



## Federal Court dismisses proceedings brought by Dunghutti Elders Council

The Registrar of Indigenous Corporations, Mr Anthony Beven, has noted the decision of Justice Flick in the Federal Court to dismiss an application brought against the Registrar by Dunghutti Elders Council (Aboriginal Corporation) RNTBC (the corporation).

Justice Flick handed down his decision on 14 April 2011.

The corporation was incorporated on 11 November 1996 and is registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. It is a registered native title body corporate that manages native title claims and deals with compensation funds from native title claims on behalf of the Dunghutti people in the Kempsey region of New South Wales.

In 1997 and 2010 the corporation was paid \$738 000 and \$6.1 million respectively by the New South Wales Government as compensation for the extinguishment of Dunghutti native title at Crescent Head in New South Wales.

On 11 February 2011 the Registrar issued a notice to the corporation asking it to show cause as to why it should not be placed under special administration. The show cause notice identifies a number of concerns about the governance of the corporation.

The corporation applied to the Federal Court on 24 February 2011 for declarations and an injunction to prevent the Registrar from placing the corporation under special administration.

Justice Flick dismissed all aspects of the application and ordered the corporation to pay the Registrar's costs.

'I share the concerns of Justice Flick when he said at paragraph 126 of his decision, "It is regrettable that yet further legal costs have been incurred and a response to the concerns expressed in the [show cause notice] further delayed." Mr Beven said.

'The decision of the Federal Court enables my office to continue with the show cause procedure against the Dunghutti Elders Council (Aboriginal Corporation) RNTBC. A decision on the show cause notice will be made shortly.'

A copy of the decision of Justice Flick on 14 April 2011 can be viewed at

<http://www.austlii.edu.au/au/cases/cth/FCA/2011/370.html>.

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