



// HOW WE DO IT
SUPPORTING OUR BUSINESS
SYSTEMS
ACCOUNTABILITY
ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

Secondment from Papua New Guinea



FROM LEFT TO RIGHT—Harriet Kokiva and Philo Gu'u.

On 2 March 2009 Harriet Kokiva and Philo Gu'u joined ORIC for a three-month secondment from the Investment Promotion Authority (IPA) in Papua New Guinea (PNG).

The IPA is the PNG equivalent of ORIC. The PNG Registrar of Business Groups and the Registrar of Companies are statutory positions within the IPA, similar to the position of the Registrar of Indigenous Corporations.

The purpose of the secondment was to:

- foster a good relationship between ORIC and IPA
- provide a training and development opportunity for PNG citizens and ORIC staff through skills transfer
- collaborate to increase understanding of what is required to deliver effective corporate regulation in remote localities and to incorporate traditional custom and lore in governance structures and regulatory practices.

Harriet and Philo worked in the Registration and Reporting Section.

SUPPORTING OUR BUSINESS

The Registrar and senior management

Anthony Beven

REGISTRAR

Anthony Beven was appointed as Registrar on 1 October 2007 for a three-year term.



Michael Cullen

GENERAL COUNSEL



Joe Mastrolembo

DEPUTY REGISTRAR
Regulation and
Registration Branch



Nathan Boyle

BRANCH MANAGER
Governance Branch



Maureen Colley

DIRECTOR
Training Section



Lisa Donnelly

DIRECTOR
Communications
and Policy Section



Peter Armstrong

DIRECTOR
Regulation Section



Jodie Goddard

DIRECTOR
Investigations and
Prosecutions Section



Caroline Joske

DIRECTOR
Mediation and
Dispute Resolution
Section



Justin Toohey

PRINCIPAL MEDIATOR
Mediation and
Dispute Resolution
Section





ORIC staff going about their business.

FROM LEFT TO RIGHT—Simon Gately, Glenn Nott, Christa de Jager, Sayuri Piper and Anthony Ives.

Our staff

The Registrar was supported by 70 staff at 30 June 2009 (27 male and 43 female).

ORIC is committed to building staff skills and aligning systems and processes with the new CATSI Act.

ORIC's staff and contractors continued to work professionally and in flexible ways to suit our Aboriginal and Torres Strait Islander clients and support the office in the CATSI Act transition period. ORIC has an in-house training program to develop the skills of ORIC staff.

ORIC has a service charter which provides detailed standards to guide staff and contractors.

Our new IT systems delivered more client-responsive services while allowing for increased productivity by the office. This provided more time for staff to provide specialist assistance and advice to corporations.

As at 30 June 2009 ORIC employed 20 Aboriginal and Torres Strait Islander staff (29 per cent), up from the 11 (16 per cent) staff last year. We have two staff with a disability and four staff from a non-English speaking background. ORIC has also developed an Indigenous workforce strategy designed to improve recruitment, development and retention of Aboriginal and Torres Strait Islander staff.

Our administration

In 2008–09 ORIC's finance and administration staff supported the Registrar by managing ORIC's finances, human resources, property and equipment, records and risk management and other general administrative support to the office.

Our consultants

In June 2008 ORIC advertised a request for tender for an Australia-wide register of consultants with demonstrated regulatory expertise relevant to the functions of the Registrar under the CATSI Act. The areas in which the Registrar sought assistance with regulatory functions under the CATSI Act are as follows.

Regulatory panel:

- sub-panel A: examinations—negotiated with Aboriginal and Torres Strait Islander corporations or imposed under sections 453-1 and 453-5 of the CATSI Act
- sub-panel B: special administrations—for example, under section 487-1 of the CATSI Act.

Following a rigorous tender evaluation process conducted in line with the Commonwealth procurement guidelines, ORIC registered consultants on its regulatory panel in October 2008 for a three-year term with two further one-year option periods.

In July 2008—under clause 2.1 of the deeds of standing offer—ORIC exercised its first option to extend panel arrangements for an additional one-year period for the following panels:

- panel 1—corporation-specific training (formerly known as incorporation support)
- panel 2—regulatory (investigations only)
- panel 3—training (accredited and non-accredited training, registered training organisations (RTOs), community agents)
- panel 4—legal services.

Panel 3 will expire in September 2009. From October to December ORIC will select a new training panel. The new panel will have the following sub-panels:

- sub-panel A: accredited training program
- sub-panel B: non-accredited training program (corporate governance)
- sub-panel C: non-accredited training program (corporation-specific training)
- sub-panel D: corporate coaching and mentoring program.

The tender process should be completed in December 2009.

Our clients

Our clients include:

- Aboriginal and Torres Strait Islander individuals, groups, corporations and their members
- the Minister for Families, Housing, Community Services and Indigenous Affairs and agencies supporting the minister
- people accessing the public Register of Aboriginal and Torres Strait Islander Corporations and Register of Disqualified Officers
- Australian, state and territory governments and funding agencies
- Indigenous peak bodies in critical sectors such as medical, housing, land holding and legal.

Our services

ORIC works with Aboriginal and Torres Strait Islander groups that want to register as a corporation. ORIC looks at:

- whether incorporation is required
- the costs involved
- how to develop good corporation rules
- how to register under the CATSI Act
- what the legal requirements are
- other options for incorporating under state, territory or Commonwealth law.

ORIC also gives information and support to corporations and their members to improve their corporate governance, including:

- helping directors better understand their roles, duties and responsibilities under the CATSI Act and their rule book
- helping corporations make changes to their rule book and name
- helping corporations to understand and lodge their reports
- advising members of their rights and obligations under the CATSI Act
- helping corporations manage problems, disputes and complaints
- closing corporations that are no longer operating
- making information and documents available on the public Register of Aboriginal and Torres Strait Islander Corporations.

ORIC is responsible for making sure that corporations are properly run by:

- regularly assessing governance standards
- investigating corporations that do not follow the CATSI Act or their rule book
- stepping in if a corporation can't solve its problems—but only if nothing else works
- investigating and referring alleged breaches of the CATSI Act to the appropriate people.

Our relationships

Minister

The minister responsible for ORIC is the Minister for Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Hon. Jenny Macklin, MP.

The Registrar reports directly to the minister and through FaHCSIA's annual report, briefings and submissions.

The Registrar and ORIC's placement within the department, is consistent with the Uhrig report recommendations (<http://www.finance.gov.au/governancestructures/index.html>). This report, conducted by John Uhrig and released by the government in August 2004, recommended a broad template of governance principles and arrangements that the government could extend to statutory authorities and office holders. It sets out measures for ensuring the boundaries of responsibilities are better understood and clarifies the relationship between Australian Government authorities, ministers and portfolio departments. The Registrar has negotiated with the minister a statement of expectations and statement of intent as part of the Uhrig recommendations.

Relationship to FaHCSIA

ORIC and its staff are part of FaHCSIA. The staff report to the Registrar of Indigenous Corporations—an independent statutory office holder.

Funding for ORIC was \$10.153 million for 2008–09 with actual expenditure of \$10.297 million.

The Registrar liaises with FaHCSIA through the corporate leadership group and other forums. ORIC is committed to contributing towards the broader Indigenous agenda, especially in the area of encouraging greater economic participation and improving the governance capacity of Aboriginal and Torres Strait Islander Australians.

As recommended by the Uhrig report, ORIC provides information to the secretary of FaHCSIA when it is provided to the minister. However this undertaking is subject to the Registrar's independence, and other legislative requirements, which may limit the ability to provide such information to FaHCSIA.

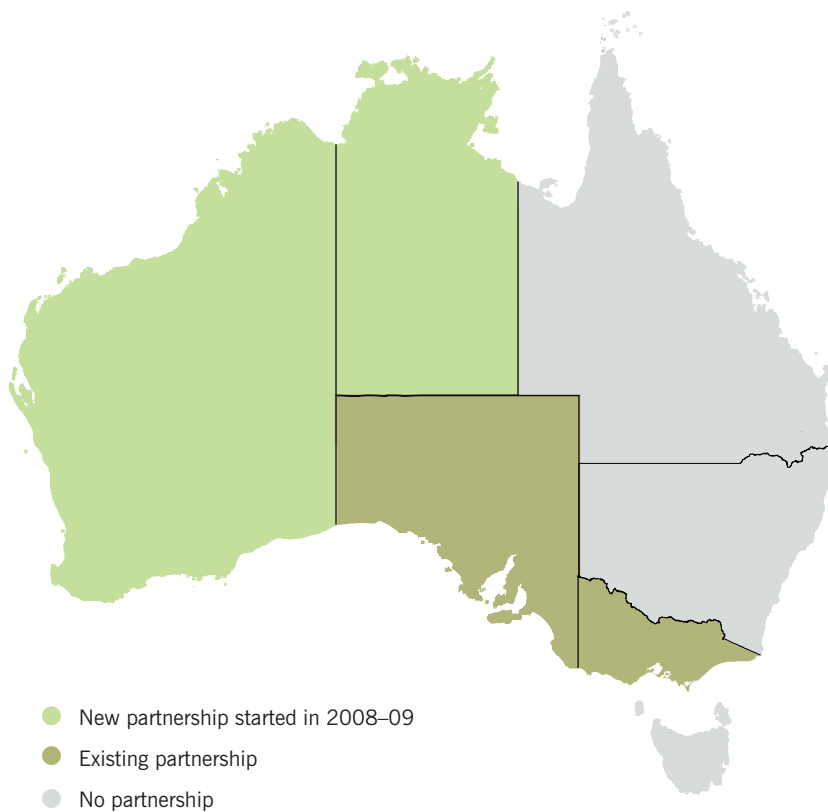
Relationship to other agencies

ORIC's primary clients are individuals, groups and corporations linked to the CATSI Act and also users of the public Register of Aboriginal and Torres Strait Islander Corporations maintained by ORIC. ORIC builds close working relationships with agencies that have an interest in the funds and/or assets held by corporations. ORIC also works with state and territory government agencies to improve outcomes for Aboriginal and Torres Strait Islander people across Australia—for example, ORIC has formal partnerships to enhance training outcomes (see map 6).

In recent years ORIC has developed a relationship with the Australian Securities and Investments Commission (ASIC) and the state and territory incorporation and regulation agencies to foster better coordination nationally. An ASIC officer was seconded to assist with the Perth out-posting project during January and February 2009.

ORIC and ASIC have agreed in principle to an MOU, which is yet to be finalised.

MAP 6 ORIC'S TRAINING PARTNERSHIPS



Commitment to reconciliation

In July 2008 ORIC launched its RAP as an expression of its ongoing commitment to reconciliation between Indigenous and non-Indigenous people of Australia.

Under the themes of relationships, respect and opportunities ORIC recorded many achievements. Some of these included:

- As at 30 June 2009, 47 of 74 staff had attended a cultural awareness training program delivered by FaHCSIA.
- As at 30 June 2009 there were 20 staff—or 29 per cent of the total workforce—who identified as Aboriginal and/or Torres Strait Islander people.
- ORIC has created designated positions for Aboriginal and Torres Strait Islander people across the agency to increase employment opportunities.
- Traditional owners were acknowledged at ORIC events, training workshops and meetings. Welcome to country was performed by a traditional owner at the launch of ORIC's RAP and at key training activities.
- Throughout the year many cultural activities were well attended by ORIC staff such as NAIDOC and Reconciliation Week events.

The full report can be seen on ORIC's website.



SYSTEMS

ERICCA

ORIC released into production the Electronic Register of Indigenous Corporations under the CATSI Act (ERICCA) on 19 July 2008. ERICCA allows ORIC to meet its CATSI Act registration and recording obligations and its strategic objectives, such as improving services and the accuracy and reliability of information on the public database.

Improving key processes

The ERICCA system facilitates and supports effective administration of the CATSI Act by the Registrar. This includes improving key processes undertaken by ORIC staff in relation to CATSI corporations, maintaining the online public registers—the Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers—and allowing corporations to manage the operation of their own affairs through online processing of the documents that corporations are required to lodge with the Registrar.

In 2008 ORIC added an electronic extract to its online public register of current information about a corporation registered under the CATSI Act. Information contained in this corporation extract includes current corporation details, such as:

- current and previous name
- ICN
- principal activities
- size
- contact details
- current officers details (contact person/secretary, directors and members)
- a list of documents lodged that are publicly available
- reporting status (lists reports lodged by the corporation over the last three years).

All of this information is now contained in one document. Extracts can be downloaded quickly and at no cost from the ORIC website. Corporations are encouraged to check the public register to make sure their information is accurate and up to date.

To access an extract report, use the ‘Search for a corporation’ function on the website and simply click on the ‘Extract’ button in the search results table.

Online lodgment of forms

In July 2008 ORIC launched its secure online lodgment website, <https://online.oric.gov.au>, to make lodging forms easier and more convenient for corporations.

Corporations can complete their general report by using the online lodgment facility on ORIC’s website. Corporations can still lodge their reports in hard copy but, by introducing new technology to existing services, corporations can improve the time it takes to update information on the public register.

ACCOUNTABILITY

Freedom of information

Freedom of information (FOI) requests are administered by the Registrar in accordance with the *Freedom of Information Act 1982*. Supplementary material may be used to support the handling of FOI requests. This includes the Registrar's policy statement, *PS-13: Freedom of Information*, and FOI guidelines that are available from www.pmc.gov.au. Six FOI requests were made between 1 July 2008 and 30 June 2009. Three requests were finalised and three requests were in progress on 30 June 2009.

Complaints about ORIC staff and contractors

ORIC responds to complaints about its staff and contractors in accordance with *Policy statement 3: Complaints about the Registrar's staff and contractors*. It endeavours to respond promptly, thoroughly and with sensitivity. During 2008–09, two complaints about staff and contractors were received. The complaints have been resolved.

Commonwealth Ombudsman

In 2008–09 ORIC received two section 8 letters from the Commonwealth Ombudsman under the *Ombudsman Act 1976* in which the Ombudsman requested information to assist in the investigation of the complaints. The issues raised in the letters were responded to within agreed timeframes and the Commonwealth Ombudsman advised that further investigation was not warranted.

Australian Human Rights Commission

In 2008–09 ORIC received a communication from the Australian Human Rights Commission in which the commission sought information about two complaints against ORIC. ORIC responded to the issues raised in the complaints within agreed timeframes. The complaints were withdrawn. The commission considers the complaints to have been finalised under section 46PG of the *Human Rights and Equal Opportunity Commission Act 1986* and has closed its files.

Litigation

In August 2008 Waanyi Advancement Ltd applied to the Supreme Court of Queensland—under section 80 of the *Trusts Act 1973* (Qld)—to be appointed trustee of the Waanyi Land Infrastructure Trust. The former trustee was United Gulf Region Aboriginal Corporation, which had been deregistered. The Registrar appeared as respondent and did not oppose the application. The court made the orders sought.

In September 2008 five members of the Dunghutti Elders Council (Aboriginal Corporation) applied to the Administrative Appeals Tribunal to review ORIC's registration decisions regarding several documents, including a refusal to register their list of directors. In October 2008 the tribunal determined that its jurisdiction was limited to the review of ORIC's refusal to register the applicants' list of directors. Conciliation of the matter was conducted in May 2009 by the tribunal. The substantive matter had not been heard by 30 June 2009.

In June 2009 three members and former directors of Anangu Pitjantjatjara Services Aboriginal Corporation (AP Services) applied to the Administrative Appeals Tribunal to review ORIC's decision to place AP Services under special administration. The matter is yet to be heard.

In 2008–09 the Registrar applied to the Federal Court under section 526-15 of the CATSI Act to wind up three corporations—Mooniemia Aboriginal Corporation, Narrama Multi Services Aboriginal Corporation and North Stradbroke Island Community Development Employment Programme Aboriginal Corporation. In each case the court appointed a liquidator and ordered the corporation to be wound up.

Legal services expenditure

Table 21 is a statement of legal services expenditure by ORIC for 2008–09. This statement is published in compliance with paragraph 11.1(ba) of the Commonwealth's Legal Services Directions 2005.

TABLE 21 ORIC'S LEGAL SERVICES EXPENDITURE, 2008–09

Total legal services expenditure (GST inclusive)	\$474 885
Salaries	\$249 206
Overheads (includes administrative support and accommodation costs)	\$55 206
Total internal legal services expenditure (GST inclusive)	\$304 412
Australian Government Solicitor	\$110 818
Minter Ellison	\$22 885
DLA Phillips Fox	\$17 372
Finlaysons	\$8 434
Total professional fees paid	\$159 510
Other disbursements on external legal services	\$10 963
Total external legal services expenditure (GST inclusive)	\$170 473
Number of male counsel briefed	0
Value of briefs to male counsel	0
Number of female counsel briefed	0
Value of briefs to female counsel	0

ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

ORIC subscribes to an environmental management system in its office. It covers recycling of waste, toner cartridges, paper and cardboard products, water, paper and electricity saving mechanisms, computer power management and sustainable transport.

ORIC, as part of FaHCSIA, is aligned with the department's environmental performance goals and indicators. A more detailed account of FaHCSIA's environmental performance can be found at <http://www.fahcsia.gov.au/about/publicationsarticles/corp/sustainability/Documents/2008/default.htm>.

