



Complaints involving Aboriginal and Torres Strait Islander corporations

1 July to 31 December 2012

Report prepared February 2013

Introduction

This report provides an overview of complaints submitted to the Registrar between 1 July and 31 December 2012. It also includes some comparisons to data from previous years.

As at 31 December 2012 a total of 2431 Aboriginal and Torres Strait Islander corporations were registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

Key findings

For the six months between 1 July and 31 December 2012:

- » **316** complaints were received
- » **320** complaints were finalised
- » the average number of complaints received each month was 52.7
- » the average number of days to finalise complaints by type was:
 - straightforward—**one day**
 - detailed—**ten days**
 - complex—**49 days**
- » most complaints related to the conduct of **directors and officers** (same result as previous report from 1 January to 30 June 2012).

Changes in the number of complaints over recent years

The number of complaints received by the Registrar during 2010–11 (622) was almost double that received in 2009–10 (341). The number of complaints decreased by 13 per cent in 2011–12 to 541, but is now showing signs of picking up again in 2012–13. During the first half of 2012–13 some 316 complaints were received (table 1). If this trend is continued, it could equate to 632 complaints for this financial year (a 17% increase), similar to the level reached in 2010–11.

Table 1: Comparison of complaints received in the six-monthly periods over the past 18 months

Six-monthly period	Number received	Number finalised
1 July to 31 December 2011	262	264
1 January to 30 June 2012	279	280
1 July to 31 December 2012	316	320

There could be a number of reasons for the increase: ORIC considers the most likely causes to be an increase in:

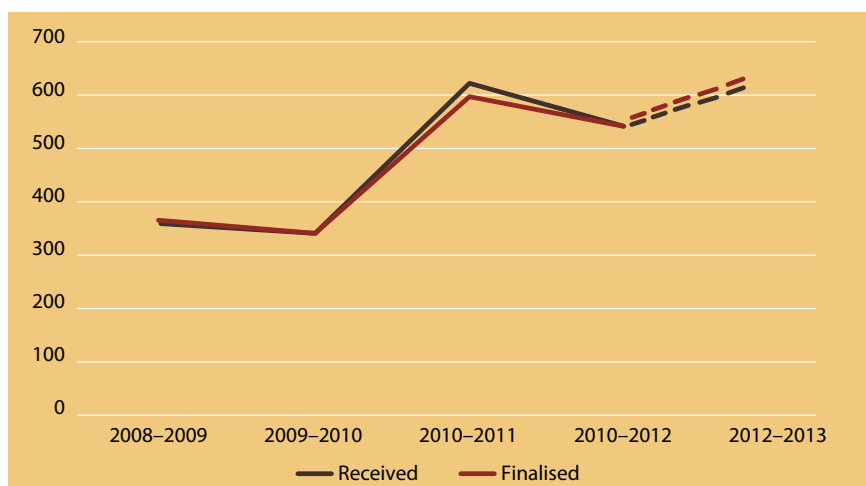
- » awareness of the ORIC complaints-handling process
- » the confidence of members in their rights under the CATSI Act and corporation rules
- » the training provided to directors and staff leading a readiness to report complaints
- » community awareness of the governance structure of corporations, such as corporations' rule books and the requirements of the CATSI Act.

Table 2: Number of complaints managed by the Registrar, 1 July 2008 to 31 December 2012

Year	Number received	Number finalised	Number carried over to the next year
2008–09	362	358	4
2009–10	341	340	5
2010–11	622	597	30
2011–12	541	544	27
First half of 2012–13	316 (632)*	320 (640)*	(19)*

*Full year projections shown in brackets.

Figure 1: Number of complaints managed by the Registrar from 2008–09 to 2011–12 and projections for 2012–13



Note: broken lines show projections for 2012–13

Dealing with complaints

Table 3: Average number of days to finalise complaints by type, 1 July to 31 December 2012

	Straightforward	Detailed	Complex
July 2012	1	12	47
August 2012	1	9	49
September 2012	1	8	72
October 2012	1	11	41
November 2012	1	10	38
December 2012	2	8	43

Categories of complaints

Table 4: Top five complaint categories from 1 July to 31 December 2012

Rank	Complaint category	Number
1	Multiple categories ¹	108
2	Corporation directors and officers ²	86
3	Corporation meetings ³	44
4	Membership issues ⁴	26
5	Record keeping and financial issues ⁵	18

Notes:

1. This group of complaints cover a wide range of issues not captured within the other definitions of complaints. It can include, but is not limited to, native title issues, staffing complaints, allegations and documentation.
2. Complaints about the conduct of directors or breaches of directors, officers or employees' duties.
3. Complaints that members or directors' meetings are not being held or meetings are not being held in accordance with the corporation's rules or the CATSI Act.
4. Complaints about the management of memberships, including incorrect membership details, removal of members or members not being provided with information about their membership.
5. Allegations of financial irregularities or misuse/misappropriation of corporation funds, members are not being given information about the corporation's finances, corporation records not being accurately kept, or the corporation trading while insolvent.

Geographic spread of complaints

Figure 2: Complaints by state and territory, 1 July to 31 December 2012

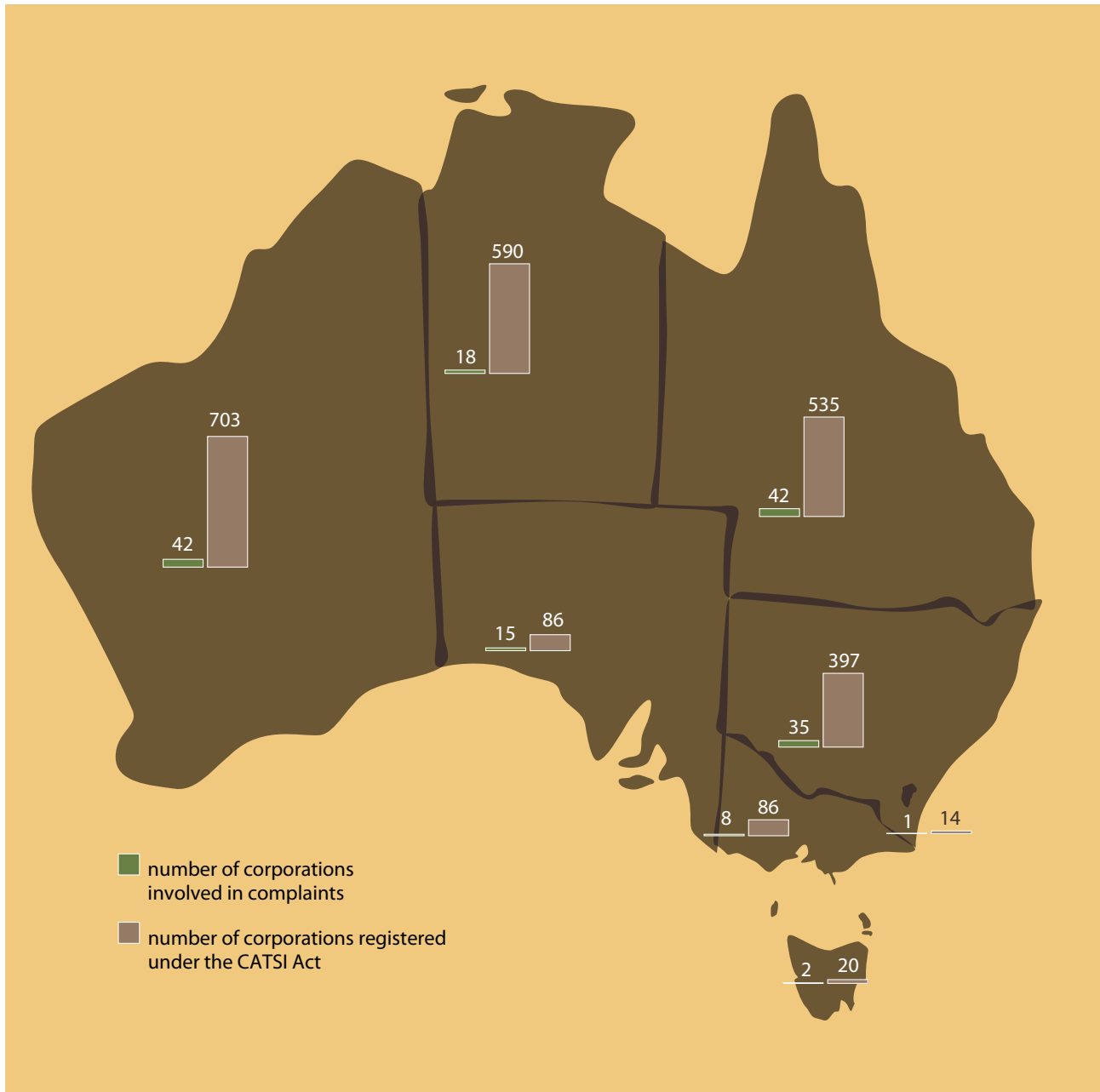
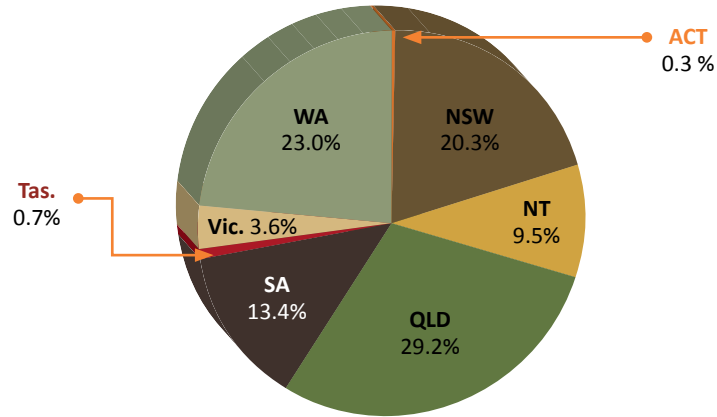


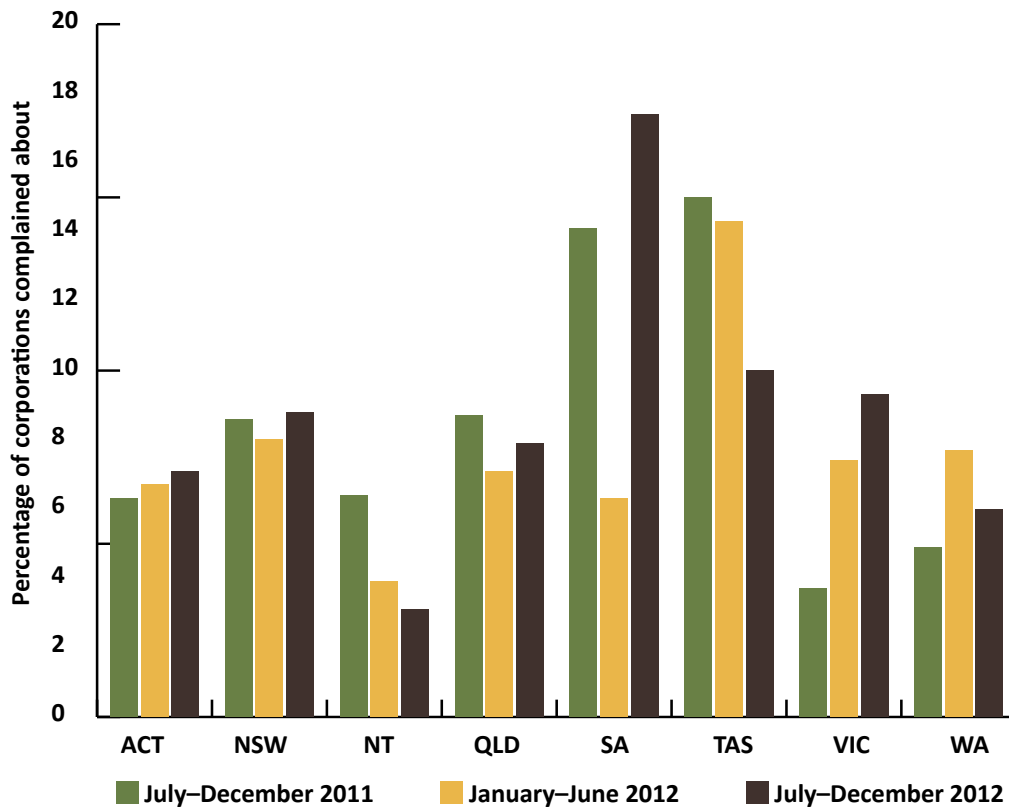
Figure 3: Percentage of total complaints by state/territory, 1 July to 31 December 2012



Proportional level of complaints

This figure represents the number of corporations complained about in each state/territory as a percentage of the total number of corporations registered in that state/territory.

Figure 4: Percentage of corporations complained about by state/territory, 1 July 2011 to 31 December 2012



ORIC now has a fact sheet with practical advice on how to manage complaints involving corporations. *Complaints involving corporations* can be found on ORIC’s website (www.oric.gov.au).