



Australian Government

Office of the Registrar of Indigenous Corporations



## POLICY STATEMENT 12

# Registers and use and disclosure of information held by the Registrar

<b>Policy</b>	PS-12: Registers and use and disclosure of information held by the Registrar
<b>Relevant legislative provisions</b>	CATSI Act Part 9-3 CATSI Act Part 15-2 CATSI Regulations
<b>Last updated</b>	18 October 2019
<b>Other relevant policies</b>	PS-14: Review of reviewable decisions PS-15: Privacy

## **PS-12: Registers and use and disclosure of information held by the Registrar**

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## **PS-12: Registers and use and disclosure of information held by the Registrar**

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### **1 Purpose**

- 1.1 In this policy statement, the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) provides guidance on the use and disclosure of information held by the Registrar and his or her office. This policy statement specifies the types of information that may be made publicly available and accessible on the Registrar’s website.
- 1.2 In this statement ‘public registers’ means the Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers.  
Note: the public registers are largely made available on the Registrar’s website. However, this website does not contain all information on the public registers or all information that may be inspected by members of the public.
- 1.3 References to sections in this policy statement are references to sections of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) unless otherwise specified. References to corporations in this policy statement are references to Aboriginal and Torres Strait Islander corporations unless otherwise specified. In addition, references in this policy statement to the Registrar are also references to a delegate who is lawfully exercising the powers of the Registrar.

### **2 Registers**

- 2.1 Under the CATSI Act, the Registrar has to maintain public registers which contain specific information about Aboriginal and Torres Strait Islander corporations. These are:
- the Register of Aboriginal and Torres Strait Islander Corporations—section 418-1(a) and
  - the Register of Disqualified Officers—section 418-1(b).

### **3 Register of Aboriginal and Torres Strait Islander Corporations**

- 3.1 The Register of Aboriginal and Torres Strait Islander Corporations is a public register of information and documents relating to the registration and administration of Aboriginal and Torres Strait Islander corporations. The Corporations (Aboriginal and Torres Strait Islander) Regulations 2017 (the Regulations) specify the information and documents that must be included in this register for each corporation (section 418-10 and section 43 and Schedule 2 of the Regulations). A table listing these documents and information is attached to this policy statement—see attachment A.

## 4 Register of Disqualified Officers

- 4.1 The Register of Disqualified Officers is a register of people who have been disqualified from managing Aboriginal and Torres Strait Islander corporations under sections 279-15, 279-20, 279-25 or 279-30—section 418-15(1). These provisions relate to the disqualification of a person from managing Aboriginal and Torres Strait Islander corporations by the court or the Registrar.
- 4.2 The register contains [section 418-15(2)]:
- every notice that was served under section 279-30
  - every order made by a court under sections 279-15, 279-20 or 279-25
  - every order lodged under section 279-35
  - every permission given under section 279-30(7)
  - any other document set out in the Regulations (note—at the date of this policy statement, no documents had been specified in the Regulations).
- 4.3 The Register of Disqualified Officers does not contain the details of people who have been automatically disqualified from managing Aboriginal and Torres Strait Islander corporations under section 279-5. This means that the following people are not included on the Register of Disqualified Officers:
- people who have been convicted on indictment of an offence that concerns the making of decisions that affect the whole or a substantial part of the business of an Aboriginal and Torres Strait Islander corporation or concerns an act that has the capacity to significantly affect the financial standing of a corporation—section 279-5(1)(a)
  - people who have been convicted of an offence under the CATSI Act that is punishable by imprisonment for a period greater than 12 months, or involves dishonesty and is punishable by at least three months imprisonment—section 279-5(1)(b)
  - people who have been convicted of an offence against the law of a foreign country that is punishable by imprisonment for a period greater than 12 months—section 279-5(1)(c)
  - people who are undischarged bankrupts or have a personal insolvency agreement in place—section 279-5(3) and (4)
  - people who are disqualified from managing a corporation under the *Corporations Act 2001*—section 279-5(5).

## 5 Information that may be obtained from the Registrar

- 5.1 The CATSI Act gives members of the public the right to:
- inspect any document lodged with the Registrar, other than exempt documents listed in attachment B—section 421-1(1)(a)

- require the Registrar to provide a copy (or extract) of any document lodged with the Registrar (other than an exempt document)—section 421-1(1)(c)
- inspect or search the Register of Aboriginal and Torres Strait Islander Corporations or the Register of Disqualified Officers—section 421-1(1)(b) and section 44 of the Regulations
- require from the Registrar a certificate of the registration of a corporation or any other certificate authorised by the CATSI Act—section 421-1(1B)(b).

5.2 The Registrar is not required by the CATSI Act to make original documents publicly available—section 421-1(2). If the Registrar has an electronic record of a document, the Registrar may make this record available to a person who requires a copy—section 421-5.

5.3 If there are concerns about privacy, the Registrar has the power to remove personal information from any document in the public registers before a member of the public inspects it—section 421-1(1A).

## **6 Exempt documents**

6.1 Documents which the Registrar holds, but which may not be publicly disclosed, are listed in attachment B.

## **7 Information on the Registrar’s website**

### **A. Information available on the public registers and the website**

7.1 One of the functions of the Registrar is to make information about the registration of Aboriginal and Torres Strait Islander corporations and the administration of the CATSI Act publicly available—section 658-1(c).

7.2 The Registrar’s policy is that key information on a corporation held on the Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers, other than the exempt documents listed in attachment B and addresses of corporation members, will be made available on the Registrar’s website as public registers.

### **B. Requesting the removal of information about directors, secretaries and contact persons**

7.3 Information about directors, secretaries and contact persons is lodged with the Registrar in:

- an application to register, transfer or amalgamate a corporation—under sections 21-1, 22-1 and 23-1
- a general report—under section 330-1
- a notice of the personal details of a director, alternate director, secretary or contact person within 28 days after they are appointed, their details change or they their appointment ceases—under section 304-5.

Corporations can use the *Notification of a change to corporation officers' details* form to notify the Registrar of these changes.

- 7.4 Personal details include given and family names, former given and family names, date and place of birth, and address—section 304-5(4).
- 7.5 Similarly, under section 304-10 directors, alternate directors, secretaries and contact persons must give that information to the corporation within 14 days of their appointment.
- 7.6 Applications to register, transfer or amalgamate; general reports; and notification of changes of directors and officers, form part of the public register and are available on the Registrar's website.
- 7.7 A corporation can ask the Registrar not to display certain information or documents on the Register of Aboriginal and Torres Strait Islander Corporations or on the website. For example, under section 304-15(2) directors, secretaries and contact persons of corporations are entitled to have an alternative address substituted for their usual residential address if:
- their name but not their residential address is on an electoral roll under the *Electoral Act 1918* (the Electoral Act) because of section 104 of the Electoral Act or
  - their name is not on an electoral roll under the Electoral Act and the Registrar determines, in writing, that to include the residential address in the notice or application would put at risk their personal safety or the personal safety of members of their family.
- 7.8 An alternative address must be in Australia and must be a place where documents can be served on the person. The Registrar's refusal to make a determination under section 304-15(2)(b) is a reviewable decision under the CATSI Act—see 'PS-14: Review of reviewable decisions'.

### **C. Requesting the removal of information about members**

- 7.9 Information about members, including their names and addresses, is provided to the Registrar in:
- an application to register, transfer or amalgamate a corporation under sections 21-1, 22-1 and 23-1
  - a general report lodged under section 330-1.
- 7.10 Applications to register a corporation and general reports form part of the public register. The Registrar will not include member addresses in copies of these documents on the Registrar's website.
- 7.11 Members who are concerned about their address in general reports being included in the public register should contact their corporation and request that the corporation's register of members is updated with an alternative address. Members can supply any alternative address to the corporation, which may be the corporation's address. This does not prevent the

corporation from keeping a non-public mailing list separate from the register of members.

- 7.12 The corporation or a person aggrieved can apply to the court to have a register of members or former members corrected—section 180-40.

#### **D. Registrar’s policy—inspection of public registers and when information will be removed from the public registers**

- 7.13 A member of the public has the right to inspect all information or documents that are part of the public registers (except exempt documents) even if this information is not published on the Registrar’s website—section 421-1.

- 7.14 Before providing access to information or documents the Registrar will consider obligations under the *Privacy Act 1988*—see ‘PS-15: Privacy’.

- 7.15 The Registrar may arrange for inspection of the information or documents in such a way that access to personal information is not provided—section 421-1(1A). In appropriate situations the Registrar may write to an individual and seek their views on disclosure of their personal information.

- 7.16 The Registrar will also consider requests from individuals or corporations to remove information from the public registers on a case-by-case basis, but will usually only grant the request if satisfied that:

- there are genuine concerns with making the information accessible on the public registers (such as concerns about safety, court orders, or privacy concerns about disclosing personal information)
- it is in the best interest of the corporation and its members
- the public interest in easily accessing information on an Aboriginal and Torres Strait Islander corporation will not be adversely affected.

## **8 Making copies of public documents**

- 8.1 There is no fee for accessing the public registers. Copies of all documents on the public registers, or lodged with the Registrar, are free of charge, unless providing copies would substantially or unreasonably divert the resources of the Registrar’s office from its other operations.

## **9 Information under the *Aboriginal Councils and Associations Act 1976 (ACA Act)***

- 9.1 Another function of the Registrar is to make documents and information relating to the registration of a corporation under the ACA Act available to the public, if the Registrar considers it appropriate. This includes documents and information that before the CATSI Act began were:

- filed or lodged with the Registrar or served on the Registrar under the ACA Act
- kept by the Registrar under the ACA Act or
- given to or served on a person by the Registrar under the ACA Act.

- 9.2 In determining whether it is appropriate to release information or documents relating to the registration of an Aboriginal and Torres Strait Islander corporation under the ACA Act, the Registrar will consider:
- whether the information or document would be exempt under the CATSI Act—listed in attachment B
  - whether a third party gave the information to the Registrar and the information related to a particular corporation—for example, information provided by a liquidator or administrator
  - whether there is a public interest or benefit in releasing the information.
- 9.3 The Registrar will not release information or documents which relate to a corporation under the ACA Act if they would be exempt information under the CATSI Act.
- 9.4 Any personal information contained in a document may be removed before its release.

## **10 Protected information under the CATSI Act**

- 10.1 The CATSI Act has restrictions on how the Registrar can use and disclose information.
- 10.2 Information that is designated under the CATSI Act as ‘protected information’ may only be used or disclosed if specifically authorised.
- 10.3 Protected information is:
- all information given in confidence to the Registrar in connection with the performance or exercise of the Registrar’s functions or powers—section 604-5(1)
  - all information relating to the affairs of an Aboriginal and Torres Strait Islander corporation (or related body corporate) if the information is:
    - disclosed to, or obtained by, a person, such as an examiner appointed by the Registrar under section 453-1 or
    - is included in a document given or produced to a person for the purposes of the CATSI Act—section 604-5(2).
- 10.4 Protected information does not include information that has been lawfully made public from other sources—section 604-5(2).
- 10.5 The Registrar must take all reasonable measures to prevent protected information from unauthorised use or disclosure—section 604-10.
- 10.6 Authorised use or disclosure of protected information includes a use or disclosure that is:
- made for the purposes of the CATSI Act—section 604-25(1)(a)
  - required or authorised by a law of the Commonwealth, a state or territory—section 604-25(1)(b)

- made by the Registrar or a delegate of the Registrar in the course of the performance of a duty of the Registrar or the exercise of a power of the Registrar—section 604-25(2)(a)
- made by a person who assists the Registrar or a delegate in undertaking the performance of a duty or the exercise of a power of the Registrar—section 604-25(2)(b)
- made by a special administrator of an Aboriginal and Torres Strait Islander corporation in the course of performing a function or duty, or exercising a power as a special administrator of the corporation—section 604-25(2)(c).

10.7 The disclosure of non-exempt documents lodged with the Registrar as is required by section 421-1(1)(a) is an authorised disclosure.

10.8 The Registrar may also share protected information with the Minister and other government agencies and officers specified in section 604-25(4) and in section 54 of the Regulations—see attachment C. The sharing of protected information with other government agencies ensures that there is a whole-of-government approach to the monitoring and regulation of Aboriginal and Torres Strait Islander corporations.

10.9 In addition, the disclosure of:

- a summary of protected information or
- statistics derived from protected information

is an authorised disclosure of the information, but only if the summary or statistics do not identify any particular corporation or person—section 604-25(7).

#### **A. Registrar’s policy—protected information**

10.10 The Registrar may use or disclose protected information in the course of undertaking duties and functions under the CATSI Act. The Registrar may release this information to the Minister or to the government departments listed in attachment C.

10.11 On inspection of the public registers the Registrar is required to disclose non-exempt lodged documents. Only information which forms part of the public registers (other than exempt documents) will usually be released to unrelated parties who seek information about an Aboriginal and Torres Strait Islander corporation.

10.12 All other uses or disclosures of information are not authorised by the CATSI Act.

#### **B. Registrar’s policy—confidential information**

10.13 The Registrar may be given confidential information in two ways:

- voluntarily—for example, by a person making a complaint about an Aboriginal and Torres Strait Islander corporation

- under compulsion—for example, under a notice to produce documents or during the course of an examination.

10.14 The Registrar will generally treat information that is not common knowledge or has not already been publicly disclosed, as confidential whether it has been given voluntarily or under compulsion.

10.15 Information provided by whistleblowers (Part 10-5) is usually given by the whistleblower in confidence and would be protected information. Further guidance on the protection provided by the whistleblower provisions is in ‘PS-02: Complaints involving corporations’.

**C. Registrar’s policy—Authorised use or disclosure of protected information—disclosures to specified agencies, departments and other bodies—section 604-25(4)**

10.16 The Registrar is authorised to disclose protected information to a number of government agencies, departments and other specified bodies (section 604-25(4) and section 54 of the Regulations ) for the purposes set out in the CATSI Act. A table listing the bodies to which the Registrar may release protected information (and the purpose for which information may be released) is listed in attachment C.

The Explanatory Memorandum to the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 provides guidance on the circumstances in which protected information may be released to other government agencies (at paragraph 5.643):

This provision allows the Registrar to share protected information consistent with the Bill or other laws, with ASIC, with Commonwealth, state or territory agencies providing funding to Aboriginal and Torres Strait Islander corporations, and provides that regulations may be made prescribing other agencies and bodies with which the Registrar may share protected information. This provision is designed to strike the balance between ensuring appropriate levels of whole-of-government monitoring and regulation, the closure of regulatory gaps that have previously existed, and the protection of an individual’s privacy.

10.17 The Registrar may impose conditions on the disclosure of protected information to an agency, department or other body listed in section 604-25(4) or in section 54 of the Regulations —section 604-25(5).

10.18 A person or body to whom protected information is disclosed may only use or disclose the information they are given by the Registrar—section 604-25(6):

- for the purposes for which the information was disclosed to the recipient
- in accordance with any conditions that the Registrar has imposed on the release of information.

10.19 The Registrar may release protected information:

- voluntarily to a body specified in the CATSI Act and Regulations or
- if requested by a body specified in the CATSI Act and Regulations.

## **D. Protected information released on the Registrar’s volition to other government departments**

- 10.20 Usually, the Registrar will only disclose protected information voluntarily if:
- the information is from a credible source
  - has been verified
  - is factually based
- and
- the information discloses that there is a risk that a law of the Commonwealth or a law of a state or territory may be contravened or
  - the information is for a purpose specified in the CATSI Act under section 604-25(4) or section 54 of the Regulations.

## **E. Release of protected information by the Registrar**

- 10.21 Before releasing protected information the Registrar will:
- determine whether the information is protected for the purposes of the CATSI Act (for example, information given in confidence, or information/documents relating to the affairs of a corporation, other than those that are included in the public registers)
  - ensure the department, agency or body requesting the protected information falls within the specified bodies in the CATSI Act and Regulations—see attachment C
  - ensure the information is being released for the purpose set out in the CATSI Act—see attachment C.

## **11 Other information**

- 11.1 In administering the CATSI Act, the Registrar may also record or store information about an Aboriginal and Torres Strait Islander corporation that is not to be included on the public registers—for example, file notes on meetings with management or members of a corporation. This information will not be released publicly unless permitted by the Registrar. Any such disclosures must also be in line with legislative requirements, such as the provisions regulating disclosure of protected information under CATSI Act and *Privacy Act 1988* requirements (see ‘PS-15: Privacy’).
- 11.2 The Registrar may be required to release information or documents under freedom of information legislation, including information that is not stored on the public registers. For queries regarding freedom of information legislation, please contact [info@oric.gov.au](mailto:info@oric.gov.au) for the attention of the FOI Coordinator.

## **END OF POLICY STATEMENT**

## Attachment A—Documents/information on the Register of Aboriginal and Torres Strait Islander Corporations

This table is an extract of clauses 1 to 4 of Schedule 2 of the Regulations—see section 43 of the Regulations. It contains all information or documents that are to be included in the Register of Aboriginal and Torres Strait Islander Corporations.

### 1 Information or documents mentioned in the CATSI Act—specified in clause 1 of Schedule 2 of the Regulations

Item	Provision	Information or document
1	21-1	Application for registration
2	21-10(3)	Notice by Registrar that application is treated as withdrawn
3	22-1	Application for registration of existing body corporate
4	22-10(3)	Notice by Registrar that application is treated as withdrawn
5	23-1	Application for registration of amalgamated corporation
6	23-10(3)	Notice by Registrar that application is treated as withdrawn
7	29-18(1)(a)	Notice by applicant of intention to make application in relation to amalgamated corporation
8	29-18(3)(a)	Notice by substantial creditor objecting to application
9	29-18(4)	Notice by substantial creditor withdrawing objection to application
10	32-1(1)(c)	Certificate of registration
11	32-1(2)	Record of registration and constitution
12	32-5(1)	Notice by Registrar of unsuccessful application
13	37-5(5)	Notice by Registrar of alteration of registered size of corporation
14	42-4(6)	Certificate signed by Registrar identifying land and stating that the land has become vested in an amalgamated corporation
15	42-4(8)	Certificate signed by Registrar identifying an asset and stating the asset has become vested in an amalgamated corporation
16	42-4(11)(a)	Certificate signed by Registrar that a specified matter is an exempt matter
17	42-4(11)(b)	Certificate signed by Registrar that a specified thing is connected with a specified exempt matter
18	42-10(3)	Notice of determination by Registrar that applicant for registration is contact person for corporation on registration
19	69-30(4)(b)	Notice by Registrar of decision to refuse registration of constitutional change
20	69-30(5)	Copy of registered constitutional change
21	69-35(1) and (6)	Copy of registered constitutional change made on initiative of Registrar

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
22	69-35(7)	Notice by Registrar of constitutional change
23	77-5(3)	Request by applicant for further determination of lesser minimum number of members
24	77-5(4)	Request by applicant for determination of lesser minimum number of members
25	77-10	Exemption by Registrar allowing corporation to have lesser minimum number of members
26	77-25(1)	Notice by Registrar of exemption
27	77-25(2)	Notice by Registrar that exemption has not been granted
28	85-5(2)	Consent by Registrar to availability of name
29	85-5(2)	Notice by Registrar of refusal to consent to availability of name
30	88-1(1)(b) and 88-1(2)	Application for change of name of corporation and documents lodged with application
31	88-1(4)	Notice by Registrar of refusal to change name of corporation
32	88-5(1)	Direction by Registrar to change name of corporation
33	88-10(1)	Notice by corporation that it has become a registered native title body corporate
34	88-15(1)	Notice by corporation that it has ceased to be a registered native title body corporate
35	88-20(1)	Certificate of registration of corporation specifying change of name
36	112-5(3)	Notice by corporation of change of address of registered office
37	112-10(4)(c)	Notice by Registrar of intention to change address of registered office of corporation to address of director
38	112-20(4)	Notice by Registrar requiring production of consent of occupier of corporation's registered address
39	112-20(4)	Copy of consent of occupier of corporation's registered address
40	115-5(2)	Notice by corporation of change of document access address
41	115-10(4)(c)	Notice by Registrar of intention to change document access address of corporation to address of director
42	115-15(1)	Notice by Registrar of direction to change document access address of corporation
43	115-20(4)	Notice by Registrar requiring production of occupier's consent to document access address of corporation
44	166-15(1)	Copy of Court order—oppressive conduct of affairs
45	172-10(6)	Copy of Court order setting aside, or confirming, a variation, cancellation or modification of members' rights
46	180-35(1)	Notice by Registrar requesting copy of register of members, or register of former members, of corporation

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
47	180-35(1)	Copy of register of members or register of former members provided by corporation in response to request from Registrar
48	187-5(1)	Application by corporation to exempt corporation or directors from exemptible provisions of Chapter 4
49	187-5(1)	Determination by Registrar of application to exempt corporation or directors from exemptible provisions of Chapter 4
50	187-5(1)	Notice by Registrar of refusal to make determination
51	187-5(5)	Instrument by Registrar revoking, varying or suspending determination
52	187-5(6)	Notice by Registrar of revocation, variation or suspension of determination
53	187-15(1)	Determination by Registrar to exempt corporation or directors from exemptible provisions of Chapter 4
54	187-15(4)	Instrument by Registrar revoking, varying or suspending determination
55	187-15(5)	Notice by Registrar of revocation, variation or suspension of determination
56	201-10(1)	Application by a director for permission to deny request under section 201-5
57	201-10(4)(a)	Determination by Registrar of application by director for permission to deny request by members
58	201-10(4)(b)	Notice by Registrar of outcome of determination
59	201-155(1)	Application by corporation to extend period to hold AGM
60	201-155(2)	Notice by Registrar of extension of period to hold AGM
61	201-155(2)	Notice by Registrar of refusal to extend period to hold AGM
62	204-1(5)(b) and (c)	Copy of information or documents lodged with Registrar relating to resolutions passed without a general meeting
63	204-5(2)	Resolution and related documents of 1 member corporation lodged with Registrar
64	225-5(1)	Application to exempt corporation or directors from provisions of Chapter 5
65	225-5(1)	Determination by Registrar exempting corporation or directors from provisions of Chapter 5
66	225-5(1)	Notice by Registrar of refusal to make determination
67	225-5(4)	Instrument by Registrar revoking, varying or suspending determination
68	225-5(5)	Notice by Registrar of the making, revocation, variation or suspension of determination
69	225-15(1)	Determination by Registrar to exempt corporation, a class of corporation or directors from specified provisions of Chapter 5

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
70	225-15(3)	Instrument by Registrar revoking, varying or suspending determination
71	225-15(4)	Notice by Registrar of the making, revocation, variation or suspension of determination
72	252-5(2)	Direction by Registrar to disclose remuneration and expenses paid to directors
73	252-5(5)(c)(ii)	Copy of audited statement of remuneration and expenses of directors
74	257-25(1)	Notice by Registrar of determination that director is new contact person of corporation
75	268-25(1)	Declaration by Registrar that director with material personal interest in a matter may be present and vote on the matter
76	268-25(5)	Order by Registrar made in respect of a class of corporation, directors, resolutions or interests
77	279-30(5)	Notice by Registrar advising of disqualification
78	279-30(7)	Copy of Registrar's permission for disqualified person to manage corporation
79	279-30(7)	Notice by Registrar of refusal of permission for disqualified person to manage corporation
80	279-35(3)	Notice by disqualified person of intention to make application for leave to manage corporations, a class of corporation or a particular corporation
81	279-35(5)	Copy of any order granting leave or refusing to grant leave
82	290-5(1)	Documents to be lodged with Registrar for a related party benefit resolution
83	290-5(3)(a)	Approval by Registrar of lodgement of related party benefit documents less than 14 days before convening of meeting
84	290-5(3)(b)	Revocation of approval by Registrar of lodgement of related party benefit documents less than 14 days before convening of meeting
85	290-35(4)	Declaration by Registrar that subsection 290-35(1) does not apply to proposed resolution or does not prevent casting a vote etc.
86	290-45	Notice by corporation setting out text of resolution
87	304-1(1)	Notice by director, alternate director, secretary or contact person of retirement or resignation
88	304-5(1)	Notice by corporation of personal details of director, secretary or contact person
89	304-5(3)	Notice by corporation of personal details and terms of appointment of alternate director
90	304-5(5)	Notice by corporation of change in personal details of director, alternate director, secretary or contact person
91	304-5(6)	Notice by corporation of person having stopped being a director, alternate director, secretary or contact person

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
92	307-1(1)	Request from Registrar as to whether person is a director, secretary or contact person of a corporation and, if not, the date on which the person stopped being a director, secretary or contact person
93	307-1(2)	Written notification by person in response to request under subsection 307-1(1)
94	310-5(1)	Application by corporation to exempt corporation or directors from exemptible provisions of Chapter 6
95	310-5(1)	Determination by Registrar exempting corporation or directors from exemptible provisions of Chapter 6
96	310-5(1)	Notice by Registrar of refusal to make determination exempting corporation or directors from exemptible provisions of Chapter 6
97	310-5(5)	Instrument by Registrar revoking, varying or suspending determination
98	310-5(6)	Notice by Registrar of the making, revocation, variation or suspension of determination
99	310-15(1)	Determination by Registrar to exempt corporation or directors, or a class of corporation or directors of a corporation of that class, from exemptible provisions of Chapter 6
100	310-15(4)	Instrument by Registrar revoking, varying or suspending determination
101	310-15(5)	Notice by Registrar of the making, revocation, variation or suspension of determination
102	330-10(1)	General report
103	336-1(1)(a)	Determination by Registrar for corporation to prepare additional report
104	336-1(1)(b)	Determination by Registrar of additional requirements for general report or section 333-5 report
105	336-1(9)	Instrument by Registrar revoking, varying or suspending determination
106	336-1(11)	Notice by Registrar of the making, revocation, variation or suspension of determination
107	336-5(1)(a)	Determination by Registrar that a particular class of corporation prepare an additional report
108	336-5(1)(b)	Determination by Registrar of additional requirements for a particular class of corporation
109	336-5(9)	Instrument by Registrar revoking, varying or suspending determination
110	336-5(10)	Notice by Registrar of the making, revocation, variation or suspension of determination
111	339-55(7)	Application by person seeking earlier date for audit working papers
112	339-55(7)	Determination by Registrar allowing earlier date for audit working papers

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
113	348-1(1)	Report lodged with Registrar under Part 7-3
114	348-5(1)	Amended financial report or directors' report
115	353-3(1)	Application for exemption from provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
116	353-3(1)	Determination by Registrar exempting directors, corporation or auditor from specified provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
117	353-3(1)	Notice by Registrar of refusal to make determination exempting directors, corporation or auditor from the provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
118	353-3(4)	Instrument by Registrar revoking, varying or suspending determination
119	353-3(5)	Notice by Registrar of the making, revocation, variation or suspension of determination
120	353-10(1)	Determination by Registrar exempting corporation, a class of corporation or directors from specified provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
121	353-10(3)	Instrument by Registrar revoking, varying or suspending determination
122	353-10(4)	Notice by Registrar of the making, revocation, variation or suspension of determination
123	376-5(1)	Certified English translation of document required to be lodged that is not written in English
124	404-10(2)	Written agreement between Registrar and person that documents may be lodged electronically
125	404-10(3)	Approval by Registrar that documents may be lodged electronically
126	404-10(4)	Approval by Registrar that specified kinds of documents may be lodged electronically
127	404-15(1)	Application for leave to lodge copy of lost or destroyed document
128	404-15(2)	Direction by Registrar about notice of application
129	404-15(4)	Certified copy of lost or destroyed document
130	404-15(4)	Notice of leave by Registrar for lodging of certified copy in same manner as original document
131	404-15(4)	Notice of refusal by Registrar to grant leave for lodging of certified copy in same manner as original document
132	404-15(7)	Copy of AAT decision varying or setting aside decision of Registrar
133	407-1(1)	Notice by Registrar of refusal to receive or register document and of request for amendments or supplementary document
134	407-5(1)	Notice by Registrar requesting further document or information

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
135	407-5(2)	Information or document provided in response to request from Registrar
136	407-10(1)	Notice by Registrar requiring person to provide specified information about the person
137	407-10(2)	Information given in response to request by Registrar
138	407-15(1)	Notice of change to detail in relation to corporation
139	410-1(1)(b)	Notice requiring compliance with requirements mentioned in subsection 410-1(7)
140	410-1(1)	Copy of court order requiring compliance with requirements mentioned in subsection 410-1(7)
141	410-1(2)(b)	Notice requiring compliance with requirements mentioned in subsection 410-1(7)
142	410-1(2)	Copy of court order requiring compliance with requirements mentioned in subsection 410-1(7)
143	424-5(1)	Certificate by Registrar that no corporation was registered by a particular name at a date or during a period specified in the certificate
144	424-5(2)	Certificate by Registrar as to compliance or otherwise with requirements of the Act
145	424-5(3)	Certificate by Registrar about registration of corporation during specified period
146	424-10	Certificate by Registrar that a person was a director, secretary or contact person of a corporation at a particular time or during a particular period
147	439-5(1)	Notice by Registrar convening meeting of corporation to discuss a matter that affects the corporation
148	439-10(1)	Notice by Registrar of general meeting of corporation (convened by Registrar)
149	439-10(5)	Determination by Registrar that specified rules in Chapter 5 do not apply to a general meeting (other than an AGM)
150	439-15(1)	Notice by Registrar of AGM (convened by Registrar)
151	439-15(3)	Determination by Registrar that specified rules in Chapter 5 do not apply to an AGM
152	439-20(1)	Notice by Registrar to corporation or directors requiring specified action to comply with the Act, the constitution of the corporation or to remedy an irregularity
153	453-1(1)	Record of authorisation of authorised officer to examine books of corporation or related body corporate
154	453-5(1)	Notice by Registrar to provide information, produce books or appear and answer questions
155	487-1(1)	Determination by Registrar that corporation is to be under special administration for specified period

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
156	487-10(5)	Notice by Registrar that corporation is not to be under special administration
157	487-15(1)	Notice by Registrar of extension of period for which corporation is to be under special administration
158	487-20(1)	Determination by Registrar that corporation is to cease to be under special administration
159	490-1(1)	Appointment by Registrar of special administrator
160	490-5(2)	Notice by Registrar of extension of period for which special administrator is appointed
161	493-1(2)	Notice by Registrar in relation to special administration determination or appointment of special administrator
162	496-5(1)	Determination by Registrar that offices of corporation's directors or secretaries are not vacated on appointment of special administrator
163	505-1(1)(e)	Notice of resignation by special administrator
164	505-1(3)	Application by special administrator for resignation to take effect before end of period referred to in subsection 505-1(2)
165	505-1(3)	Determination by Registrar that resignation of special administrator is to take effect before end of period referred to in subsection 505-1(2)
166	505-1(4)	Notice by Registrar terminating appointment of special administrator
167	505-10(1)	Appointment by Registrar of person as special administrator if previous special administrator's appointment terminated
168	526-20(3)	Consent by Registrar to voluntary winding up of corporation
169	526-20(6)(a)	Notice by corporation of passing of resolution for voluntary winding up of corporation
170	526-20(6)(b)	Copy of resolution
171	540-5	Application by corporation to transfer registration to registration under a law of the Commonwealth, a State or a Territory including: (a) a copy of the special resolution for transfer; and (b) a statement signed by the directors that the corporation's creditors are not likely to be prejudiced by the change
172	540-10	Transfer of registration declaration by Registrar
173	546-1(1)	Application by corporation, director or member of corporation, or liquidator of corporation, to deregister corporation
174	546-1(4)	Notice by Registrar of proposed deregistration of corporation
175	546-1(7)	Notice by Registrar to applicant (or nominated person) of deregistration of corporation
176	546-5(3)	Notice by Registrar of proposed deregistration of corporation
177	546-5(5)	Notice by Registrar of deregistration of corporation
178	546-40(4)	Notice by Registrar of reinstatement of registration of corporation

Item	Provision	Information or document
179	566-5(1)	Notice by Registrar of prescribed offence
180	617-10(3)	Determination by decision maker not to give notice of reviewable decision to person affected by decision
181	620-1(3)	Notice by Registrar of reconsideration of reviewable decision
182	620-5(1)	Notice by affected person requesting Registrar to reconsider reviewable decision
183	620-5(5)	Notice to affected persons of reconsideration of reviewable decision

## 2 Information or documents mentioned in the Regulations—specified in clause 2 of Schedule 2 of the Regulations

Item	Provision	Information or document
1	20(a)	Financial report—large corporations etc.
2	20(b)	Directors' report—large corporations etc.
3	24(2)	Auditor's report—large corporations etc.
4	26	Financial report—certain small and medium corporations
5	28(3)	Auditor's report—certain small and medium corporations
6	35	Notice of appointment of auditor
7	36(3)	Notice of resignation of auditor
8	37(4)	Notice of intention to move resolution to remove auditor

## 3 Information or documents mentioned in the Corporations Act—specified in clause 3 of Schedule 2 of the Regulations

Item	Provision	Information or document
1	411(2)(a)	Notice to Registrar of hearing of application for compromise or arrangement with creditors or members
2	411(7)(f)	Direction by Registrar that paragraph 411(7)(f) does not apply
3	411(10)	Copy of Court order approving compromise or arrangement
4	411(17)(b)	Statement that Registrar has no objection to compromise or arrangement
5	412(6)	Explanatory statement concerning proposed compromise or arrangement with creditors or members
6	413(3)	Copy of Court order for facilitating reconstruction and amalgamation of bodies
7	415(1)	Notice of appointment of person to administer compromise or arrangement
8	421A(2)	Report by managing controller about affairs of corporation
9	422A(3)	Annual return by controller

<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
10	427(1A)	Notice of appointment of person to enter into possession or take control of corporation property
11	427(1B)	Notice by person (other than receiver) who enters into possession or takes control of corporation property
12	427(2)	Notice of address of controller's office
13	427(3)	Notice of change of address of controller's office
14	427(4)	Notice of person ceasing to be controller
15	429(2)(c)(i)	Copy of report to controller about affairs of corporation at the control day and notice by controller about reporting officers' report
16	429(4)	Notice by controller of extension of time for reporting officer to submit report about affairs of corporation at the control day
17	429(5)	Copy of Court order for extension of time for reporting officer to submit report about affairs of corporation at the control day
18	436E(3)	Notice of first meeting of creditors
19	443B(3)	Notice specifying property
20	444A	Instrument setting out deed of company arrangement
21	446A(5)	Notice by liquidator that corporation is taken to have passed resolution to wind up the corporation
22	450A(1)	Notice of appointment of administrator
23	450B(b)	Notice of execution of deed of company arrangement
24	450C(a)	Notice by administrator of failure by corporation to execute deed of company arrangement
25	450D(a)	Notice by administrator of termination of deed of company arrangement
26	465A(1)(a)	Notice by applicant of application for winding up corporation
27	470(1)(a)	Notice by applicant of filing of application for winding up corporation
28	470(1)(b)	Notice by applicant of making an order for winding up corporation, including the date on which the order was made, and the name and address of the liquidator
29	470(1)(c)	Notice by applicant that application has been withdrawn or dismissed
30	470(2)(a)	Copy of winding up order
31	474(3)	Copy of Court order vesting corporation property in liquidator
32	475(6) and (7)(b)	Notice by liquidator of grant of extension of time for submission or report as to affairs of corporation
33	475(7)(a)	Copy of report to liquidator
34	481(5)	Copy of Court order releasing liquidator or deregistering corporation

Item	Provision	Information or document
35	482(5)	Court order terminating or staying winding up
36	494(3)(b)	Declaration of solvency by directors
37	496(7)	Notice by liquidator following meeting of creditors
38	497(1)(b)	Copy of notice by liquidator to creditors providing copy of documents mentioned in paragraph 497(1)(a) of the Corporations Act
39	506(1B)	Copy of special resolution by corporation for members' voluntary winding up
40	507(11)	Copy of special resolution by corporation authorising liquidator to enter into arrangement
41	507(11)	Copy of special resolution by corporation about manner in which liquidator may raise purchase money
42	509(3)	Copy of Court order to deregister corporation
43	510(1A)	Special resolution of corporation sanctioning arrangement between corporation and creditors
44	537(1)	Notice by liquidator of appointment and office address and any change of office address
45	537(2)	Notice by liquidator of resignation or removal from office
46	568A(1)(a)	Notice of disclaimer by liquidator of corporation property
47	596E	Notice by applicant of examination summons

**4 Documents mentioned in the Corporations Act Regulations—specified in clause 4 of Schedule 2 of the Regulations**

Item	Provision	Document
1	5.3A.01	Notice by administrator of ending of administration of company
2	5.3A.03	Notice of appointment of administrator under section 436E, 444A, 449B, 449C or 449D of the Act

## Attachment B—Exempt documents

This table is an extract of section 421-1(4) and clauses 1 and 2 of schedule 3 of the Regulations, as specified in section 45 of the Regulations. It contains all documents which are ‘exempt documents’ under the CATSI Act and Regulations. These documents may not be inspected by members of the public under section 421-1.

### 1 Documents mentioned in the CATSI Act—specified in clause 1 of Schedule 3 of the Regulations

Item	Provision	Documents
1	21-5	Documents to accompany application
2	22-5	Documents to accompany application
3	23-5	Documents to accompany application
4	69-20(1) and (2)	Documents evidencing constitutional changes
5	69-25	Documents evidencing constitutional changes made by special administrator
6	88-1(2)	Special resolution and relevant minutes
7	201-10(1)	Application by director for permission to deny request to hold general meeting
8	304-1(2)	Copy of letter of resignation
9	339-90(1)(c), (2)(c) and (3)(d)	Notice by auditor of suspected contravention of Act or attempt to improperly influence conduct of audit
10	439-10(1)(b)	Request by corporation members for Registrar to arrange and hold general meeting
11	487-5(1)(h)	Request by directors for Registrar to appoint special administrator
12	487-5(1)(i)	Request by members for Registrar to appoint special administrator
13	487-10(1)(b)	Copies of written representations made in response to notice given under paragraph 487-10(1)(a)
14	502-1	Copy of document given to Registrar under section 502-1
15	546-1(1)	Application by corporation, director, member or liquidator to deregister corporation
16	663-20(1)	Notice by Registrar of pecuniary and other interests

### 2 Documents mentioned in the Corporations Act—specified in clause 2 of Schedule 3 of the Regulations

Item	Provision	Documents
1	324CA(1A)(d)(ii)	Notice of conflict of interest
2	324CB(1A)(e)(ii)	Notice of conflict of interest
3	324CC(1A)(e)(ii)	Notice of conflict of interest

<b>Item</b>	<b>Provision</b>	<b>Documents</b>
4	324CE(1A)(d)(ii)	Notice of particular circumstances
5	324CF(1A)(e)(ii)	Notice of particular circumstances
6	324CG(1A)(d)(ii)	Notice of particular circumstances
7	324CG(5A)(e)(ii)	Notice of particular circumstances
8	327B(2A)(b)	Notice that conflict of interest or particular circumstances have changed
9	327B(2B)(b)	Notice that conflict of interest or particular circumstances have changed
10	327B(2C)(b)	Notice that conflict of interest or particular circumstances have changed

## Attachment C—Agencies to whom protected information may be lawfully disclosed

This table is an extract of section 604-25(4) and section 54 of the Regulations. It contains a list of all agencies and departments to whom the Registrar may lawfully disclose protected information.

Provision	Agency	Purpose
604-25(4)(a)	Australian Securities and Investments Commission	For the purposes of carrying out its functions or exercising its powers
604-25(4)(b)	Agency Head of, or APS employee in, an Agency (within the meaning of the <i>Public Service Act 1999</i> ) which has provided, provides or proposes to provide, funding to an Aboriginal and Torres Strait Islander corporation	For the purposes of administering that funding and related purposes
604-25(4)(c)	A Chief Executive, or an officer or employee, of a prescribed Agency (within the meaning of the <i>Financial Management and Accountability Act 1997</i> ) which has provided, provides, or proposes to provide funding to an Aboriginal and Torres Strait Islander corporation	For the purposes of administering that funding and related purposes
604-25(4)(d)	The head (however described), or an officer or employee, of a Department of a State or Territory which provides, provided or proposes to provide funding to an Aboriginal and Torres Strait Islander corporation	For the purposes of administering that funding and related purposes
604-25(4)(e)	The head (however described), or an officer or employee, of a body established for a public purpose by or under a law of a State or Territory (including a local governing body) which has provided, provides or proposes to provide funding to an Aboriginal and Torres Strait Islander corporation	For the purposes of administering that funding and related purposes
604-25(4)(f), Regulations section 54(1)(a)	Each Department of State that is responsible for general policy on Aboriginal and Torres Strait Islander affairs	For the purposes of performing the functions or exercising the powers of the Agency
604-25 (4)(f), Regulations section 54 (1)(b)	Each Department of State that is responsible for the administration of a program that relates specifically to Aboriginal or Torres Strait Islander person	For the purposes of performing the functions or exercising the powers of the Agency
604-25(4)(f), Regulations section 54 (1)(c)	Office of the Director of Public Prosecutions	For the purposes of performing the functions or exercising the powers of the Agency

Provision	Agency	Purpose
604-25(4)(g), Regulations section 54 (2)	Australian Federal Police	For the purposes of performing the functions or exercising the powers conferred on the Agency by a law of the Commonwealth.
Regulations section 54 (3)	Each Department of State of a State or Territory that is responsible for general policy on Aboriginal and Torres Strait Islander affairs	For the purposes of performing functions of the Department
Regulations section 54 (4)(a)	The Department of State of New South Wales that is responsible for the administration of the <i>Aboriginal Land Rights Act 1983</i> of that State	For the purposes of performing functions of the Department
604-25(4)(i), Regulations section 54 (4)(b)	Each Department of State of Victoria that is responsible for administering any of the following Acts of that State <ul style="list-style-type: none"> <li>– the <i>Aboriginal Heritage Act 2006</i></li> <li>– the <i>Aboriginal Land (Northcote Land) Act 1989</i></li> <li>– the <i>Aboriginal Lands (Aborigines' Advancement League)(Watt Street, Northcote) Act 1982</i></li> <li>– the <i>Aboriginal Lands Act 1970</i></li> <li>– the <i>Aboriginal Lands Act 1991</i></li> <li>– the <i>Traditional Owner Settlement Act 2010</i></li> </ul>	For the purposes of performing functions of the Department
604-25(4)(i), Regulations section 54 (4)(c)	Each Department of State of Queensland that is responsible for the administration of either of the following Acts of that State: <ul style="list-style-type: none"> <li>– the <i>Aboriginal Land Act 1991</i></li> <li>– the <i>Torres Strait Islander Land Act 1991</i></li> </ul>	For the purposes of performing functions of the Department
604-25(4)(i), Regulations section 54 (4)(d)	The Department of State of Western Australia that is responsible for the administration of the <i>Aboriginal Affairs Planning Authority Act 1972</i> of that State	For the purposes of performing functions of the Department
604-25(4)(i), Regulations section 54 (4)(e)	The Department of State of South Australia that is responsible for the administration of the <i>Aboriginal Lands Trust Act 2013</i> of that State	For the purposes of performing functions of the Department
604-25(4)(i), Regulations section 54 (4)(f)	The Department of State of Tasmania that is responsible for the administration of the <i>Aboriginal Lands Act 1995</i> of that State	For the purposes of performing functions of the Department
604-25(4)(j), Regulations section 54 (5)(a)	The police force or service of a state	For the purposes of performing functions conferred on the body by a law of the State or Territory

<b>Provision</b>	<b>Agency</b>	<b>Purpose</b>
604-25(4)(j), Regulations section 54 (5)(b)	The Northern Territory Police Force	For the purposes of performing functions conferred on the body by a law of the State or Territory
604-25(4)(j), Regulations section 54 (5)(c)	The state or territory authority that has functions and powers similar to those of the Director of Commonwealth Public Prosecutions	For the purposes of performing functions conferred on the body by a law of the State or Territory
604-25(4)(k), Regulations section 54 (6)(a)	CPA Australia	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(b)	The Chartered Accountants Australia and New Zealand	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(c)	The Institute of Public Accountants	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(d)	New South Wales Bar Association	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(e)	Law Society of New South Wales	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(f)	Victorian Bar Inc.	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(g)	Law Institute of Victoria	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(h)	Bar Association of Queensland	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(i)	Queensland Law Society	For the purposes of performing one of its

Provision	Agency	Purpose
		function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(j)	Legal Practice Board of Western Australia	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(k)	Law Society of South Australia	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(l)	Law Society of Tasmania	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(m)	Law Society of the Australian Capital Territory	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(k), Regulations section 54 (6)(n)	Law Society Northern Territory	For the purposes of performing one of its function or exercising one of its powers
604-25(4)(l), Regulations section 54 (7)	Indigenous Business Australia	For the purpose of performing the functions of Indigenous Business Australia as prescribed under the <i>Aboriginal and Torres Strait Islander Act 2005</i>
604-25(4)(l), Regulations section 54 (8)	Indigenous Land Corporation	For the purpose of performing the functions of the Indigenous Land Corporation as prescribed under the <i>Aboriginal and Torres Strait Islander Act 2005</i>