



Statement of intent

This statement of intent sets out my approach as Registrar of Aboriginal and Torres Strait Islander Corporation in performing my functions under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). It has been prepared in response to the statement of expectations of Senator the Hon. Nigel Scullion, the Minister for Indigenous Affairs dated 18 August 2017 (available at www.oric.gov.au).

The Registrar is an independent statutory office holder responsible for administering the CATSI Act and regulating Aboriginal and Torres Strait Islander corporations registered under the CATSI Act. The Office of the Registrar of Indigenous Corporations (ORIC) supports the Registrar.

The vision—Strong corporations, strong people, strong communities

Aboriginal and Torres Strait Islander corporations play an important role in the lives of Aboriginal and Torres Strait Islander people and their communities, as well as in the broader Australian society. Many Aboriginal and Torres Strait Islander communities depend on these corporations to:

- deliver essential services including housing, health, education and employment
- hold and manage native title interests and other land holdings
- manage cultural and business enterprises.

Aboriginal and Torres Strait Islander corporations are also integral to the implementation of all levels of government policy, including the Commonwealth's Indigenous Advancement Strategy.

ORIC's vision is for well-governed Aboriginal and Torres Strait Islander corporations that inspire trust in the sector and provide high-value services and benefits to communities and members. I intend, in accordance with the CATSI Act, to regulate, support and maintain the high standards of governance, financial management and accountability that underlie all successful corporations.

Aims and strategic priorities

The CATSI Act provides that the Registrar, in performing his or her functions and exercising his or her powers under the CATSI Act, must have the following aims:

- (a) to facilitate and improve the effectiveness, efficiency, sustainability and accountability of Aboriginal and Torres Strait Islander corporations
- (b) to provide certainty:
 - (i) for the members, officers and employees of an Aboriginal and Torres Strait Islander corporation in their dealings with the corporation and with each other

- (ii) for persons outside Aboriginal and Torres Strait Islander corporations in their dealings with those corporations
- (c) to have regard to Aboriginal and Torres Strait Islander tradition and circumstances
- (d) to administer the laws of the Commonwealth that confer functions and powers on the Registrar effectively and with a minimum of procedural requirements
- (e) to ensure that information is available as soon as practicable for access by the public.

I will achieve these aims through the strategic priorities set out in the *ORIC Strategic Plan 2017-20*:

- Strategic prioritisation of risk—we will improve how we identify, assess and respond to risk
- An empowered workforce—we will undertake workforce development initiatives to support engaged, confident and capable staff
- Fit-for-purpose legislation—we will review the CATSI Act to ensure that it remains relevant and meets the needs of Aboriginal and Torres Strait Islander corporations, people and communities
- Strengthened government relationships—we will increase the Registrar’s engagement with our government partners
- Fit-for-purpose IT systems—we will upgrade or replace our IT systems to improve how we work and to meet the needs of Aboriginal and Torres Strait Islander corporations
- An enhanced service suite—we will develop additional, complementary support services to meet the needs of corporations.

Relationship between the Registrar and Minister for Indigenous Affairs

I welcome the Australian Government’s recognition and respect for the Registrar’s statutory independence. I intend to uphold the integrity of this independence.

In doing so, I acknowledge and respect that I must operate within a broader context of government policy. I will take into account all relevant government policy, including the Indigenous Advancement Strategy, in performing my functions and meeting the aims of my role.

I will provide the Minister with accurate and timely information on significant issues, including matters bearing on the Minister’s accountability to Parliament, important operational issues, key policy proposals and legislative change.

Relationship with the Department of the Prime Minister and Cabinet

I am mindful that the Department of the Prime Minister and Cabinet (the department) supports and advises the Minister for Indigenous Affairs on a wide range of issues within the portfolio.

I intend to maintain a strong and collaborative working relationship with the department, and other government agencies that fund Aboriginal and Torres Strait Islander corporations. I will do this in order to facilitate the exchange of relevant information on operational and strategic issues, and to help inform policy development. I will endeavour to provide timely and

relevant information to the Minister and the department on the operation of the CATSI Act that may affect the Australian Government's broader objectives in Indigenous affairs.

I will advise the department about changes to legislation that, in my view, would improve the operation of the CATSI Act and the effectiveness, efficiency, sustainability and accountability of Aboriginal and Torres Strait Islander corporations. In July 2017 I commissioned a technical review of the CATSI Act which I expect will lead to recommendations to the Minister on ways to strengthen the CATSI Act.

The department provides corporate support to ORIC and I welcome the commitment of the department to consult with me on departmental matters affecting ORIC and that it will also involve ORIC staff and me in corporate activities and events, staff forums, and leadership meetings where relevant.

Strategic directions for ORIC to contribute to key priorities in Indigenous Affairs

Well governed and accountable corporations are a prerequisite for managing government funding reliably and to effectively deliver essential services and programs to Aboriginal and Torres Strait Islander people. Ineffective governance impacts on the capacity of organisations to meet the needs of Aboriginal and Torres Strait Islander people, the quality of service they receive and the achievement of agreed deliverables.

By building capacity in corporate governance and enforcing the law where necessary, ORIC has and continues to make an important contribution to the Australian Government's agenda of improving the lives of Aboriginal and Torres Strait Islander people.

Government funding for corporations, including funding that supports the key priorities of education, employment and safer communities, is a significant consideration which we take into account in our work. This philosophy has been imbedded into our recently updated corporate documents—*Regulatory approach, Strategic plan 2017-20, Corporate plan 2017-20, Service charter, Case categorisation and prioritisation model* and *Performance measurement framework*.

We will continue to adapt and evolve as a high performing regulator and service delivery organisation. I welcome the Australian Government's support, including additional funding announced by Minister Scullion on 5 July 2017, for the implementation of recommendations that will enhance ORIC's capacity as a modern, intelligence-led, risk-based regulator. I look forward to working with the department and the Minister to implement these recommendations.

Regulatory cooperation

Taking action to punish and deter wrongdoing is an important part of the regulatory tools of any regulator. After 32 years, ORIC achieved its first ever criminal prosecution in 2010. Since 2010 ORIC has undertaken approximately 200 prosecutions to address wrongdoing and enforce the law. I am committed to maintaining a strong risk-based approach to addressing

wrongdoing and non-compliance and to being transparent and consistent in how and why we take prosecution and enforcement action.

ORIC operates within a wider government regulatory community and policy framework. I intend to maintain strong co-operative relationships with other government agencies in order to effectively and efficiently administer the CATSI Act.

I am committed to formalising information sharing arrangements with the department and other relevant government agencies. I have existing memoranda of understanding with the Australian Securities and Investments Commission, the National Native Title Tribunal, the Australian Charities and Not-for-profits Commission and the Torres Strait Regional Authority that provide for information sharing and cooperation. I look forward to formalising a memorandum of understanding with the department in the near future.

In its regulatory work ORIC complies with the Australian Government's *Regulator Performance Framework*, the *Commonwealth Government Investigation Standards*, *The Prosecution Policy of the Commonwealth* and the *Legal Services Directions 2017*.

Governance, accountability and reporting

ORIC maintains high standards of corporate governance. As an independent statutory office holder I am accountable to the Minister and the Parliament and the decisions I take are open to internal, merits and judicial review.

I am committed to ensuring ORIC maintains a policy of openness and makes all appropriate information publicly available. ORIC publishes extensive material on its website about its function, regulatory operations, support services and resources. All information is available free of charge.

In 2017 we developed a new *Performance management framework* to measure the value of the work we do. Our focus is on measuring outputs, outcomes and regulator performance. The framework provides for a comprehensive evaluation of activities that align with the regulatory outcomes we are seeking to achieve.

As a regulator, ORIC will maintain high standards for administrative decision-making processes to ensure its decisions and actions have a sound legislative basis, and are made or taken, in a manner consistent with broader Australian Government legislative and policy requirements.

Following the conclusion of each financial year, ORIC provides to the department a report on our performance for inclusion in the department's annual report. ORIC also publishes its annual year book and top 500 report.

I will ensure ORIC provides timely and accurate advice to the Minister and the department on emerging risks and issues in the Aboriginal and Torres Strait Islander corporate sector, as well as regular reports addressing activities relevant to the Minister's statement of expectations.

Operational issues

I will ensure that ORIC staff uphold the APS Values and act consistently with the APS Code of Conduct, and that ORIC complies with the *Public Governance, Performance and Accountability Act 2013* through its administrative arrangements with the department.

Conclusion

I am proud of ORIC's achievements. Since the commencement of the CATSI Act in 2007, ORIC has made, and continues to make, a substantial contribution to the advancement of the interests of Aboriginal and Torres Strait Islander people and communities by upholding high standards of corporate governance, financial management and accountability.

I intend to build on ORIC's successes and capabilities as it continues to develop into a modern regulator and service delivery agency. I will also ensure that it is well positioned to address the challenges of the future for the Aboriginal and Torres Strait Islander corporate sector.



Anthony Beven

Registrar of Aboriginal and Torres Strait Islander Corporations

20 October 2017