

# Corruption claim not investigated

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SMH

**G**ARY Foley, the first Aboriginal director of the Aboriginal Arts Board, attributes his downfall to a row over an allegation of corruption against an official of Inada Holdings Pty Ltd.

He became embroiled in a very public dispute with former Aboriginal Affairs Minister Clyde Holding, ahead of Mr Foley's resignation in May 1987.

The allegation involved an Inada employee who allegedly took secret commissions in 1985. Inada was a company backed by the Aboriginal Development Commission [ADC].

*Herald* inquiries have established that the claim has never been thoroughly investigated.

Mr Holding, then the minister ultimately responsible for the ADC, believed he was not in a position to order an investigation until he was handed solid evidence. He told the *Herald*: "In Aboriginal Affairs, if one is to investigate every unsupported allegation, one would be spending the resources of the department in investigations."

The allegation first arose early in 1985 when Mr Foley was visited by a Sydney Aboriginal solicitor, Chris Kirkbright. Mr Kirkbright told the *Herald* he had been involved in the Aboriginal arts industry in Sydney when he was approached for personal and legal advice by an acquaintance, Murray Thomas, a Maori artist. (Thomas disappeared from Sydney almost two years ago.)

Thomas and another man (whose identity Mr Kirkbright never learnt) shared premises set up for commercial art. They had approached the Inada employee to sell placemats featuring Aboriginal designs to Inada, which would market them nationally for its own profit. According to Mr Kirkbright, who took a statement for an affidavit from a worried Thomas, the employee had sought a private meeting with the pair after their initial approach to Inada.

During the meeting, the Inada employee suggested he could have the placemat designs printed at no cost through a contact at a leading record company. The printing would take place at the company's premises after hours. Thomas could then fix the designs to the placemats, ready to be sold to Inada for what he was promised would be a "good price". The three men agreed.

Thomas, usually working alone, produced the placemats and delivered at least three large batches to Inada Holdings. According to Mr Kirkbright, the employee arranged for Inada Holdings to pay Thomas and his partner. They would then, allegedly, pay the employee for his role.

Inada would then sell the placemats.

But the arrangement came unstuck, according to Mr Kirkbright, when

Thomas came to believe he was not being paid all he was entitled to from the deal.

(Despite exhaustive attempts to locate the employee, the *Herald* has been unsuccessful.)

Learning of Mr Kirkbright's allegations, Mr Foley had the solicitor repeat them in front of the then AAB chairman, Mr Chicka Dixon, and a senior Australia Council official, Mr Terrence Warry. Mr Kirkbright was adamant that Mr Foley should wait until the affidavits had been finalised, then he could take them directly to the police. But Mr Foley wanted investigations to begin immediately and arranged an urgent meeting with Mr Holding.

Mr Kirkbright bowed out of the saga that was about to unfold and never gave his affidavits to Mr Foley.

Charles Perkins, Secretary of the Department of Aboriginal Affairs, was present at the Sydney meeting when Mr Foley and Mr Dixon made the allegation.

Mr Holding demanded proof. Mr Foley retorted that he, Mr Kirkbright, the AAB and the Australia Council were not police or investigators.

Some months later (in a letter, dated October 22, 1985) Mr Holding again called on the AAB to produce proof of the accusations, saying that otherwise he could take no action. As far as Mr Holding was concerned, it was up to the AAB. Mr Dixon replied that the board considered it the minister's responsibility.

Ever since, Mr Foley has accused Mr Holding of failing to investigate and the minister has said Mr Foley never provided proof.

The *Herald* has established that:

- Mr Perkins interviewed the employee, who denied the allegation.
- Despite Mr Holding acknowledging that such an allegation should have been the concern of the ADC, senior ADC officials did not order an investigation nor did the minister ask the ADC to conduct an inquiry.
- Mr Kirkbright, Mr Foley, Mr Dixon, Mr Murray Thomas and his business partner and Mr Warry were not interviewed by the ADC or any other body.
- Mr Kirkbright never had the affidavit signed.
- Mr Foley resigned from the AAB after the former Minister for Arts, Mr Barry Cohen, and Mr Holding suggested to the council that it should not renew Mr Foley's contract as director.

The employee was removed from his post at Inada by the ADC in 1986. According to Mr Holding, he had reservations about the man when the ADC first appointed him. Mr Holding said it was his view that the employee was trained as a public servant and did not have the wide-ranging business skills required in the Inada position.