



APPENDIXES





Photo on previous page: Selection of bush foods used by Aboriginal people in Central Australia.
© istockphoto.



Appendix 1: ORIC publications

ORIC produces a range of publications to help corporations. We've listed some of our fact sheets, newsletters and rule books.

We are always producing new products so check our website, www.oric.gov.au for all publications.

BOOKLETS

Get in on the Act
ORIC's reconciliation action plan
Corporation reporting 2007–08

BROCHURES

Who we are, what we do

FLYERS

Who am I? (Name change flyer)

FACT SHEETS

The Bill and the ACA Act
The CATSI Act and the Corporations Act
The Bill and the Review
Native Title
Duties of directors and other officers
What the Act means for funding bodies
Arrangements for corporations to move to the new CATSI Act
Meetings
What's in the corporation's rule book?
Secretaries and contact persons

BOOKS

ORIC yearbook 2005–06
ORIC yearbook 2006–07

RULE BOOK TOOLS

Rule book—info kit
Rule book—condensed
Rule book—etool (CD Rom)
Guide to writing good governance rules for PBCs and RNTBCs

NEWSLETTERS

The Oracle—
(1) Get in on the Act
(2) What should corporations be doing now?
(3) At last a new Act
(4) How big is big?
(5) CATSI rules—make them your own
(6) ORIC's vision
(7) Improving corporate governance
(8) We are ORIC now!
(9) ORIC's first RAP

POSTERS

Steps to the CATSI Act

Appendix 2: Summary of the Registrar's regulatory powers under the CATSI Act

MEETINGS

The Registrar may if the need arises:

- convene meetings of interested parties (s. 439-5)
- call a general meeting (formerly SGMs) (s. 439-10)
- call an annual general meeting (s. 439-15).

The Registrar is to chair these meetings or authorise another person to do so.

COMPLIANCE NOTICES

The Registrar requires compliance with the Act (s. 439-20).

EXAMINATIONS

The Registrar may appoint an authorised officer (examiner) at any time to examine the books and records of a corporation (s. 453-1).

PRODUCTION OF BOOKS OR ATTENDANCE TO ANSWER QUESTIONS

Under s. 453-5 the Registrar may give notice to a person who has some knowledge of the examinable affairs of the corporation to:

- provide the Registrar with information about the corporation or its examinable affairs
- produce any books and records about the corporation
- appear before the Registrar to answer questions about the corporation.

ISSUE WARRANTS

Division 456 gives the Registrar the power ask the court to issue warrants to obtain information about a corporation if the information can't be obtained via s. 453-1 or s. 453-5.

PROTECTION FOR WHISTLEBLOWERS

There is provision for whistleblowers in the CATSI Act (Division 466).

EXTERNAL ADMINISTRATION

Under the CATSI Act the Registrar needs to make several determinations when appointing a special administrator:

- that the corporation be placed under special administration (s. 487-1)
- who to appoint as special administrator (the person) (s. 490-1 and s. 490-5)
- the period of the appointment (s. 487-1 and s. 487-15)
- whether the directors will be removed from office during the term of the special administration (s. 496-5).

Note: Approval by the minister is not required for the appointment of a special administrator.

GROUNDINGS FOR SPECIAL ADMINISTRATION

Some increased powers (via additional grounds) are available for appointment of special administrators. All of the grounds for an appointment are detailed in s. 487-5. The additional grounds are:

- the corporation has failed to comply with a s. 439-20 compliance notice
- the corporation has failed to lodge its annual reports (Part 7-3)
- if there are disputes that interfere with the corporation's operations
- if a majority of directors write to the Registrar and ask for the appointment.

DISQUALIFYING PEOPLE FROM MANAGING CORPORATIONS

The CATSI Act has provisions to disqualify people from managing corporations (i.e. from being a director or a chief executive officer or chief financial officer). There are three ways this can happen:

- automatic disqualification (s. 279-5)
- the court may disqualify a person (s. 279-15)
- the Registrar has a power to disqualify a person (s. 279-30).

WINDING UP

The CATSI Act has provisions for the winding up of corporations (Division 526).

DEREGISTRATIONS

The CATSI Act has provisions for the deregistration of corporations (Division 546).

REVIEWABLE DECISIONS

- Internal reviews
- Administrative Appeals Tribunal (AAT) reviews.

Glossary of terms

administration	The Registrar can appoint a special 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	ORIC'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.
compliance	Corporations must comply with the CATSI Act which regulates how Indigenous corporations must operate and also requires annual reporting to ORIC according to the registered size and income of the corporation.
corporate governance	Corporate governance is how people lead and run their organisations.
corporate governance training	ORIC runs training on good corporate governance for directors, secretaries and members of Indigenous corporations.
corporation's rule book	The rule book contains the rules for how a corporation is run. Some are set down in the CATSI Act and some are created by the corporation. The rule book of a corporation is also known as the 'constitution'.
CATSI Act	The <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> is the law that guides how Aboriginal and Torres Strait Islander corporations are run.
deregistration	Deregistration is the cancellation of a corporation's registration, so that it no longer exists as a corporation. Corporations which are not operating and no longer needed can 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	ORIC provides information and advice to groups before incorporating, and to corporations after they have incorporated.
plain English	ORIC tries to make sure that its publications and information are written as plainly and clearly as possible.
public register	Key information about corporations registered under the CATSI Act is held on the public Register of Indigenous Corporations which is maintained by ORIC. The register contains records for each Indigenous corporation including the Indigenous Corporation Number (ICN), the registered name and the date of incorporation, as well as the name and registered address of the contact person or secretary and directors. The register also contains a copy of the rule book which sets out the rules for internal governance and management of the Indigenous corporation.
registered corporations	These are corporations which have incorporated under the CATSI Act and are listed on the public Register of Indigenous Corporations maintained by ORIC.
regulation	The Registrar has a number of regulatory powers under the CATSI Act to intervene to solve problems within corporations, such as the power to examine the records and documents of a corporation to prevent a corporation from breaching the Act and the rule book of the corporation, and to appoint an administrator.
rule book	see corporation's rule book.
size	Under the CATSI Act, corporations are classified as small, medium or large, depending on their income, assets and number of employees.

Shortened forms

ACA Act	<i>Aboriginal Councils and Associations Act 1976</i>
ASIC	Australian Securities and Investments Commission
BSC	Building Strong Corporations
CATSI Act	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
CDEP	Community Development Employment Projects
CST	corporation-specific training
ERICCA	Electronic Register of Indigenous Corporations under the CATSI Act
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FOI Act	<i>Freedom of Information Act 1982</i>
ICCs	Indigenous Coordination Centres
ICG	Introduction to Corporate Governance
ICN	Indigenous Corporation Number
MOU	memorandum of understanding
ORIC	Office of the Registrar of Indigenous Corporations
RTO	registered training organisation
the Registrar	the Registrar of Indigenous Corporations
the public register	the public Register of Indigenous Corporations
VTE training	vocational and technical education training

