



Northern Land Council

MEDIA STATEMENT

NLC apologises to principal legal officer

23 May 2008

Northern Land Council (NLC) Chairman, Wali Wunungmurra, today issued an unreserved apology to the NLC's Principal Legal Officer, Ron Levy, in relation to his unlawful suspension on 21 February 2008 by the NLC's then acting CEO, Mr John Christopherson.

“The NLC's Executive Council has completed a comprehensive review of issues related to Mr Levy's unlawful suspension and is satisfied that all of the allegations made against him in the show cause letter issued by Mr Christopherson were untrue and were unjustifiable”, Mr Wunungmurra said.

The Executive Council's comprehensive review involved interviews with NLC officers and examination of documentary material, and its findings were based on independent legal advice from Ms Raelene Webb QC.

“Mr Christopherson ignored written legal advice from a Melbourne law firm that there were no grounds for dismissing Mr Levy, because the allegations - even if true - did not constitute serious and wilful misconduct so as to justify termination”, Mr Wunungmurra said.

“In fact the Melbourne law firm was asked to identify a mechanism to terminate Mr Levy's employment, legal advice was *not* sought from the firm as to whether there were any, or sufficient grounds, for termination.”

The Melbourne law firm recommended that, if the NLC wished to immediately terminate Mr Levy's employment, it should pay out his entire contract until its expiry in 2010 – but that there would still be a risk of an unfair dismissal claim in the Supreme Court with the NLC exposed to financial risk.

“Further, the allegations were false. Mr Levy's actions were at all times in accordance with the NLC's practice and procedures, and for the sole purpose of performing his duties and responsibilities as the NLC's Principal Legal Officer. Emails and other documents confirm that at the time Mr Christopherson and other relevant staff were properly informed of Mr Levy's actions, including that he had accessed a personnel file for the purpose of providing legal advice regarding an employment matter”, Mr Wunungmurra said.

“The NLC is satisfied, in relation to the allegations, that at all times Mr Levy acted properly and ethically in performing his duties and responsibilities as the NLC's Principal Legal Officer.”

“The NLC is also satisfied that all of the allegations made against Mr Levy in articles in *The Australian* (some of which were repeated in other media) on 17, 18 and 19 March 2008 were untrue and were unjustifiable, and were defamatory”, Mr Wunungmurra said.

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The Commonwealth Office of Evaluation and Audit is conducting an audit including in relation to the circumstances of Mr Levy's unlawful suspension, and Comcare is conducting a related inquiry.

The NLC is fully co-operating in relation to the audit and inquiry, but on the basis of legal advice has released the Executive Council's findings, particularly given that the audit and inquiry were initiated following the erroneous and defamatory articles in *The Australian*.

Mr Levy commenced employment as a solicitor with the NLC in 1994, and has been employed as its Principal Legal Officer since 2000. On 22 February 2008 Mr Levy obtained an interim injunction from the Chief Justice of the NT Supreme Court in relation to the unlawful suspension of the previous day. On 27 February 2008 the Chief Justice ruled, with the consent of the NLC on the basis of advice from Ms Webb QC, that the suspension was unlawful and also had denied natural justice to Mr Levy.

**** Please be advised that for legal reasons Mr Wunungmurra and Mr Levy are not available for comment. ****