



IMPORTANT—Please read the information on pages 1–4 before you start to fill in this form

About this form

This form should be used by existing Aboriginal or Torres Strait Islander bodies corporate (organisations) which want to become corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

Who should complete this form?

A person who is authorised to act on behalf of members of the existing organisation regarding this registration should complete this form. This person is referred to as the applicant.

Documents you need to provide with this application

You (the applicant) will need to provide:

- minutes of the meeting of the existing organisation where a resolution to apply for registration under the CATSI Act was passed by at least 75 per cent of the votes cast by members entitled to vote (please see 'Resolution' on page 4)
- a copy of the proposed rule book of your proposed corporation
- a certified printed copy of the organisation's current constitution
- evidence that under the law of the existing organisation's place of origin it is authorised to transfer to the CATSI Act and has complied with all requirements (if any) of that law
- a certified copy of the current certificate of incorporation, or of a document that has a similar effect
- if applicable, any application for exemption under the CATSI Act.

Returning the form

The form and the required documents can be returned to the Office of the Registrar of Indigenous Corporations (ORIC) either by email, fax or post. To email the documents, you will need to scan them first.

Email info@oric.gov.au

Fax (02) 6133 8080

Post **Office of the Registrar of Indigenous Corporations
PO Box 29
Woden ACT 2606**

What happens when this form is returned?

ORIC will check the application to make sure it is filled in properly and that the requirements of the CATSI Act are met. If it is not complete ORIC will write to you asking for the missing information to be provided. The application cannot be registered until all information is given.

ORIC will then:

- send you a certificate of registration
- send you a copy of the approved rule book
- put the details of your corporation on the public Register of Aboriginal and Torres Strait Islander Corporations
- write to the former incorporating body.

Privacy

Collection of information on this form is authorised by the CATSI Act. The Registrar of Indigenous Corporations is required by law to keep a Register of Aboriginal and Torres Strait Islander Corporations. Information on this form may be made public at www.oric.gov.au.



Further information—if you need help completing this form or you need more information:

- call 1800 622 431
- email info@oric.gov.au
- visit www.oric.gov.au

Notes

The information on these pages will help you fill in the form. Please read it carefully.

Question 7

Proposed name of corporation under the CATSI Act

The corporation's name may be:

- a name that is available (that is, it must not be identical to another corporation's name or prescribed as unacceptable under the Regulations—see s. 85–5 of the CATSI Act), or
- the expression 'Indigenous Corporation Number' followed by the corporation's ICN.

The name of the corporation must include the words:

- Aboriginal corporation
 - Torres Strait Islander corporation
 - Aboriginal and Torres Strait Islander corporation
 - Torres Strait Islander and Aboriginal corporation, or
 - Indigenous corporation.
-

Question 8

Addresses

Main place of business—This is where the corporation carries out most of its activities.

Registered office address (ROA)—Large corporations must have a registered office to make sure members and others can get hold of important documents, such as the corporation's rules, and can contact the corporation.

Document access address (DAA)—Small and medium corporations must have a document access address which is a place where people can inspect important documents. This can be a person's home. People wanting to inspect documents have to give seven days written notice.

Occupant consent—if the corporation does not occupy the ROA/DAA, it must obtain written consent from the current occupant to use it as the corporation's street address. The corporation must be able to show the consent to the Registrar if required.

Question 13

Size of the corporation

A **small corporation** is a corporation that has at least two of the following:

- total gross operating income less than \$100,000
- total gross assets less than \$100,000
- less than five employees.

A **large corporation** is a corporation that has at least two of the following:

- total gross operating income more than \$5 million
- total gross assets more than \$2.5 million
- more than 25 employees.

Any corporation that does not fit within the 'small' or 'large' categories is classed as a **medium corporation**.

Employees—To find out the expected number of employees your corporation will have in the first year:

1. count each full-time employee
2. for each part-time employee, work out a fraction that represents their weekly hours of work.
Do this by dividing the part-timer's hours by the weekly hours of work of a full-time employee.
For example: if a part-timer works 8 hours a week, and your full-time employees work 38 hours:
 $8 \text{ divided by } 38 = 0.21$
3. count the fraction for each part-time employee.

Note: Community Development Programme (CDP) workplace hosted jobseekers will be treated as employees for the purposes of these thresholds.

Question 14

Liability of members

If the application for registration states that members are not liable for the debts of the corporation, then they are not liable. But if it states that they are liable for the corporation's debts, then they must indicate to what extent the members are liable. This could be a dollar amount, or it may be a proportion (e.g. Mr X is liable for half, Ms Y is liable for one-quarter), or it may be for property or goods. If members are to be liable, you should seek legal advice about the extent of liability.

Question 15

Contact person's/ secretary's details

For **small and medium corporations**, the contact person's details are required.

For **large corporations**, the secretary's details are required. If the corporation has more than one secretary, please attach the additional details on a separate sheet.

To be eligible to act as a contact person/secretary a person must:

- be at least 18 years of age
- not be currently disqualified under Part 6–5 of the CATSI Act (unless permission is granted by the Registrar or leave granted by the court).

Address—The residential address of the contact person/secretary must be provided. A contact person/secretary can apply to the Registrar to give an alternative address if:

1. their name is on the electoral roll but not their address because of issues of personal safety, or
 2. the Registrar determines that including their residential address would put their safety (or their family's) at risk.
-

Question 18

Members' details

You must provide details of each person who is a current member of the corporation.

The corporation must have a minimum of five members unless you are granted an exemption (refer to the separate exemption form available from <https://online.oric.gov.au> or www.oric.gov.au).

The members must be 15 years of age or older.

If your rule book allows for non-Indigenous members, at least 51 per cent of members must be Aboriginal and Torres Strait Islander.

If your rule book allows for corporate members, you may have them. Section 138–1 of the CATSI Act says that a person is a member of a corporation if they are a member on registration, or if they agree subsequently to become a member. Under law, a 'person' is not only a human being but is also an entity (such as a corporation) that is recognised by law as having the rights and duties of a human being.

Address—Members can apply to the Registrar to keep their address from being made public if they have justifiable reasons.

Question 19

Directors' details

To be eligible to act as a director a person must:

- be at least 18 years of age
- be a member of the corporation (unless the corporation's rule book provides otherwise)
- be an Aboriginal or Torres Strait Islander person (unless the corporation's rule book provides otherwise)
- not have any convictions against them as described in s. 279–5(1) of the CATSI Act
- not be an undischarged bankrupt
- not be currently disqualified from managing CATSI Act corporations under Part 6–5 of the CATSI Act.

Corporations can apply to the Registrar for exemption so that a director can be appointed for more than two years. A director is also eligible for reappointment.

Note: The CATSI Act requires a majority of directors to be members and also to be Aboriginal or Torres Strait Islander.

The corporation must not have more than 12 directors unless it is granted an exemption (refer to the separate exemption form available from <https://online.oric.gov.au> or www.oric.gov.au).

Address—Directors must provide a residential address. A director can apply to the Registrar for an alternative address if:

1. their name is on the electoral roll but not their address because of issues of personal safety, or
2. the Registrar determines that including their residential address would put their safety (or their family's) at risk.

Question 20

Directors' declaration

Two directors or committee members from the existing organisation must sign a statement at question 21 declaring it is not under regulatory action. ORIC takes these declarations as evidence that:

- the organisation is not under external administration
- no application has been made to a court (in Australia or elsewhere) to wind up the organisation
- no application to approve a compromise or arrangement between that organisation and another person has been made to a court (in Australia or elsewhere) that has not been dealt with.

If you do not understand this declaration, please contact ORIC for further explanation.

Question 22

Checklist

Certified copy

A 'certified copy' means a copy of a document must have a written statement saying it is a true copy of the original.

Resolution under the CATSI Act

A pre-transfer of registration requirement is that you must provide evidence that at least 75 per cent of the members entitled to vote and voting at a meeting of the existing organisation have agreed to apply for registration. This means they had to:

- authorise the applicant to apply for registration
- approve the proposed rule book (including agreeing to all replaceable rules being adopted)
- nominate the people who will become directors of the corporation, and
- nominate the person who will become the contact person or secretary, depending on whether the corporation expects to be small, medium or large in its first year.

Sample resolutions are available at www.oric.gov.au or by calling **1800 622 431**.

Note: Before ORIC can make a decision about your application, you must send a copy of the proposed rule book of your proposed corporation.

Evidence that transfer is authorised and all requirements (if any) have been met

ORIC requires evidence that the corporation is authorised under the law of its place of origin to transfer to the CATSI Act and that the organisation has complied with the requirements (if any) of that law for the transfer to proceed. This evidence will differ in each state and territory and will depend on the requirements of the legislation under which your body is incorporated.

To find out what you must do to transfer to the CATSI Act, see ORIC's guides for transferring at www.oric.gov.au or contact the body that regulates your organisation.



Important—Please read the information on pages 1–4 before completing this form.

Note: If you need more space to answer or need to provide additional information, please attach the details on a separate sheet.

Applicant's details

The applicant is the person who is authorised to act on behalf of members of the existing organisation regarding this registration.

1 Applicant's details

Mr Mrs Miss Ms Other

First name Middle name

Last name

Residential address

Postcode

Postal address (if same as residential address, write 'As above')

Postcode

Telephone—Home () Work ()

Mobile Fax ()

Email address

Corporation details

2 Current name of existing organisation

3 Australian Corporation Number (ACN) if the organisation has one

4 Australian Registered Body Number (ARBN) if the organisation has one

5 Australian Business Number (ABN) if the organisation has one

6 Law under which the organisation is incorporated

7 Proposed name of corporation under the CATSI Act (see Notes on page 2)

Corporation details continued

8 Addresses (see Notes on page 2)

Main place of business
(including room number, floor
and level if applicable)

Postcode

**Registered office address (ROA)/
document access address (DAA)**
(see Notes on page 2)
(including room number, floor
and level if applicable)

Postcode

Does the corporation currently occupy the ROA/DAA address? (See Notes on page 2)

Yes

No ► Name of current occupant

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Has the occupant of the premises consented in writing to the use of the specified address as the address of the corporation's registered office address/document access address?

Yes

No

Corporation's postal address

Postcode

9 Corporation's contact numbers

Telephone

()

Fax

()

10 Corporation's email address

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11 Preferred method of communication
(e.g. email, phone, fax, post)

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12 Does the corporation intend to become a registered native title body corporate?

Yes

No

13 Size of the corporation
(see Notes on page 2)

Expected income for the first financial year

\$

Expected value of assets for the first financial year

\$

Expected number of employees in the first financial year

--

Corporation size

Small

Medium

Large

14 Liability of members
(see Notes on page 2)

Members not liable

Members liable ► Give details of the extent of liability

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Contact person's/secretary's details

**15 Contact person's/
secretary's details**
(see Notes on page 3)

Position

Contact person for a small or
medium corporation

Secretary of a large corporation

Mr Mrs Miss Ms Other

First name Middle name

Last name

Residential address

Postcode

Postal address (if same as residential
address, write 'As above')
Postcode

Telephone—Home () Work ()

Mobile Fax ()

Email address

Preferred method of communication
(e.g. email, phone, fax, post)

**16 Contact person's consent/secretary's
declaration**

*I, the person named above, **consent** to becoming the contact person/secretary of the corporation named at question 7.*

*I **declare** that I am eligible to become a secretary of an Aboriginal and Torres Strait Islander corporation.*

Signature



Date

/ /

Directors' details

Important—You *must* read the Notes on page 3 before completing this section.

19 Directors' details

You must provide details of each person who is eligible to act as a director of the corporation. If more than six please use a separate sheet.

Director 1

Mr Mrs Miss Ms Other

First name

Middle name

Last name

Previous name(s) (if any)

Date of birth (if known)

Place of birth (if known)

Residential address

Postcode

Telephone during business hours

Fax

Email address

How long will this director hold office?

up to 1 year

up to 2 years

Date of appointment

Is this director also an employee of the corporation? Yes No

If your rule book allows non-Indigenous directors, is this director: Indigenous Non-Indigenous

If your rule book allows non-member directors, is this director: Member Non-member

Consent and declaration

• I **consent** to becoming a director of the corporation named above.

• I **declare** that I am eligible to become a director of an Aboriginal and Torres Strait Islander corporation.

Signature



Date

Director 2

Mr Mrs Miss Ms Other

First name

Middle name

Last name

Previous name(s) (if any)

Date of birth (if known)

Place of birth (if known)

Residential address

Postcode

Telephone during business hours

Fax

Email address

How long will this director hold office?

up to 1 year

up to 2 years

Date of appointment

Is this director also an employee of the corporation? Yes No

If your rule book allows non-Indigenous directors, is this director: Indigenous Non-Indigenous

If your rule book allows non-member directors, is this director: Member Non-member

Consent and declaration

• I **consent** to becoming a director of the corporation named above.

• I **declare** that I am eligible to become a director of an Aboriginal and Torres Strait Islander corporation.

Signature



Date

Director 3

Mr Mrs Miss Ms Other

First name Middle name

Last name

Previous name(s) (if any)

Date of birth (if known) / / Place of birth (if known)

Residential address

 Postcode

Telephone during business hours () Fax ()

Email address

How long will this director hold office? up to 1 year up to 2 years

Date of appointment / /

Is this director also an employee of the corporation? Yes No

If your rule book allows non-Indigenous directors, is this director: Indigenous Non-Indigenous

If your rule book allows non-member directors, is this director: Member Non-member

- Consent and declaration**
- I **consent** to becoming a director of the corporation named above.
 - I **declare** that I am eligible to become a director of an Aboriginal and Torres Strait Islander corporation.

Signature

Date

/ /

Director 4

Mr Mrs Miss Ms Other

First name Middle name

Last name

Previous name(s) (if any)

Date of birth (if known) / / Place of birth (if known)

Residential address

 Postcode

Telephone during business hours () Fax ()

Email address

How long will this director hold office? up to 1 year up to 2 years

Date of appointment / /

Is this director also an employee of the corporation? Yes No

If your rule book allows non-Indigenous directors, is this director: Indigenous Non-Indigenous

If your rule book allows non-member directors, is this director: Member Non-member

- Consent and declaration**
- I **consent** to becoming a director of the corporation named above.
 - I **declare** that I am eligible to become a director of an Aboriginal and Torres Strait Islander corporation.

Signature

Date

/ /

Director 5

Mr Mrs Miss Ms Other

First name Middle name

Last name

Previous name(s) (if any)

Date of birth (if known) / / Place of birth (if known)

Residential address

 Postcode

Telephone during business hours () Fax ()

Email address

How long will this director hold office? up to 1 year up to 2 years

Date of appointment / /

Is this director also an employee of the corporation? Yes No

If your rule book allows non-Indigenous directors, is this director: Indigenous Non-Indigenous

If your rule book allows non-member directors, is this director: Member Non-member

- Consent and declaration**
- I **consent** to becoming a director of the corporation named above.
 - I **declare** that I am eligible to become a director of an Aboriginal and Torres Strait Islander corporation.

Signature

Date

/ /

Director 6

Mr Mrs Miss Ms Other

First name Middle name

Last name

Previous name(s) (if any)

Date of birth (if known) / / Place of birth (if known)

Residential address

 Postcode

Telephone during business hours () Fax ()

Email address

How long will this director hold office? up to 1 year up to 2 years

Date of appointment / /

Is this director also an employee of the corporation? Yes No

If your rule book allows non-Indigenous directors, is this director: Indigenous Non-Indigenous

If your rule book allows non-member directors, is this director: Member Non-member

- Consent and declaration**
- I **consent** to becoming a director of the corporation named above.
 - I **declare** that I am eligible to become a director of an Aboriginal and Torres Strait Islander corporation.

Signature

Date

/ /

Declaration by directors or committee members

To be signed by two directors or committee members of the existing organisation named at question 2. (See Notes on page 4)

20 I declare that:

- I am a (please tick appropriate box): Director Committee member
of the organisation named at question 2
- the organisation named at question 2 is not under external administration
- no application has been made to a court (in Australia or elsewhere) to wind up the organisation that has not been dealt with, and
- no application to approve a compromise or arrangement between the organisation and another person has been made to a court (in Australia or elsewhere) that has not been dealt with.

Signature

Date

Full name

I declare that:

- I am a (please tick appropriate box): Director Committee member
of the organisation named at question 2
- the organisation named at question 2 is not under external administration
- no application has been made to a court (in Australia or elsewhere) to wind up the organisation that has not been dealt with, and
- no application to approve a compromise or arrangement between the organisation and another person has been made to a court (in Australia or elsewhere) that has not been dealt with.

Signature

Date

Full name

Applicant's confirmation

Note: It is an offence under s. 561–1 of the CATSI Act to provide false or misleading information. This offence can result in a penalty of 200 penalty units, five years imprisonment, or both.

21 Applicant's confirmation

I, the person whose details appear at question 1, apply for registration under the CATSI Act on the basis of the information in this form and attachments.

I confirm that:

- *all members are 15 years of age or older*
- *all directors are 18 years of age or older, and*
- *the information provided in this application and attachments is true and correct at the time of signing.*

Applicant's signature

Date

Full name

Checklist

22 Please provide a copy of these documents with this form

- the minutes of the meeting of the existing organisation where at least 75 per cent of the members voting passed the required resolution
- a copy of the proposed rule book of your proposed corporation
- if applicable, any applications for exemption under the CATSI Act
- a certified copy of the existing organisation's current certificate of incorporation
- a certified copy of the existing organisation's current constitution
- evidence that under the law of the existing organisation's place of origin it is authorised to transfer to the CATSI Act and has complied with all requirements (if any) of that law.