business, Hawkseye Heritage. Payments received were made to her own bank account. It will also be alleged that Ms Murray charged the Bunurong Land Council a fee for her services that had not been approved by the other directors or the members.

The evidence the Registrar will put to the court will show that the Bunurong Land Council did not hold an annual general meeting for 10 years, had held just one directors’ meeting in five years, did not pay its tax and failed to keep adequate books and records.

The Registrar is seeking declarations from the Federal Court that Ms Murray and three other former directors, Mervyn Brown, Leonie Dickson and Verna Nichols, failed to exercise due care and diligence and failed to take reasonable steps to ensure the corporation kept proper books and records, contrary to subsections 265-1(1) and 363-1(1) of the CATSI Act. A declaration is also being sought that Ms Murray breached subsection 265-10(1) by improperly using her position to gain an advantage for herself and causing detriment to the corporation.

Further, the Federal Court is being asked to make orders against Ms Sonia Murray and the other three former directors disqualifying them from managing Aboriginal and Torres Islander corporations and requiring them to pay a fine to the Commonwealth and compensation to the Bunurong Land Council.

The Federal Court proceedings against the former directors of the Bunurong Land Council form part of the Registrar’s continuing drive to maintain high standards of corporate governance within Aboriginal and Torres Strait Islander corporations.



‘Directors must take an active role in ensuring their corporation is run well and for the benefit of all members,’ said Mr Beven. ‘If they are unable or unwilling to take on this important role they should not be directors.’

The matter has been set down for a four day trial before Justice Gordon commencing on 10 March 2015.

Background

For more information about disqualifications see the Registrar’s fact sheet: *Disqualifications 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* and ORICMR1415-02: *Strong message sent at the end of Bunurong administration* also available at www.oric.gov.au.

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