

Investigations and prosecutions

In 2015–16 charges were filed in two major criminal matters and the Registrar also concluded 16 minor regulatory prosecutions against corporations that failed to meet their reporting obligations. One civil action remained in progress and another was concluded.

The Registrar undertakes a range of criminal and civil litigation to address serious cases of poor governance and breaches of duty under the CATSI Act. A summary of outcomes, including penalties imposed by the courts, is maintained on the ORIC website.

Criminal matters

Matters in progress

As at 30 June 2016 there were two criminal matters in progress.

Alan Bishop—former CEO of Garnduwa Amboorny Wirnan Aboriginal Corporation (Garnduwa)

On 16 May 2016 charges were laid against the former chief executive officer (CEO) of the Garnduwa Amboorny Wirnan Aboriginal Corporation (Garnduwa).

It is alleged that Mr Alan Hugh Bishop dishonestly misused his position as CEO of Garnduwa on 38 occasions to transfer corporation funds into his own personal bank or credit card accounts. From July 2013 to December 2014, Mr Bishop is alleged to have created false records to raise 38 Garnduwa cheques totalling \$237,305.48 which he used for his own personal benefit.

Thirty-eight charges have been brought against Mr Bishop under section 265–25(3)(a) of the CATSI Act. The section carries a maximum penalty of \$340,000 or imprisonment for five years, or both, for each charge.

Trevor Close—former director of Githabul Nation Aboriginal Corporation RNTBC (GNAC)

On 30 June 2016 charges were brought against the former director of the Githabul Nation Aboriginal Corporation RNTBC (GNAC) for dishonestly misusing his position to gain a personal advantage.

It is alleged that Mr Trevor John Close used the proceeds of a sale from a GNAC native title property to cover the rent for his private home in Sydney. It is alleged that two rental payments were made by Mr Close from corporation funds in July 2013 and one in August 2013.

The charges against Mr Close have been laid under section 265–25(3)(a) of the CATSI Act. The section carries a maximum penalty of \$340,000 or imprisonment for five years, or both, for each charge relating to the July 2013 payments and \$360,000 or imprisonment for five years, or both, for the August 2013 payment. (The value of a penalty unit changed on 31 July 2015 from \$170 to \$180.)

Prosecutions for failing to lodge corporation reports—various corporations

During 2015–16 prosecution action was finalised against 16 corporations which failed to lodge one or more of their annual reports with the Registrar by the required time.

Eleven of these corporations were ordered to pay fines totalling \$31,100. A number of them were also ordered to pay court costs which totalled \$727.20. The other five corporations were all found guilty, but were discharged under section 19B of the *Crimes Act 1914*—four with various good behaviour bond conditions.

Table 12: Prosecution outcomes during 2015–16 for failing to lodge corporation reports

DATE OF OUTCOME	DEFENDANT/RESPONDENT	COURT	OUTCOME
4 August 2015	Women Beyond Today Aboriginal Corporation (ICN 7410)	Canberra, ACT	Charge proven but dismissed without penalty under s. 20(1)(a) <i>Crimes Act 1914</i> upon recognizance to be of good behaviour for 12 months and a surety of \$500.
8 January 2016	Walbunja Aboriginal Corporation (ICN 7241)	Moruya, NSW	Fined \$5000. Ordered to pay costs of \$89.00.
25 January 2016	Banjyma Aboriginal Corporation (ICN 3825)	South Hedland, WA	Fined \$2500. Ordered to pay court costs of \$169.10.
4 February 2016	Nguurruumungu Indigenous Corporation (ICN 7592)	Cooktown, QLD	Fined \$500. Ordered to pay court costs of \$89.00.
12 February 2016	Ngarigu Currawong Clan Aboriginal Corporation (ICN 7380)	Canberra, ACT	Fined \$100. Ordered to pay court costs of \$79.00.
9 March 2016	Bundaghan Aboriginal Corporation (ICN 7451)	Gladstone, QLD	Charge proven but dismissed without penalty under s. 19B <i>Crimes Act 1914</i> upon recognizance to be of good behaviour for 12 months and a surety of \$500.
9 March 2016	Bailai Aboriginal Corporation for Land and Culture (ICN 2732)	Gladstone, QLD	Charge proven but dismissed without penalty under s. 19B <i>Crimes Act 1914</i> upon recognizance to be of good behaviour for 12 months and a surety of \$500. Ordered to pay court costs \$89.90.
16 March 2016	Burringurrah Community Aboriginal Corporation (ICN 593)	Meekatharra, WA	Fined \$6000 (\$3000 + \$3000). Ordered to pay court costs of \$105.60.
16 March 2016	Winjamaru Store Aboriginal Corporation (ICN 7265)	Meekatharra, WA	Fined \$3000. Ordered to pay court costs of \$105.60.
30 March 2016	Kullila Housing & Cultural Heritage Aboriginal Corporation (ICN 2173)	Port Kembla, NSW	Charge proven but dismissed without penalty under s. 19B <i>Crimes Act 1914</i> upon recognizance to be of good behaviour for 12 months and a surety of \$1000.
10 May 2016	Ferdy's Haven Alcohol Rehabilitation Aboriginal Corporation (ICN 84)	Palm Island, QLD	Fined \$2000. Ordered to pay court costs of \$89.80.
10 May 2016	Graphic Arts and Design Training & Employment Aboriginal and Torres Strait Islander Corporation (ICN 7984)	Parramatta, NSW	Fined \$1000
10 May 2016	New South Wales Aboriginal Golf Association (Aboriginal Corporation) (ICN 4057)	Parramatta, NSW	Charge proven but dismissed without penalty under s. 19B <i>Crimes Act 1914</i> .
8 June 2016	Winangali Community Development Aboriginal Corporation (ICN 4218)	Boggabilla, NSW	Fined \$5000
8 June 2016	Djardwajarli Enterprises Aboriginal and Torres Strait Islander Corporation (ICN 7502)	Boggabilla, NSW	Fined \$5000
22 June 2016	Widjagudgeegudjee Aboriginal Corporation (ICN 7887)	Doomadgee, QLD	Fined \$1000

Civil matters

Matters in progress

Registrar v Fred Monaghan & Others—ACD22/2015

On 30 March 2015 civil penalty proceedings were commenced in the Federal Court in Canberra against three former directors of the Southside Housing Aboriginal Corporation.

The Canberra-based not-for-profit corporation was established to provide affordable housing for Aboriginal and Torres Strait Islander people in the ACT.

It is alleged that three former directors, Mr Fred Monaghan, Ms Teresa Monaghan and Ms Kim Peters controlled the corporation and ran it for their own benefit. The directors lived in properties owned by the corporation, did not pay all of their rent, failed to repair the properties and had the corporation pay part of their excess water charges.

The trial was set down to be heard in the Federal Court in Canberra from 27 to 29 July 2016.

Finalised

Registrar v Ashley James Taylor & Anor—WAD315/2015

On 25 June 2015 the Registrar applied for freezing orders in the Federal Court in Perth against two former senior officers of the Murchison Region Aboriginal Corporation, Mr Ashley Taylor and Mr Abul Shahid.

It is alleged the former executive officer and finance officer made unapproved loans to themselves that amounted to a combined value of almost \$1.7 million.

On 3 July 2015 the Federal Court made interim orders to freeze the assets and restrict overseas travel for the two former officers.

On 27 October 2015 the Federal Court made orders by consent to extend the freezing orders until 2 February 2016.

On 2 February 2016 the Registrar agreed to vacate the freezing orders.

The Registrar maintains a publicly available register of people disqualified under the CATSI Act from managing Aboriginal and Torres Strait Islander corporations. See the Register of Disqualified Officers at www.oric.gov.au.