

# FACT SHEET

Thursday 27 September 2012

## Conduct of officers of the Wagonga Local Aboriginal Land Council and others

### ICAC FINDINGS

The ICAC found that Fortunato (Lucky) Gattellari, Ron Mason, Ken Foster, Vanessa Mason and Ron Medich engaged in corrupt conduct.

- Mr Gattellari engaged in corrupt conduct by making payments and providing other financial benefits to Mr Mason totalling approximately \$38,300, and to Mr Foster totalling approximately \$31,300, to help facilitate negotiations relating to a joint venture agreement between the Wagonga Local Aboriginal Land Council (Wagonga LALC) and the Medich Group. Mr Gattellari also engaged in corrupt conduct by making payments to Ms Mason totalling approximately \$127,746 to facilitate negotiations between the Wagonga LALC and his company Water View Developments Pty Ltd in relation to proposed long-term leases.
- Mr Mason engaged in corrupt conduct by accepting the payments and other financial benefits from Mr Gattellari as an inducement and reward for using his position as Wagonga LALC chairperson to facilitate and assist negotiations with the Medich Group in relation to the joint venture agreement. Mr Foster acted corruptly by accepting the payments and other benefits from Mr Gattellari as an inducement to use his position as Wagonga LALC coordinator to facilitate negotiations with the Medich Group in relation to the joint venture agreement.
- Ms Mason engaged in corrupt conduct by accepting the payments made to her and her company, Emandem Enterprises, by Mr Gattellari as a reward for having used her position as Wagonga LALC CEO to facilitate negotiations between the Wagonga LALC and Water View Developments, and as an inducement for her to continue using her position as CEO to assist Mr Gattellari and Water View Developments in the future. Mr Medich was found to have engaged in corrupt conduct by facilitating the provision of financial benefits to the Wagonga LALC decision-makers to assist the negotiations relating to the joint venture agreement and the proposed long-term leases.

### ICAC RECOMMENDATIONS

The ICAC is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of: Mr Mason, Mr Foster and Ms Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the *Crimes Act 1900* and offences of misconduct in public office; and Mr Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the *Crimes Act*. Taking into account the assistance that Mr Gattellari provided to the Commission, the ICAC is not of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Gattellari. As Mr Mason, Mr Foster and Ms Mason are no longer employed by the Wagonga LALC, the Commission is not required to form an opinion as to whether consideration should be given to the taking of action against them for a specified disciplinary offence.

### CORRUPTION PREVENTION

The Commission has made three corruption prevention recommendations to the Minister for Aboriginal Affairs, and the government generally, that:

- any future amendments to the *Aboriginal Lands Right Act 1983* are sensitive to the resource implications of compliance with the amended legislation for the Aboriginal land rights network
- the Minister for Aboriginal Affairs consults with the NSW Aboriginal Land Council regarding the Aboriginal land rights network's financial and resource capacity to provide support and capability development to LALCs across NSW
- the Minister for Aboriginal Affairs considers a review of the operation of Part 10 of the *Aboriginal Land Rights Act* in meeting the expectations of the land rights network by excluding individuals who have been found to have engaged in corrupt conduct or in serious misconduct for a period of up to five years.

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*The ICAC was established to investigate, expose and minimise corruption in the NSW public sector which includes government departments, statutory authorities, local councils and public officials such as politicians and the judiciary.*  
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