

## Attachment 1

# Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

### *Request updated list of members—section 58(4)*

The Registrar can at any time request the board of a corporation to provide an updated copy of the register of members of the corporation. The board must comply within 14 days or such other time as specified by the Registrar. Failure to comply results in a fine of \$200 for each board member, unless the board member can prove they were not knowingly involved in the contravention, and did not contribute to it. Keeping the members' register up to date is extremely important, in particular for clarifying voting rights at meetings.

### *Call and conduct a special general meeting—sections 58B(3), (4), (5)*

The Registrar has the power to call and/or conduct special general meetings in three different circumstances:

- when a special general meeting was not held within 14 days of the date advertised by the corporation's board
- when a meeting is requested by the greater of five or more members or 10 per cent of the members of a corporation
- at any time, if, in the opinion of the Registrar, a meeting is needed.

### *Examination of documents—section 60*

The Registrar may authorise a person under section 60 to examine the documents of a corporation, and report on any irregularities in financial affairs. This is a very broad discretionary power that does not require any specific grounds for its exercise. It can therefore be used to perform spot checks on corporations.

ORAC has initiated a program of rolling examinations of corporations. These will be conducted on all corporations over a number of years and more frequently on corporations at risk of breaching the ACA Act, where breaches could have serious consequences for the community concerned. A corporation's risk level is assessed against a range of criteria, including size, purpose, time since last examination, compliance status and history of member or other complaints.

Attachment 1: Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

### ***Issue compliance notice—section 60A***

Where the Registrar suspects on reasonable grounds that a corporation has failed to comply with the ACA Act, the regulations or the corporation's constitution, or that there has been an irregularity in the corporation's financial affairs, the Registrar may issue a compliance notice. The compliance notice can require the board to take specified action, within specified timeframes, to remedy the suspected breach or irregularity.

### ***Issue injunction show cause notice—sections 61(2), (3)***

Where the Registrar believes that the board of a corporation is not complying with the ACA Act, the regulations or the corporation's constitution, the Registrar may issue a 'show cause' notice. This requires the board to show cause, within a specified reasonable period, why the Registrar should not seek an injunction to prevent their breaching action.

### ***Injunction application—sections 61(2), (3)***

After considering a board's response to an injunction 'show cause' notice, the Registrar may apply to the court for an injunction. The court may then grant an injunction to require the board to not breach, or cease from breaching, the ACA Act, regulations or constitution.

### ***Winding-up application (liquidation)—sections 62A, 63, 65***

The Registrar may apply to the court to wind up a corporation if this is recommended by an administrator, or if the Registrar believes that this would be in the public interests or the interests of the members of the corporation.

The Registrar may apply for winding up on any of a number of grounds, including:

- that the corporation has not commenced business within one year of incorporation, or has suspended its operation for a continuous period of one year
- that there are fewer than five members of the corporation
- that the corporation is unable to pay its debts (that is, it is insolvent)
- that board members have acted in their own interests rather than the interests of the members, or in any other manner that is unfair or unjust to other members

Attachment 1: Summary of the Registrar’s existing regulatory powers under the Aboriginal Councils and Associations Act 1976

- that the complexity or magnitude of the activities of the corporation is such that incorporation under the ACA Act is inappropriate
- that it is just and equitable to wind up the corporation.

If satisfied, the court appoints a liquidator to take over control of the corporation’s affairs and discharge its liabilities in preparation for its eventual deregistration. This will typically involve selling off the corporation’s assets to pay its debts.

If there are any surplus assets after the debts have been paid, these must be distributed in accordance with the corporation’s constitution. If there are no specific rules in the constitution, or the court considers the rules unjust, then the court must make orders for the distribution of the assets, having regard to the objects of the corporation.

### *Investigation—sections 68, 69, 70*

The Registrar is given very broad powers to investigate the affairs of a corporation under the ACA Act. The Registrar can investigate a corporation where the Registrar suspects on reasonable grounds that the corporation has failed to comply with the ACA Act, the regulations or its constitution, or that there has been an irregularity in the corporation’s financial affairs.

Under the investigation powers, the Registrar can:

- require any person who the Registrar believes to have knowledge of the affairs of a corporation to attend before the Registrar, answer questions, and produce documents to which the person has access and which the Registrar requires
- enter onto land or premises occupied by the corporation, and examine, take or copy any books on the premises relating to the affairs of the corporation.

Failure to attend, answer a question or produce a document results in a penalty of \$200. Knowingly making false or misleading responses, and hindering or obstructing the Registrar’s access to premises and books, carry fines of \$1500.

### *Issue administration ‘show cause notice’—section 71(1)*

If the Registrar considers there may be grounds for appointment of an administrator, the Registrar may serve a notice on the public officer of a corporation calling on the corporation to show cause, within a specified time, why an administrator should not be appointed.

Attachment 1: Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

### ***Appointment of administrator—sections 71–77E***

Following the issue of an administration 'show cause' notice, the Registrar can appoint an administrator to take over and manage the affairs of a corporation. Administrators are often positively received because they offer an alternative to winding up, and aim to achieve turnaround for a struggling corporation.

An administrator can only be appointed if the Registrar is satisfied that any of certain grounds have been established, including:

- that the corporation has been trading at a loss for at least six of the previous 12 months
- that the board has failed to comply with the ACA Act, the regulations or the constitution, and has failed to give a satisfactory explanation for the failure
- that board members have acted in their own interests rather than the interests of the members, or in any other manner that is unfair or unjust to other members
- that the appointment is required in the interests of members and creditors
- that the appointment is otherwise required in the public interest.

The approval of the minister is required before the appointment of an administrator.

Upon the appointment of an administrator, the board is dismissed. The administrator takes control of the affairs of the corporation, has the functions and duties of the public officer, and has an express power to cancel or vary contracts of employment. The administrator must report to the Registrar from time to time, as required.

Upon termination of the administration, the Registrar must conduct an election for a new board.

The Registrar can also determine the administrator's remuneration, and who should pay it.

Attachment 1: Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

### ***Deregistration—section 82, regulation 18***

Deregistration is the cancellation of a corporation's registration so that it will cease to exist as a corporation. It is intended to be used for corporations which are 'defunct' and essentially non-operational but without debts (if a corporation had debts, winding up would be required).

The process for deregistration operates under provisions of the *Corporations Act 2001*, imported through Regulation 18 of the Aboriginal Councils and Associations Regulations. Under those provisions, the Registrar may deregister a corporation if the following three conditions are met:

- the annual report is at least six months overdue
- no other documents have been lodged in the previous 18 months
- the Registrar has no reason to believe that the corporation is carrying on business.

On deregistration, any property of the corporation vests in the Registrar.

Deregistration is also the end result of a winding up (liquidation).

## Attachment 2

# Incorporation and support services, 2001–02 to 2004–05

	2004–05	2003–04	2002–03	2001–02
<b>Incorporation services</b>				
<b>Incorporations</b>				
Applications received	120	160	211	206
Total applications actioned during the year	134	143	205	207
Applications approved	120	134	183	187
Applications refused	–	–	–	–
Application lapsed/withdrawn	14	9	22	20
<b>Constitution change requests</b>				
Requests received	116	122	138	134
Total requests actioned during the year	131	114	127	143
Requests approved	112	106	94	98
Requests refused	4	4	22	21
Requests lapsed/withdrawn	15	4	11	24
<b>Name change requests</b>				
Requests received	27	26	20	24
Total requests actioned during the year	25	18	16	32
Requests approved	18	14	8	22
Requests refused	2	–	2	1
Requests lapsed/withdrawn	5	4	6	9
<b>Post incorporation services</b>				
<b>Public register searches</b>				
Search requests received	543	283	551	858
Search requests finalised	501	272	557	844
<b>Members' complaints and dispute assistance</b>				
Matters received	117	139	123	120
Matters finalised	119	131	107	119
<b>Annual general meeting extensions</b>				
Matters received	140	106	–	–
Matters finalised	137	104	–	–
<b>Advice on corporation issues</b>				
Inquiries received	662	774	668	251
Inquiries finalised	682	634	622	245

Note: Some services finalised during the financial year were initiated in the previous year.

## Attachment 3

# Compliance trend

This table outlines the trends in corporations' compliance with ORAC reporting requirements between 1998-99 and 2003-04.

Compliance period	No. of corporations	Fully compliant	Partially compliant	Not fully or partially compliant	% fully compliant	% partially compliant	% not fully or partially compliant
1998-99 to 1999-00	<b>2488*</b>	855	<b>251</b>	1528	<b>34%</b>	10%	<b>61%</b>
1999-00 to 2000-01	<b>2490*</b>	739	<b>195</b>	1727	<b>30%</b>	8%	<b>69%</b>
2000-01 to 2001-02	<b>2497</b>	576	<b>26</b>	1895	<b>23%</b>	1%	<b>76%</b>
2001-02 to 2002-03	<b>2308</b>	528	<b>264</b>	1516	<b>23%</b>	11%	<b>66%</b>
2002-03 to 2003-04	<b>2304</b>	652	<b>283</b>	1369	<b>28%</b>	12%	<b>59%</b>

\*These figures are approximations due to the limitations of the data collection system in place at the time.

Note: 'Fully or partially compliant' means that either 5 or 3 key annual return documents respectively have been provided by the corporation for the relevant 2 consecutive year period. The above table shows all returns received by ORAC as at 30 June 2005. Corporations are not required to provide annual returns for 2004-05 until 31 December 2005.

The number of corporations are the number of corporations that were incorporated as at 31 March 2002, being the first financial year of the compliance period.

## Attachment 4

# Corporations where examinations were initiated 2004–05

This table lists corporations for which examinations under section 60 of the ACA Act were initiated during 2004–05, and summarises follow-up action by the Registrar to the time of writing.

ICN	Corporation	Examination action
449	Abmusic (Aboriginal Corporation)	Section 60A notice issued 16 June 2005
2226	Amaroo Aboriginal Corporation	Section 60A notice issued 29 September 2004
1902	Ananga Pitjantjatjara Services Aboriginal Corporation	Section 60A notice issued 13 May 2005
258	Anilalya Council (Aboriginal Corporation)	Decision pending
3615	Ashburton Aboriginal Corporation	Section 60A notice issued 31 December 2004
29	Bawinanga Aboriginal Corporation	No further action—management letter
3805	Billa Downs Aboriginal Corporation	Section 71 notice issued 15 June 2005
2058	Brisbane Council of Elders Aboriginal Corporation	No further action—management letter 10 January 2004
12	Broome Regional Aboriginal Medical Service (Aboriginal Corporation)	No further action—management letter issued 17 January 2005
1637	Burabi Aboriginal Corporation	Section 60A notice issued 14 June 2005
67	Central Australian Aboriginal Media Association (Aboriginal Corporation)	Section 60A notice issued 13 May 2005
1269	Dubbo Googars Aboriginal Corporation – CDEP	Section 71 notice issued 24 January 2005 Administrator appointed 18 May 2005
2912	Eidsvold Wakka Wakka Aboriginal Corporation	Decision pending
469	Ellimatta Housing Aboriginal Corporation	Section 60A notice issued 24 January 2005
4050	Gangali Aboriginal Corporation	Decision pending
3830	Ghungalou Aboriginal Corporation	Report pending
1508	Giangurra Aboriginal Corporation	Decision pending
2824	Goreta Aboriginal Corporation	Section 71 notice issued 13 July 2005
3864	Hopevale Community Learning Centre Aboriginal Corporation	Section 60A notice issued 7 June 2005
2974	Horn Island Aboriginal Corporation	Section 60A notice issued 26 November 2004
244	Injilinj Aboriginal and Torres Strait Islanders Corporation for Children and Youth Services	Section 71 notice issued 22 March 2005 Section 60A notice issued 28 April 2005
638	Joorook Ngarni Aboriginal Corporation	Section 60A notice issued 10 January 2005
3712	Kaiwalagal Aboriginal Corporation	Section 60A notice issued 26 November 2004
2375	Kamilaroi Aboriginal Housing Aboriginal Corporation	Report pending
1754	Kamilaroi Employment Aboriginal Corporation	Report pending



## Attachment 4: Corporations where examinations were initiated 2004–05

ICN	Corporation	Examination action
108	KASH Aboriginal Corporation	Section 60A notice issued 11 March 2005
1816	Katungal Aboriginal Corporation Community and Medical Service	Section 60A notice issued 11 March 2005
35	Kununurra Waringarri Aboriginal Corporation	Section 60A notice issued 29 April 2005
2250	Kutkabubba Aboriginal Corporation	Report pending
1369	Mackay and District Aboriginal and Torres Strait Islanders Corporation for Legal Aid Services	No further action—management letter
964	Magabala Books (Aboriginal Corporation)	Section 71 notice issued 24 January 2005 Monitoring agreement 23 February 2004
1807	Manyallaluk Aboriginal Corporation	Decision pending
2416	Marruwayura Aboriginal Corporation	Report pending
1061	Mungoorbada Aboriginal Corporation	Report pending
500	Murchison Region Aboriginal Corporation	Decision pending
2761	Nalta Ruwe Aboriginal Corporation	Section 71 notice issued 4 April 2005 Section 60A notice issued 29 May 2005
2804	Ngunnawal Aboriginal Corporation	Section 60A notice issued 29 March 2005
2062	Nindethana Aboriginal Corporation	Report pending
1917	Northern Star Aboriginal Corporation	Section 71 notice issued 31 December 2004
584	Papulu Apparr-Kari Aboriginal Corporation	Decision pending
942	Parnngurr Aboriginal Corporation	Section 71 notice issued 9 May 2005
334	Pintubi Homelands Health Service (Aboriginal Corporation)	Decision pending
629	Pitjantjatjara Yankunytjatjara Media (Aboriginal Corporation)	Section 60A notice issued 6 May 2005
2999	Pulikutjarra Aboriginal Corporation	Decision pending
1071	Pulkurru Aboriginal Corporation	Report pending
232	Southern Aboriginal Corporation	No further action—management letter 9 March 2005
442	The Arrernte Council of Central Australia Aboriginal Corporation	ORAC wind up action—Liquidator appointed 24 November 2004
918	Umpi Korumba Aboriginal and Torres Strait Islander Corporation for Housing	Section 71 notice issued 9 December 2004
2	Urapuntja Health Service Aboriginal Corporation	Decision pending
703	Western Australian Aboriginal Media Association (Aboriginal Corporation)	Section 71 notice issued 8 April 2005 Section 60A notice issued 8 June 2005
360	Wheatbelt Aboriginal Corporation	Section 60A notice issued 7 October 2004
2249	Windida Aboriginal Corporation	Report pending
548	Winton District Aboriginal Corporation	Section 60A notice issued 7 July 2005

## Attachment 4: Corporations where examinations were initiated 2004–05

ICN	Corporation	Examination action
1302	Wongatha Wonganarra Aboriginal Corporation	Decision pending
235	Yagga Yagga Community Aboriginal Corporation	Decision pending
2091	Yagga Yagga Enterprises Aboriginal Corporation	Decision pending
742	Yakanarra Aboriginal Corporation	No further action—management letter issued 12 July 2005
3840	Yandruwandha Yawarrawarrka Traditional Land Owners Aboriginal Corporation	Section 71 notice issued 9 December 2004 Administrator appointed 11 April 2005
4088	Yapatjarra Aboriginal and Torres Strait Islander Corporation for Health Services	Section 71 notice issued 22 March 2005 Administrator appointed 27 June 2005
620	Yarrowarra Aboriginal Corporation	Section 71 notice issued 18 January 2005
309	Yulella Aboriginal Corporation	Section 60A notice issued 3 January 2005

## Attachment 5

### Corporations issued with notices to rectify matters 2004–05

This table lists corporations that were issued with notices to rectify matters under section 60A of the ACA Act during 2004–05.

ICN	Corporation
419	'Kootana' Women's Centre Palm Island Aboriginal Corporation
449	Abmusic (Aboriginal Corporation)
2226	Amaroo Aboriginal Corporation
2542	Ampilatwatja Health Centre Aboriginal Corporation
1902	Ananga Pitjantjatjara Services Aboriginal Corporation
3615	Ashburton Aboriginal Corporation
1637	Burabi Aboriginal Corporation
3239	Carnarvon Aboriginal Corporation
499	Carnarvon Medical Service Aboriginal Corporation
67	Central Australian Aboriginal Media Association (Aboriginal Corporation)
1276	Danila Dilba Biluru Butji Binnilutlum Health Service Aboriginal Corporation
3726	Edgerton-Kwiembal Aboriginal Corporation

## Attachment 5: Corporations issued with notices to rectify matters 2004–05

ICN	Corporation
469	Ellimatta Housing Aboriginal Corporation
2708	Gunida Gnyah Aboriginal Corporation
1784	Guriwal Aboriginal Corporation
3864	Hopevale Community Learning Centre Aboriginal Corporation
2974	Horn Island Aboriginal Corporation
181	Illawarra Aboriginal Corporation
244	Injilinj Aboriginal and Torres Strait Islanders Corporation for Children and Youth Services
638	Joorook Ngarni Aboriginal Corporation
3712	Kaiwalagal Aboriginal Corporation
113	Kalumburu Aboriginal Corporation
108	KASH Aboriginal Corporation
1816	Katungal Aboriginal Corporation Community and Medical Service
35	Kununurra Waringarri Aboriginal Corporation
285	Kuwinywardu Aboriginal Resource Unit Aboriginal Corporation
2761	Nalta Ruwe Aboriginal Corporation
651	Ngoonjuwah Council Aboriginal Corporation
2804	Ngunnawal Aboriginal Corporation
1519	Orana Aboriginal Corporation
629	Pitjantjatjara Yankunytjatjara Media (Aboriginal Corporation)
2645	Shoalhaven Community Development Aboriginal Corporation
703	Western Australian Aboriginal Media Association (Aboriginal Corporation)
360	Wheatbelt Aboriginal Corporation
3411	Wonnarua Nation Aboriginal Corporation
3255	Woodgamia CDEP Aboriginal Corporation
309	Yulella Aboriginal Corporation

## Attachment 6

# Corporations issued with notices to show cause why an administrator should not be appointed 2004–05

This table lists corporations that were required to show cause why an administrator should not be appointed under section 71 of the ACA Act during 2004–05.

ICN	Corporation
3805	Billa Downs Aboriginal Corporation
499	Carnarvon Medical Service Aboriginal Corporation
768	Cudjallagong Aboriginal Corporation Lake Cargelligo
1269	Dubbo Googars Aboriginal Corporation – CDEP
244	Injilnji Aboriginal and Torres Strait Islanders Corporation for Children and Youth Services
964	Magabala Books (Aboriginal Corporation)
2761	Nalta Ruwe Aboriginal Corporation
55	New England Aboriginal Corporation
1917	Northern Star Aboriginal Corporation
942	Parnngurr Aboriginal Corporation
560	Piccadilla Aboriginal Corporation
2379	Southside Housing Aboriginal Corporation
2749	Three Ways Aboriginal Corporation
918	Umpi Korumba Aboriginal and Torres Strait Islander Corporation for Housing
703	Western Australian Aboriginal Media Association (Aboriginal Corporation)
3840	Yandruwandha Yawarrawarrka Traditional Land Owners Aboriginal Corporation
4088	Yapatjarra Aboriginal and Torres Strait Islander Corporation for Health Services
620	Yarrowarra Aboriginal Corporation

## Attachment 7

### Corporations where new administrators were appointed 2004–05

This table lists corporations for which administrators were appointed under section 71 of the ACA Act during 2004–05.

ICN	Corporation	Date appointed
2749	Three Ways Aboriginal Corporation	29 September 2004
768	Cudjallagong Aboriginal Corporation Lake Cargelligo	29 September 2004
560	Piccadilla Aboriginal Corporation	1 November 2004
2379	Southside Housing Aboriginal Corporation	15 November 2004
3840	Yandruwandha Yawarrawarrka Traditional Land Owners Aboriginal Corporation	18 April 2005
1269	Dubbo Googars Aboriginal Corporation—CDEP	18 May 2005
4088	Yapatjarra Aboriginal and Torres Strait Islander Corporation for Health Services	27 June 2005

## Attachment 8

### Corporations with administrations continuing from previous years at 30 June 2005

This attachment lists corporations with administrations continuing from previous years, and when the administrator was appointed.

ICN	Corporation	Date appointed
49	Gilgandra Aboriginal Corporation	10 October 2001
2133	Goomburrup Aboriginal Corporation	16 July 2002
2452	Brewarrina Aboriginal Cultural Museum Aboriginal Corporation	3 December 2002
662	Munjuwa Health Housing and Community Aboriginal Corporation	24 March 2003
289	Wirrimanu Aboriginal Corporation	31 October 2003
2541	Kununurra Region Economic Aboriginal Corporation	21 November 2003
2885	Central Queensland Aboriginal Corporation for Media	22 March 2004
1716	Armidale Employment Aboriginal Corporation	5 April 2004
54	Mount Morgan Aboriginal Corporation	12 April 2004

## Attachment 9

# Liquidations in progress at 30 June 2005

This table lists corporations where liquidation was in progress under the ACA Act at 30 June 2005.

ICN	Corporation	Date appointed
2293	Aboriginal and Torres Strait Islander Corporation for All Sports, Health and Recreation	29 May 2003
2690	Aboriginal Building Corporation (Aboriginal Corp)	21 March 2000
227	Balangarri Aboriginal Corporation	28 July 1999
893	Boree Aboriginal Corporation	
2452	Brewarrina Aboriginal Cultural Tourism Aboriginal Corporation	29 May 2003
2911	Cairns & District Indigenous Families Aboriginal & Torres Strait Islanders Corporation	1 December 2004
1449	Carnma CDEP Aboriginal Corporation	13 February 2004
164	Central Queensland Aboriginal Corporation for Training Resources	30 May 1997
1766	Coolgaree Youth Movement Aboriginal Corporation	18 August 2004
1228	Doonooch Self-Healing Aboriginal Corporation	12 December 2000
1930	Durahrwa Training and Development Aboriginal Corporation	10 May 2005
2412	Euston Aboriginal Corporation	10 March 1999
1122	Gubrun Aboriginal Corporation	19 January 2000
1696	Guddoo Marddah Aboriginal Corporation	23 February 2000
1674	Gundabooka Aboriginal Corporation	14 August 2002
1579	Gunyah Construction Aboriginal Corporation	12 June 2001
1192	Karijini Aboriginal Corporation	6 May 2003
328	Kerrup Jmara Elders Aboriginal Corporation	2 April 2001
1562	Manth-Thayan Aboriginal Corporation	14 September 1999
3639	Martidja Bunyjima Aboriginal Corporation	29 May 2003
549	Meearu Djarula Aboriginal Corporation	20 April 1999
3553	Murrin Bridge Vineyard Aboriginal Corporation	7 March 2005
1476	Narrogin Aboriginal Corporation	16 August 2001
147	Narwon Housing Aboriginal Corporation	15 May 1998
272	Ngaku Aboriginal Corporation Multi-Purpose Centre	3 November 2004
957	NSW Women's Aboriginal Corporation	2 May 2000
2704	Orana Barellan Aboriginal Corporation	12 June 1999
87	Sports Aboriginal Corporation of Tasmania	6 October 2000
77	Theodore Aboriginal Corporation	19 April 2000
1551	Wandanooka Aboriginal Corporation	4 October 1999
2323	Warrego Aboriginal Corporation	28 November 2002
3221	Wiri/Yuwiburra "Touri" Aboriginal Corporation	7 June 2002
778	Yabu Bindalynga Aboriginal Corporation	5 September 1995
1825	Youth Activities Services Torres Strait Islander Corporation	2 October 2003

## Attachment 10

### Liquidations finalised during 2004–05

The corporations listed in this table were liquidated under the ACA Act, and the liquidations were finalised during 2004–05.

ICN	Corporation	Date appointed
480	Allambi Aboriginal Corporation	19 March 1999
1853	Bidunggu Aboriginal Corporation	7 November 2000
2018	Birri Gubba Aboriginal Corporation	27 January 2000
1700	Bogong Community Aboriginal and Torres Strait Islanders Corporation	10 December 1996
2441	Brisbane North Aboriginal and Torres Strait Islanders Corporation for Aged Care	11 July 2003
1174	Camu Goun-Doi Aboriginal Corporation	15 July 1999
699	Dhunghulla Economic Development Aboriginal Corporation	12 July 1999
1465	Murri Aid Inala Aboriginal and Torres Strait Islanders Corporation	7 May 2004
1887	Ngadju Bugarla Mirning Wamu Wamu Aboriginal Corporation	21 July 1999
166	North Queensland Aboriginal and Torres Strait Islanders Corporation for Child Care	16 December 2002
509	Nurapai Torres Strait Islanders Corporation	25 January 2000
442	The Arrernte Council of Central Australia Aboriginal Corporation	24 November 2004
10	Tingha Aboriginal Corporation	4 October 1999
233	Waratah Aboriginal Corporation	12 May 1999
1237	Wattle Hill Housing and Advancement Aboriginal Corporation	21 August 1998
310	Yuddika (Aboriginal and Torres Strait Islander Corporation)	13 February 2004

## Attachment 11

# Deregistrations completed

The corporations listed in this appendix were deregistered under the ACA Act during 2004–05.

ICN	Corporation
3	Warran Aboriginal Corporation
32	Leeton and District Aboriginal Corporation
172	Kaltukatjara Nguratjaku Council (Aboriginal Corporation)
233	Waratah Aboriginal Corporation
310	Yuddika (Aboriginal and Torres Strait Islanders Corporation)
387	Yanangu Stores Association (Aboriginal Corporation)
424	Darlots Creek (Saunders Family) Aboriginal Corporation
480	Allambi Aboriginal Corporation
509	Nurapai Torres Strait Islanders Corporation
699	Dhunghulla Economic Development Aboriginal Corporation
783	Jukurpa Aboriginal Corporation
995	Gillawarra (Aboriginal Corporation)
1174	Camu Goun-Doi Aboriginal Corporation
1224	Yurundiali Aboriginal Corporation
1237	Wattle Hill Housing and Advancement Aboriginal Corporation
1308	Deloraine Aboriginal Culture Association Aboriginal Corporation
1465	Murri Aid Inala Aboriginal and Torres Strait Islanders Corporation
1526	Waljjukurru Aboriginal Corporation
1589	Wiimpatja Wana Aboriginal Corporation
1650	Southern and Western Regional Aboriginal Corporation For Justice
1700	Bogong Community Aboriginal and Torres Strait Islanders Corporation
1772	South West Community Care Aboriginal Corporation
1783	Napranum Aboriginal Corporation
1818	Yuroke Investments Aboriginal Corporation
2018	Birri Gubba Aboriginal Corporation
2033	Wambali Aboriginal Corporation
2052	Disability Services Aboriginal Corporation
2060	Gamilaroi Women's Group Aboriginal Corporation
2103	Waagul Aboriginal Corporation
2107	Euraba Store Aboriginal Corporation
2153	South West Queensland Aboriginal Corporation for Sports and Recreation
2159	Wandra Wandian Aboriginal Corporation



## Attachment 11: Deregistrations completed

ICN	Corporation
2163	Western Suburbs Enterprise Development Aboriginal Corporation
2187	Wellington Aboriginal Corporation Sports Club
2208	Cullendulla Aboriginal Corporation
2305	Aboriginal and Torres Strait Islanders Corporation for Community Development
2343	North Star Construction Aboriginal Corporation
2363	Marle Yaragan (Swan River) Aboriginal Corporation
2401	Sydney Aboriginal Corporation
2405	Bungaree Aboriginal Corporation
2406	Cutwill Aboriginal Corporation
2407	Too Much Dreamtime Aboriginal Corporation
2434	Gubbi Land Council Aboriginal Corporation
2435	Paruna Aboriginal Corporation
2438	Florina Station Aboriginal Corporation
2441	Brisbane North Aboriginal and Torres Strait Islanders Corporation for Aged Care
2445	Unit Committee T.S. Carpentaria (Aboriginal and Torres Strait Islanders Corporation)
2457	Katiny Aboriginal Corporation
2468	Menindee Family Support Group Aboriginal Corporation
2478	Palm Island Gospel Outreach Family Care Aboriginal Corporation
2486	Georgina River Aboriginal Corporation
2505	National ATSI Student Network Aboriginal Corporation
2524	Wiradjuri Amaroo Land Kommittee (Walk) Aboriginal Corporation
2534	Muli Youth & Sport Club Aboriginal Corporation
2548	Gnurra Yilla Aboriginal Corporation
2550	Dhaura Housing Aboriginal Corporation
2552	Mindaribba Aboriginal Corporation
2553	Karluk Muujt Aboriginal Corporation
2554	Roma Gorge Aboriginal Corporation
2559	Walter McGuire & Sons Aboriginal Corporation
2567	Wiputa Aboriginal Corporation
2572	Five Corners Aboriginal Corporation
2580	Inverell and District Aboriginal & Torres Strait Islanders Corporation
2581	Waukaba Aboriginal Corporation
2584	Wodi-Wodi Youth Committee Aboriginal Corporation
2587	Yinarr Bambar Aboriginal Corporation
2595	South East Queensland ATSI Corporation for Sport, Recreation, Social and Economic Activities

## Attachment 11: Deregistrations completed

ICN	Corporation
2596	Goombungee Aboriginal Corporation
2602	Trad-Art Aboriginal Corporation
2615	Wayah Aboriginal Corporation
2619	The Emanuel Cooper Drop-in Centre Aboriginal Corporation
2639	Yabuna Ooloma Council of Elders Aboriginal Corporation
2650	Gimuy Cultural Development Aboriginal Corporation
2652	Euraajuri Heritage Aboriginal Corporation
2659	Nyoongah Sport and Recreation Council (Aboriginal Corporation) for the Central Wheatbelt
2667	Bindook Aboriginal Corporation
2671	Durahrwa Aboriginal Corporation
2678	Woodray Murridge Aboriginal Corporation
2683	Kaltarra Aboriginal Corporation
2694	Atheympelengkwe Aboriginal Corporation
2707	Wunnamurra Aboriginal & Torres Strait Islanders Corporation for Sport
2709	Yamba All Blacks Rugby League Aboriginal Corporation
2721	Inland Rivers Land Council Aboriginal and Torres Strait Islanders Corporation
2725	Daiwul Gidja Culture Group Aboriginal Corporation
2726	Balun Community Health Place Aboriginal Corporation
2728	Wuyagiba Numamurdiridi Aboriginal Corporation
2737	Binbi – Yungah Employment of Aboriginal and Torres Strait Islanders Corporation
2739	Pitjantjatjara Outreach Ministry Crusade (Aboriginal Corporation)
2770	Jilakin Aboriginal Corporation
2778	Bindarray Aboriginal Corporation for Youth and Education
2800	Bourke Boxing Club Aboriginal Corporation
2803	Googunah Land Council Aboriginal Corporation
2812	T.I Meriam Group Torres Strait Islanders Corporation
2825	Tourism Manjimup Aboriginal Corporation
2826	Nanga-Ngoona Moora-Joorga Aboriginal Corporation
2838	Deili Aboriginal Corporation
2848	Bagal Marragabula Babal Aboriginal Corporation
2850	Aray Tours (Laughton and Associates) Aboriginal Corporation
2861	Booringa Aboriginal Corporation
2871	Kulintjuri Aboriginal Corporation
2889	Woonghi Youth, Sport & Recreation Aboriginal Corporation

## Attachment 11: Deregistrations completed

ICN	Corporation
2900	Marda Aboriginal Corporation
2901	Black Duck Womens Aboriginal Corporation
2919	Traditional Tribal Mutthi-Mutthi Aboriginal Corporation
2921	Kiana Aboriginal Corporation
2935	Nukara Indigenous Womens Aboriginal Corporation
2939	Wangkumarra Land Council Aboriginal Corporation
2944	Oomari Aboriginal Corporation
2946	Yagungu-Nya Aboriginal Corporation
2950	The Bok Bok Gallery Aboriginal Corporation
2952	Bralbin Boxing Club Aboriginal Corporation
2965	The Ngarigo of the Maneroo Aboriginal Corporation
2971	National Indigenous Aboriginal Rugby League (Aboriginal Corporation)
2975	Kullarri Patrol Aboriginal Corporation
2988	Pituri Pastoral Aboriginal Corporation
2994	Ngoorabul Elders Aboriginal Corporation Glen Innes
3004	Djunuwidj Business Enterprises Aboriginal Association
3018	Morwell Aboriginal Education Consultative Aboriginal Corporation
3026	Ngaaga Aboriginal Corporation
3041	Bigambul Land Management Aboriginal Corporation
3042	Cobar Aboriginal C.D.E.P. Aboriginal Corporation
3043	Bungu Marras Aboriginal Corporation
3044	Barjai Aboriginal Corporation
3048	Ngwely Aboriginal Corporation
3052	Barrun-Bari Aboriginal Corporation
3073	Jayedi Aboriginal Corporation
3077	Juvenile Advancement Aboriginal Corporation
3081	Bondrildich Yongagarup Aboriginal Corporation
3082	Upper Clarence Jabiros Rugby League Aboriginal Corporation
3095	Thithaarr-Warra Aboriginal Corporation
3102	Broulee Aboriginal Corporation
3105	Pujawujalki Aboriginal Corporation
3112	Keriba Lagau Traditional Land and Sea Claimants Torres Strait Islanders Corporation
3117	MKMGMK Ailanesians (Malu Lewer) Torres Strait Islander Corporation
3131	Woghun Web-Barrd Aboriginal Corporation

## Attachment 11: Deregistrations completed

ICN	Corporation
3133	KREAC Financial Services Aboriginal Corporation
3136	Intelyape-lyape Aboriginal Corporation
3140	Ngijambandi Yaam Yuludarra Aboriginal Corporation
3151	Black Tracks Aboriginal Corporation
3152	Yuturminyi Aboriginal Corporation
3167	Miri Aboriginal Corporation
3175	Gudang Aboriginal Corporation
3177	Munyungga Training and Development Aboriginal Corporation
3179	Maddington Christian Aboriginal Corporation
3184	Noongar Aboriginal Corporation Cranbrook and Kendenup
3187	Retta Dixon Home Aboriginal Corporation
3190	Nguluk Mia Aboriginal Corporation
3192	Greater Mount Isa Regional Aboriginal Corporation
3198	Bwgcolman Media Aboriginal Corporation
3211	Westerners Aboriginal Corporation
3213	Aspey Nyoongah Aboriginal Corporation
3223	Living Hope Christian Aboriginal & Torres Strait Islander Aboriginal Corporation for Community Welfare
3230	Hammond Island Fishing Torres Strait Islanders Corporation
3235	Wearu Aboriginal Corporation
3242	Gurwidj Aboriginal Neighbourhood House Aboriginal Corporation
3247	Yarnawakoo Aboriginal Corporation
3251	Dorakin Aboriginal Corporation
3253	Anangu Tjuta Nintirrikupayi Aboriginal Corporation
3257	National Stolen Children Aboriginal Corporation
3261	Aboriginal Corporation for Bwgcolman Community resource Centre
3265	Newcastle United Sports Aboriginal Corporation
3266	Dingaal Aboriginal Corporation
3272	Dharawahl Aboriginal Corporation for Housing
3274	Island View Aboriginal Corporation
3278	Wadjari Aboriginal Corporation
3280	Bigumbul Aboriginal Corporation for Land
3283	Coolabah Aboriginal Corporation
3285	Moorn Ngoorlak Armadale Aboriginal Independent Group Aboriginal Corporation
3286	Wakka Wakka Aboriginal Corporation Land Council
3289	Torres Strait Islanders Corporation for Indigenous Culture

## Attachment 11: Deregistrations completed

ICN	Corporation
3297	Mayi Mia Aboriginal Corporation
3311	Angumothimaree Thanaquithe Aboriginal Corporation
3314	Sydney Economic Development Aboriginal Corporation
3321	Forster Cabarita Sports and Recreation Club Aboriginal Corporation
3325	Youttinga Aboriginal Corporation
3331	Nambucca Valley Rams Aboriginal League Association Aboriginal Corporation
3340	Ngoroe-kah Indigenous Performance Aboriginal Corporation
3344	Gunda Aboriginal Corporation
3356	Tarrin-Dorakin Aboriginal Corporation
3360	Ngala Aboriginal Corporation
3365	Tuki-Up Aboriginal Corporation
3378	Pimbathella Aboriginal Corporation
3397	Sapphire Coast United Warriors Rugby League Football Club Aboriginal Corporation
3403	Woorabinda Elders Aboriginal Corporation
3407	Wurrumalu Thalanyji Aboriginal Corporation
3417	Sunraysias Elders Aboriginal Corporation
3421	Bardulanha Aboriginal Corporation
3434	Muralagauh Buai Torres Strait Islanders Corporation
3446	Yongar Quarberup Aboriginal Corporation
3448	Pananykarra Aboriginal Corporation
3451	Ngarawunja Aboriginal Corporation
3453	Ngudaarrerp Keetj (Gumlett Tree Spear) Aboriginal Corporation
3457	Lake Chinocup Aboriginal Corporation
3459	Winyuduwa Aboriginal Corporation
3460	Mundu Aboriginal Corporation
3462	Watarru Enterprises Aboriginal Corporation
3480	Gambuwal Aboriginal Corporation.
3483	Dreamtime Entertainment Aboriginal Corporation
3488	Diwah Aboriginal Corporation
3489	Galaringi Aboriginal Corporation
3492	Murragan Aboriginal Corporation
3495	Yorke Island Fishermens (Torres Strait Islander) Corporation
3502	Edarr Aboriginal Corporation
3513	The Councillor Aboriginal Corporation

## Attachment 11: Deregistrations completed

ICN	Corporation
3517	Koorie Galore Aboriginal Corporation
3519	Mowanjum Artists Spirit of the Wandjina Aboriginal Corporation
3521	La Perouse Aboriginal Corporation for Youth and Community Sports
3525	Goodaduboo Night Patrol Aboriginal Corporation
3544	Palm Island Businesses Aboriginal Corporation
3549	Family Violence Prevention Aboriginal Corporation
3550	Wannamurragunya Aboriginal Corporation
3556	Ngarla Koort Aboriginal Corporation
3558	Batemans Bay South Coast Koori United Aboriginal Corporation
3565	Jirndawurruna Yindjibarndi Aboriginal Corporation
3567	Barndangana Aboriginal Corporation
3577	Kymel – North West Brisbane Aboriginal Torres Strait Islander Corporation Community Group
3588	Tom Price Aboriginal Corporation
3595	Bereavement Services Aboriginal Corporation
3596	Grahams Land Development Aboriginal Corporation
3608	Top of the Tablelands ARUNTA Aboriginal Corporation CDEP
3611	Ngukurr Meat Supplies and Abattoirs Aboriginal Corporation
3614	Wyllburra Binbi Aboriginal Corporation for Social Justice
3616	The Gathering Place (Spiritual and Physical Healing) Aboriginal and Torres Strait Islander Corporation
3617	Onslow Thalanyji Aboriginal Corporation
3619	Maiwar Aboriginal Corporation
3627	Bunurong Aboriginal Corporation
3641	Kwintigan Land Management Aboriginal Corporation
3645	South Queensland Traditional Owners Aboriginal Corporation
3646	Aulperenge Aboriginal Corporation
3652	Tomorrows Leaders Camps Aboriginal Corporation
3656	Guba Wame Aboriginal & Torres Strait Islander Corporation
3657	Djanbun Washpool Aboriginal Corporation
3659	Bunbury Aboriginal Media Association (Aboriginal Corporation)
3663	Warregal Management & Consultancy Aboriginal Corporation
3664	Joongnardhi Aboriginal Corporation
3670	Jilarrn Aboriginal Corporation
3672	Sarina Aboriginal & Torres Strait Islanders Corporation for Health, Sporting & Recreation
3689	Walgun Aboriginal Corporation

## Attachment 11: Deregistrations completed

ICN	Corporation
3690	Badimia Business Aboriginal Corporation
3703	Kurralnga Resource Centre Aboriginal Corporation
3707	Tilagi Land and Sea Aboriginal Corporation
3710	Our Dream Time Aboriginal Corporation
3711	Ginyinbaminjarri Aboriginal Corporation
3713	Barjon Music Aboriginal Corporation
3714	Gurrullgan Community Aboriginal Corporation
3723	Tjitjiku Ngurra Aboriginal Corporation
3735	Indigenous Business Solutions Aboriginal Corporation
3736	Sydney Country Music Club Aboriginal Corporation
3737	The Cherbourg Aboriginal Media Network Aboriginal Corporation
3750	Thungutti Burrell Bulia Aboriginal Corporation
3759	Ngadli Mudlunha Aboriginal Corporation
3760	Winangaay NSW Indigenous Youth Culture & Fitness Aboriginal Corporation
3773	Yathapurrunha Aboriginal Corporation
3780	Ngurangga Aboriginal and Torres Strait Islander Corporation for Housing
3881	Parkes Business Aboriginal Corporation
3984	Moree Shamrock Warriors Aboriginal Corporation
4072	Lower Darling Traditional Owners Aboriginal Corporation
4113	Karuah Aboriginal Corporation

## Attachment 12

# Indigenous corporations under the ACA Act with highest known income\*

REF	ICN	Corporation name	Grant	Other	Total
A	29	Bawinanga Aboriginal Corporation	\$10 495 857	\$12 146 228	\$22 642 085
B	2719	Kaarta-Moorda Aboriginal Corporation	\$10 997 196	\$2 167 380	\$13 164 576
C	2102	Bungala Aboriginal Corporation	\$12 407 843	\$0	\$12 407 843
D	3068	Katherine West Health Board Aboriginal Corporation	\$8 804 261	\$700 358	\$9 504 619
E	21	Kimberley Land Council Aboriginal Corporation	\$6 517 054	\$2 775 829	\$9 292 883
F	232	Southern Aboriginal Corporation	\$7 104 716	\$785 268	\$7 889 984
G	868	Julalikari Council Aboriginal Corporation	\$2 137 639	\$5 702 805	\$7 840 444
H	443	Ngaanyatjarra Services Aboriginal Corporation	\$0	\$7 125 159	\$7 125 159
I	4170	Sunrise Health Service Aboriginal Corporation	\$5 597 780	\$1 223 948	\$6 821 728
J	27	Durri Aboriginal Corporation Medical Service	\$5 734 832	\$1 086 700	\$6 821 532
K	2570	Maari Ma Health Aboriginal Corporation	\$5 919 717	\$294 038	\$6 213 755
L	267	Tjuwanpa Outstation Resource Centre (Aboriginal Corporation)	\$5 207 949	\$769 307	\$5 977 256
M	2958	South-West Aboriginal Medical Service Aboriginal Corporation	\$3 290 408	\$2 580 519	\$5 870 927
N	2705	Wila Gutharra Community Aboriginal Corporation	\$4 544 168	\$1 271 044	\$5 815 212
O	1124	Booroongen Djugun Aboriginal Corporation	\$4 287 710	\$1 416 353	\$5 704 063
P	3976	Cairns Regional Community Development & Employment Aboriginal & Torres Strait Islander Corporation	\$5 615 611	\$75 342	\$5 690 953
Q	197	Bega Garnbirringu Health Services Aboriginal Corporation	\$4 665 683	\$766 010	\$5 431 693
R	3003	Nooda Ngulegoo Aboriginal Corporation	\$5 283 782	\$42 606	\$5 326 388
S	1902	Anangu Pitjantjatjara Services Aboriginal Corporation	\$1 116 800	\$4 011 619	\$5 128 419
T	283	Anyinginyi Health Aboriginal Corporation	\$4 245 225	\$855 528	\$5 100 753
U	12	Broome Regional Aboriginal Medical Service (Aboriginal Corporation)	\$2 231 666	\$2 813 261	\$5 044 927
V	360	Wheatbelt Aboriginal Corporation	\$3 563 433	\$1 411 472	\$4 974 905
W	1094	Bama-Ngappi-Ngappi Aboriginal Corporation	\$1 769 294	\$3 065 767	\$4 835 061
X	99	Biripi Aboriginal Corporation Medical Centre	\$3 653 536	\$850 880	\$4 504 416
Y	1163	Cape York Land Council Aboriginal Corporation	\$4 291 052	\$114 464	\$4 405 516

\* See Map 1 for location of these 25 corporations



## Attachment 13

# The Corporations (Aboriginal and Torres Strait Islander) Bill 2005

Following a review of the *Aboriginal Councils and Associations Act 1976* (the ACA Act) in 2002, the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 was introduced into the Australian Parliament on 23 June 2005.

### The review

February 2001:	the Registrar commissioned a review of the ACA Act, led by law firm Corrs Chambers Westgarth. The review team included specialists Senatore Brennan Rashid, Professor Mick Dodson, Dr Christos Mantziaris and Anthropos Consulting.
December 2002:	final report of the review presented.

### Consultations

April–May 2001/ March–June 2002	two rounds of consultations + 2 workshops in Alice Springs
Questionnaires:	sent to all associations incorporated under the ACA Act + to 345 Indigenous organisations incorporated under other Commonwealth, state and territory legislation.
Advertisements:	placed in Indigenous publications, including the <i>Koori Mail</i> , <i>National Indigenous Times</i> , <i>Yamatji News</i> and the <i>Torres Strait News</i> , calling for submissions and comments.  run on the National Indigenous Radio Service (NIRS) network during March and April 2002. NIRS can broadcast to over 120 Indigenous radio stations Australia-wide, including the BRACS network in remote areas.
ORAC website:	included details of the review and copies of the consultation papers and the questionnaires for Indigenous corporations.
Information sheets:	on the review and a copy of a summary consultation paper distributed to all participants at the Indigenous Governance Conference held by Reconciliation Australia in April 2002.
Consultation papers:	sent to key stakeholders, seeking submissions.
Separate briefings:	provided to members of six ATSI Regional Councils and the ATSI Board. Board members were updated on the progress of the review and were given advance copies of the consultation papers.

## ***Key features***

### **Human rights**

- The Bill is intended to benefit Indigenous people and will be a ‘special measure’ consistent with the *Racial Discrimination Act 1975*.
- Registering under the Act is largely optional. The exception is most native title corporations which are already required to register under the ACA Act, and they will transition in to the new Act along with other existing corporations.
- The Bill provides new and unique opportunities to align corporate design to culture—there is international and local evidence that maximising cultural match builds more successful Indigenous corporations.
- The Registrar can take action on behalf of members and respond preventatively, providing a safety net for essential remote funds, assets and services.

### **Support**

- The Registrar can protect members’ rights if they are unable to or lack the capacity to take action themselves.
- The Registrar can assist with dispute prevention and provide education and advice.

### **Cultural alignment**

- Indigenous people can design corporate structures and rules which best suit their specific needs, whether by reference to cultural practices or otherwise.
- The Bill ensures that proper compliance with the Native Title Act does not contravene requirements of the Bill.
- The Bill removes excessive red tape by streaming corporations into small, medium and large for reporting purposes. Generally, reporting will decrease for small and medium corporations and increase for large corporations.

### Accountability

- Consultations with communities revealed strong support for more rigorous accountability of managers, directors and CEOs. The Bill responds to this call in a number of ways outlined below.
- The Bill closes the regulatory gap that existed between the ACA Act and the *Corporations Act 2001*. For example, under the ACA Act it was unclear whether the affairs of related bodies, such as trusts, could be examined. The Bill makes it clear that, like ASIC, the Registrar can examine the affairs of persons or bodies connected with Aboriginal and Torres Strait Islander corporations.
- The Bill allows for individuals to be automatically disqualified from managing Aboriginal and Torres Strait Islander corporations if they are disqualified from managing corporations under the Corporations Act.
- The Bill applies directors' duties to senior management, and ensures appropriate duties apply to both directors and senior management. This is aligned with the Corporations Act.
- Funding bodies and creditors can take a more proactive role in protecting their interests. This is implemented in the Bill by aligning with the external administration provisions of the Corporations Act and through a number of transparency measures such as allowing observers and enabling consolidated reporting for groups of corporations.
- The Register of Indigenous Corporations will be enhanced in line with other comparable registers, underpinning the call for greater transparency and accountability.

### Good corporate governance

- Unlike most corporations under mainstream legislation, corporations registered under this Act will be required to have an internal governance framework which will be kept on a register maintained by the Registrar, in the interests of complete transparency in their decision making.
- The framework incorporates mandatory elements (unless exempted by the Registrar), replaceable rules and tailored rules. It will be approved by the Registrar and placed on the public register. An example of a mandatory requirement is that the maximum number of directors is 12, to ensure boards are made up of manageable numbers in terms of good decision making and costs.

## Attachment 14

# Questions and answers: ORAC's Budget measure in 2006-07



Australian Government  
Registrar of Aboriginal Corporations

## Questions and answers: ORAC's Budget measure Reforming the delivery capacity of Indigenous corporations

### Q. What is this Budget measure all about?

- A. This new initiative will provide an integrated package of measures rolled out over four years as follows:
- deliver an intensive training program in good corporate governance targeted at the neediest regions. The training program will be extended to 10 new regions including the Kimberley; Pilbara; Central Australia; western New South Wales; and parts of the Northern Territory. Training will be maintained in regional and remote areas already targeted including north and central Queensland, Maningrida, Darwin, Alice Springs and Palm Island. Training will focus on Board members, key staff of corporations, young people, women, non-English speaking Indigenous people, community leaders and graduates from the Australian Government funded Indigenous leadership development program
  - redesign poorly designed constitutions or rationalise unsustainable Indigenous corporations and sectors, particularly those delivering essential services or managing essential assets such as municipal service providers, to improve their viability
  - establish a register of disqualified directors and senior staff that will prevent people on the register from operating in any corporations
  - establish a specialist recruitment service for use by Indigenous corporations and government agencies.

### Q. What does this change mean?

- A. This measure will tackle persistent problems in Indigenous governance. These problems, including corruption and poor capacity, undermine the return on government investment in services and assets for Indigenous communities and stop Indigenous communities from achieving their goals.

### Q. When will this measure start?

- A. 1 July 2006 and will be phased over four years.

### Q. How much funding is being committed to this measure?

- A. \$28.1 million over four years.

	Budget	Forward estimates			Measure
	2006-07	2007-08	2008-09	2009-10	Total
	\$m	\$m	\$m	\$m	\$m
Expense	6.7	6.4	6.7	6.6	26.5
Capital	1.5	0.1	0.0	0.0	1.6
Total	8.2	6.5	6.7	6.6	28.1

### Q. What will be the impact of the measure?

- A. The measure will:
- improve corporate compliance and performance in high need areas around Australia, which will improve the stability and servicing of these communities and their regions

## Attachment 14: Questions and answers: ORAC's Budget measure in 2006–07

**Questions and answers: ORAC's Budget measure**

- lift the ability of members, directors and staff to successfully govern and manage their corporations, which will contribute to longer term viability of corporations and communities
- raise the quality and retention of staff in Indigenous corporations, improving the stability and servicing of high need communities
- strengthen regulatory activities where there is poor performance or corruption by Indigenous corporations or individuals, and also better integrate regulatory work with capacity building where needed
- ensure that mainstream standards for disqualifying officers from corporations apply and that unscrupulous individuals are disqualified from operating in any corporations in Australia.

**Q. What is the policy rationale?**

- A. The measure targets core problems in the Indigenous corporate sector, in high need remote regions and key regional/urban Indigenous communities. Overcoming these core problems will improve the stability and servicing of Indigenous communities and the return on investment in those communities.

The Office of the Registrar of Aboriginal Corporations (ORAC) regulates about 2500 Indigenous corporations, ranging in size, functions and location—most of them operating in the most remote parts of Australia. Corporate compliance is overall low, due to poor capacity within corporations and communities, a lack of understanding of legal requirements and corruption. ORAC administers legislation that provides a unique platform for it to respond with a suite of capacity building initiatives and strong regulatory actions.

The measure will enhance ORAC's capacity to respond effectively and so support Indigenous communities' and the Australian Government's interest in stable, better serviced and well governed communities.

ORAC currently delivers the Enhanced Training for Directors program to directors of Indigenous corporations incorporated under the *Aboriginal Councils and Associations Act 1976*. This program is due to conclude on 30 June 2006 and independent evaluation shows that it has contributed to improvements in Indigenous governance capacity.

**Further information**

**For the most recent annual report,**  
[http://www.orac.gov.au/about\\_orac/publications.aspx#1](http://www.orac.gov.au/about_orac/publications.aspx#1)

**For the Public Register of Indigenous Corporations,**  
[http://www.orac.gov.au/searches/register\\_corporations.aspx](http://www.orac.gov.au/searches/register_corporations.aspx)

**For the summary of the evaluation of ORAC's training program,**  
[http://www.orac.gov.au/about\\_orac/publications.aspx#1](http://www.orac.gov.au/about_orac/publications.aspx#1)

**Information kits** are available from ORAC. They contain:

- *Who we are, what we do* brochure
- *Meet the Bill* booklet
- *The Oracle* newsletter
- back cover of the *2003–04 Yearbook* (listing publications and training)
- this Q & A.

If you require further information please call 1800 622 431 (toll free except for mobiles).

## Glossary of terms and abbreviations

administration	The Registrar can appoint an administrator to govern and manage the affairs of a corporation. They offer an alternative to winding up, and aim to achieve turnaround for a struggling corporation.
capacity development	ORAC’s approach is to support individuals, groups and organisations to build on their strengths and assets. Staff use participative methodologies and access to information and training to enhance self reliance.
case management	This is about ORAC providing one staff person who draws all ORAC’s services together to assist a corporation. This means corporations receive a more personal service, and ORAC can be more informed in the way it assists corporations.
compliance	Corporations must comply with the ACA Act which sets out some rules for how Indigenous corporations must be run, and also requires some reports to be forwarded to ORAC every year.
corporate governance	Corporate governance is how people lead and run their organisations.
corporate governance training	ORAC runs training on good corporate governance for Indigenous boards, members, key staff and others.
corporations’ rules	These are the rules for how a corporation is run. Some are set down in the Act and some are created by the corporation itself. Sometimes they are called the corporation’s ‘constitution’.

deregistration	Deregistration is the cancellation of a corporation's registration, so that it ceases to exist as a corporation. Corporations which are not operating and no longer needed will be deregistered.
incorporation	Incorporation means becoming a legal body under Australian law. This gives groups which incorporate some extra rights, and also brings extra responsibilities.
incorporation support	ORAC provides information and advice to groups before incorporating, and to corporations after they have incorporated.
registered corporations	These are corporations which have incorporated under the ACA Act and are listed on the Public Register of Indigenous Corporations maintained by ORAC.
place planning	This is developing a plan for an area that looks at all its corporate governance needs—so, if there are several corporations in a particular area, then they would be looked at together. ORAC can also respond better to any big issues that affect the whole area.
plain English	ORAC tries to make sure that its publications and information are written as plainly and clearly as possible.
regulation	The Registrar has a number of regulatory powers under the ACA Act to intervene to solve problems within corporations, such as the power to examine the records and documents of a corporation, and to appoint an administrator.

## Abbreviations

ACA Act	<i>Aboriginal Councils and Associations Act 1976</i>
ASIC	Australian Securities and Investments Commission
ATSIC	Aboriginal and Torres Strait Islander Commission
the Bill	Corporations (Aboriginal and Torres Strait Islander) Bill 2005
the machinery Bill	Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill
CDEP	Community Development Employment Projects
DEST	Department of Education, Science and Training
DEWR	Department of Employment and Workplace Relations
DIMA	Department of Immigration and Multicultural Affairs
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
ERIC	Electronic Register of Indigenous Corporations
FaCSIA	Department of Families, Community Services and Indigenous Affairs
FOI Act	<i>Freedom of Information Act 1982</i>
ICCs	Indigenous Coordination Centres
ICN	Indigenous Corporation Number
OATSIH	Office of Aboriginal and Torres Strait Islander Health
OEA	Office of Evaluation and Audit
OIPC	Office of Indigenous Policy Coordination
ORAC	Office of the Registrar of Aboriginal Corporations
the Registrar	the Registrar of Aboriginal Corporations
the Register	the Public Register of Indigenous Corporations. It lists all the corporations incorporated under the ACA Act. It also holds information that these corporations are required by the law to send to ORAC, such as lists of members and annual financial statements.



# ORAC PUBLICATIONS AND TRAINING

The following publications are available on the ORAC website, [www.orac.gov.au](http://www.orac.gov.au).

## Information guides

1. Setting up an Aboriginal or Torres Strait Islander corporation
2. The rules of the corporation
3. Changing the rules
4. Register of members and membership records
5. The rights and obligations of members
6. The role of the governing committee
7. The role of the chairperson
8. The role of the treasurer
9. The role of the secretary
10. The role of the public officer
11. Running a governing committee meeting
12. Conflicts of interest
13. Running an annual general meeting
14. Running a special general meeting
15. How to keep proper minutes and why
16. Preparing and using budgets for management
17. Looking after the corporation's finances
18. It's the end of the year: what do we do?
19. Exemption from preparing and lodging audited financial statements
20. Does your corporation need assistance?
21. When, why, and how does the registrar intervene?

## Guides to forms

Guide to completing name and address of public officer: Form 4

Guide to completing the application for incorporation: Form 6

Guide to amending objects or constitutions: Form 8

Guide to changing the name of a corporation: Forms 9 and 10

Guide for filing annual returns with ORAC  
Model constitution

## General information

Who we are, what we do

ORAC Corporate Plan

ORAC Service Charter

Report on risk forum

Report on corporate governance forum

Meetings means business—a guide to conducting a successful board meeting (training video)

Managing in Two Worlds (DVD)

## Information about the new Corporations (Aboriginal and Torres Strait Islander) Bill

Meet the Bill

The Oracle newsletter

The Bill and the ACA Act—some differences

The Bill and the Corporations Act—some differences

The Bill and the review—some differences

Native Title

## Training

ORAC offers three types of targeted training:

- information sessions with corporations, particularly board members and managers
- three-day workshops on corporate governance
- the Certificate IV and Diploma of Business (Governance).

**For further information:**  
contact ORAC's training  
and publications team  
on (02) 6212 2254 or  
toll free (except for mobiles)  
1800 622 431.