

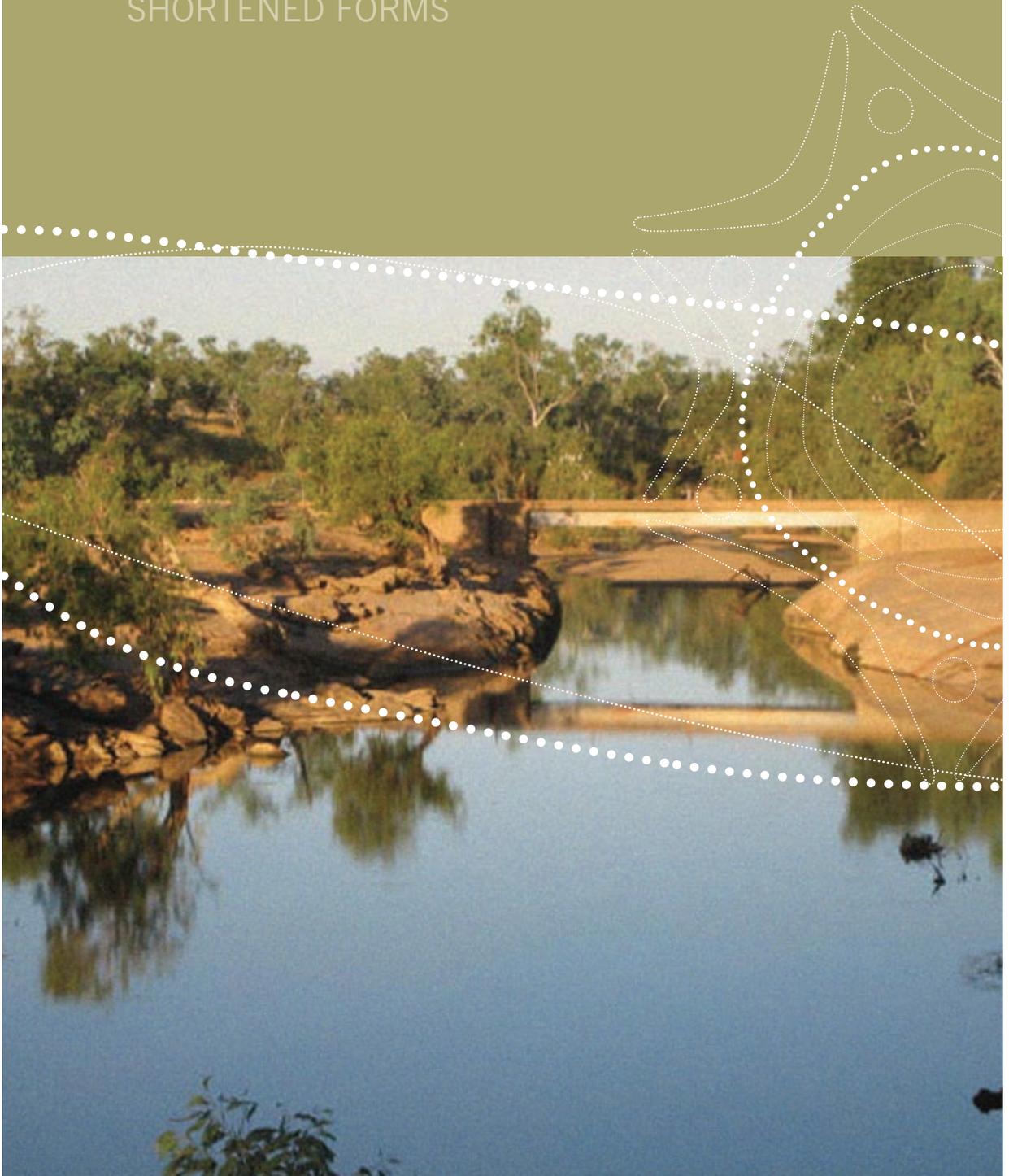
# // APPENDIXES

APPENDIX 1

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GLOSSARY

SHORTENED FORMS



# APPENDIX 1: ORIC PUBLICATIONS, POLICY STATEMENTS AND MEDIA RELEASES

ORIC produces a range of publications to help corporations. For an updated list of publications check out our website, [www.oric.gov.au](http://www.oric.gov.au).

## **Publications**

### *Corporate*

ORIC's reconciliation action plan

ORIC yearbook 2007–08

ORIC yearbook 2006–07

ORIC yearbook 2005–06

ORIC service charter

ORIC strategic plan

### *Flyers*

Who am I? (name change flyer)

### *Fact sheets*

Fact sheet: The CATSI Act and the Corporations Act

Fact sheet: Native title

Fact sheet: Duties of directors and other officers

Fact sheet: What the Act means for funding bodies

Fact sheet: Arrangements for corporations to move to the new CATSI Act

Fact sheet: Meetings

Fact sheet: Related party financial benefits

Fact sheet: Corporation size and financial reporting

Fact sheet: Secretaries and contact persons

Fact sheet: Disqualifications from managing corporations under the CATSI Act

Fact sheet: Special administrations: what funding agencies, creditors and employees should know

Fact sheet: Special administrations: what members and directors should know

Fact sheet: Amalgamation—information for existing corporations

Fact sheet: Mediation and dispute resolution

## *Guides*

How to transfer to CATSI from OCBA

Corporation reporting for 2008–09

Corporation reporting for 2007–08

Get in on the Act

## *Rule book tools*

Rule book—info kit

Rule book—etool (CD Rom)

Rule book—condensed

Rule book—short

A guide to writing good governance rules for Prescribed Bodies Corporate and Registered Native Title Bodies Corporate

## *Newsletters—The ORIC Oracle*

May 2009—Time fast running out

March 2009—Are you there yet?

November 2008—One year on

August 2008—ORIC's first RAP

July 2008—Go online

## **Policy statements**

PS-01: Providing information and advice

PS-02: Complaints involving corporations

PS-03: Complaints about the Registrar's staff and contractors

PS-04: Registration under the Corporations Aboriginal and Torres Strait Islander Act 2006

PS-05: Exercise of Registrar's powers to intervene

PS-06: Change of corporation size

PS-07: Exemptions

PS-08: Corporation names

PS-09: Member approval for related party benefit

PS-10: Corporations' native title status

PS-11: The Indigeneity requirement

PS-12: Registers and use and disclosure of information held by the Registrar  
PS-13: Freedom of information  
PS-14: Review of reviewable decisions  
PS-15: Privacy  
PS-16: Change to corporation details by telephone, email or Registrar's initiative  
PS-17: Deregistrations and reinstatements  
PS-19: Transferring registration in and out of the CATSI Act  
PS-20: Special administrations  
PS-21: No-action letters  
PS-22: Disputes involving corporations

## **Media releases**

ORIC's reconciliation action plan launched  
10 July 2008

Court hands down costs decision in Nyangatjatjara Aboriginal Corporation case  
25 July 2008

Gap Youth Centre getting ready to resume operations  
5 August 2008

Liquidator appointed to NSW Aboriginal health service  
14 August 2008

WA Aboriginal corporation placed into liquidation  
25 August 2008

Wirrimanu Aboriginal Corporation special administration ends  
27 August 2008

Aboriginal college in the Northern Territory handed back  
1 September 2008

New rules for The Gap Youth Centre Aboriginal Corporation  
19 September 2008

Two QLD native title corporations placed under special administration  
24 September 2008

Application made for review of Registrar decision  
29 September 2008

Release of Registrar's 2007–08 yearbook  
27 October 2008

Successful Aboriginal retailer transfers to the CATSI Act  
7 November 2008

QLD Aboriginal housing corporation handed back to members  
14 November 2008

Special administrator appointed to Aboriginal corporation in the APY lands  
18 November 2008

Registrar concludes special administration of Alice Springs Aboriginal corporation  
2 December 2008

Special administrator appointed to NT Aboriginal corporation  
11 December 2008

Special administrator appointed to NSW Aboriginal housing corporation  
13 February 2009

Special administrator appointed to APY lands Aboriginal corporation  
16 February 2009

Special administrator appointed to remote Aboriginal corporation, WA  
10 March 2009

Native title corporation handed back to members  
31 March 2009

Special administration of Walmbaar Aboriginal Corporation extended  
1 April 2009

Yuendumu Women's Centre making corporate governance a priority  
21 May 2009

Registrar paints rosy picture for NT arts centre  
27 May 2009

Queensland native title corporation back on track  
29 May 2009

Mimili store returned to community control  
1 June 2009

# 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 (section 439-5)
- call a general meeting (section 439-10)
- call an annual general meeting (section 439-15).

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

## Compliance notices

The Registrar can issue a notice to require compliance with the Act (section 439-20).

## Examinations

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

## Production of books or attendance to answer questions

Under section 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 to apply to the court to issue warrants to obtain information about a corporation if the information can't be obtained via sections 453-1 or 453-5.

## Protection for whistleblowers

There is protection 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 (section 487-1)
- the appointment of a special administrator (the person) (sections 490-1 and 490-5)
- the period of the appointment (sections 487-1 and 487-15)
- whether the directors will be removed from office during the term of the special administration (section 496-5).

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

## Grounds for special administration

All of the grounds for an appointment are detailed in section 487-5. The grounds include:

- the corporation has failed to comply with a section 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 or the prescribed number of members write to the Registrar and ask for the appointment.

## Disqualifying people from managing corporation

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 (section 279-5)
- the court may disqualify a person (section 279-15)
- the Registrar has a power to disqualify a person (section 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 reviews.

## GLOSSARY

capacity development	ORIC's approach is to help individuals, groups and corporations 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, including lodging the required annual reports to ORIC according to their registered size and income of the corporation.
corporate governance	Corporate governance is how people manage and administer their corporations.
corporate governance training	ORIC runs training on good corporate governance for directors, secretaries and members of Aboriginal and Torres Strait Islander 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.
deregistration	Deregistration is the cancellation of a corporation's registration, so that it no longer exists as a corporation (legal body). Corporations which are not operating and no longer needed can be deregistered.
plain English	ORIC tries to make sure that its publications and information are written as plainly and clearly as possible.
public registers	Key information about corporations registered under the CATSI Act is held on the public Register of Aboriginal and Torres Strait Islander Corporations which is maintained by ORIC. The register contains records for each Aboriginal and Torres Strait Islander corporation, including the Indigenous Corporation Number, the registered name and the date of incorporation, as well as the name and registered address of the contact person or secretary. The register also contains a copy of the rule book that sets out the rules for internal governance and management of a corporation. ORIC also maintains a Register of Disqualified Officers.
registered corporations	These are corporations that have registered under the CATSI Act and are listed on the public Register of Aboriginal and Torres Strait Islander Corporations maintained by ORIC.
registration	The process for creating an Aboriginal and Torres Strait Islander corporation under the CATSI Act.
registration support	ORIC provides information and advice to groups before registration and to corporations after they have registered.

regulation	The Registrar has a number of regulatory powers under the CATSI Act to intervene to solve problems within corporations. Some of these include the power to examine the records and documents of a corporation and to appoint a special 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.
special 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 return an improved corporation to its members.

## SHORTENED FORMS

ACA Act	<i>Aboriginal Councils and Associations Act 1976</i>
ASIC	Australian Securities and Investments Commission
BSC	Building Strong Corporations
BSS	Building Strong Stores
CATSI Act	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
CDEP	Community Development Employment Projects
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
the Registrar	the Registrar of Indigenous Corporations
the public registers	the public Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers



