



Australian Government

Office of the Registrar of Indigenous Corporations



POLICY STATEMENT 16

Change to corporation details by telephone, email or Registrar's initiative

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| Policy | PS-16: Change to corporation details by telephone, email or Registrar's initiative |
| Relevant legislative provisions | CATSI Act sections 37-5, 69-35, 88-5(3), 112-10, 115-10, 407-15 |
| Last updated | 6 February 2013 |
| Other relevant policies | PS-08: Corporation names |

PS-16: Change to corporation details by telephone, email or Registrar's initiative

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PS-16: Change to corporation details by telephone, email or Registrar's initiative

1 Purpose

- 1.1 In this policy statement, the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) provides information on how staff and contractors of the Registrar's office will deal with a change of details to a corporation received by telephone or email. This policy also discusses in what circumstances a change to a corporation's details will be made on the Registrar's initiative.
- 1.2 References to sections in this policy statement are references to sections of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) unless otherwise specified. References to corporations in this policy statement are references to Aboriginal and Torres Strait Islander corporations unless otherwise specified. In addition, references in this policy statement to the Registrar are also references to a delegate who is lawfully exercising the powers of the Registrar.

2 Telephone or email notice

- 2.1 The Registrar has a discretion to accept email or telephone notice of a change to an existing detail about a corporation if:
- the change relates to a misspelling or other minor typographical error or
 - the change is to a detail specified in attachment A of this policy statement.

The notice must satisfy the authentication requirements set out below in this policy statement—section 407-15.

A. Misspelling or other minor typographical error

- 2.2 The Revised Explanatory Memorandum to the Corporations (Aboriginal and Torres Strait Islander) Bill states (at paragraph 5.466):

... section 407-15 aims to rectify a problem with the current [*Aboriginal Councils and Associations Act 1976*] which prevents the Registrar from having a simple process for correcting obvious or minor errors.

- 2.3 The misspelling of a corporation name cannot be changed by telephone or email if the corporation has been registered with the incorrect spelling, unless the misspelling is of words that the CATSI Act specifies must be in the corporation name, such as:
- Aboriginal corporation
 - Torres Strait Islander Corporation
 - Aboriginal and Torres Strait Islander Corporation
 - Torres Strait Islander and Aboriginal Corporation

- Indigenous corporation
- registered native title body corporate—sections 85-1(3) and (4).

- 2.4 If a corporation is registered with a misspelling in the name (excluding the words listed above) the correction must be made using the *Request to change corporation name* form available on the Registrar's website www.oric.gov.au. For more information refer to 'PS-08: Corporation names'.
- 2.5 The Registrar will not accept changes to any dates by telephone or email because they require supporting documentation.
- 2.6 The Registrar can still require written notification of a change to corporation details, even if section 407-15 has been satisfied.

B. Details included on a list published by the Registrar

- 2.7 The list in attachment A of this policy statement specifies what information can be changed by telephone and email, where the change does not relate to a misspelling or other minor typographical error.
- 2.8 To determine what corporation details can be changed by telephone or email notification the Registrar has weighed up the risks of inaccurate or unauthorised changes associated with telephone or email notice against the need to provide an informal and simple means to update some corporation details.

C. Authentication requirements

- 2.9 The Registrar will only accept telephone or email notice from a corporation's director, secretary or contact person that is registered on the public Register of Aboriginal and Torres Strait Islander Corporations.
- 2.10 A telephone or email notice must include the following information to enable the Registrar to authenticate the information:
- the full name of the person requesting the change ('the requestor')
 - the role held within the corporation by the requestor
 - the contact details of the requestor
 - the name and ICN of the corporation that requires a change
 - details of the change requested.
- 2.11 The information about the requestor and the corporation must match records held by the Registrar for authentication to be completed.
- 2.12 The Registrar may separately contact a corporation to confirm if a change is authorised or advise a corporation after a change has been made and ask the corporation to notify the Registrar immediately if the change was not authorised.

3 Effect of telephone or email notice

- 3.1 If the Registrar accepts a telephone or email notification of a change to a corporation detail, any obligation elsewhere in the CATSI Act to lodge an approved form for the change is satisfied—section 407-15(2).
- 3.2 This does not affect a corporation's liability for late lodgment fees (if any) incurred before the notice is given—section 407-15(2).

4 Change to corporation details initiated by the Registrar

- 4.1 The Registrar may in some circumstances make a Registrar-initiated change to a corporation's details. For example, the Registrar may change the corporation's document access address to that of a director of the corporation under section 115-10.
- 4.2 In deciding whether to make such changes, the Registrar will be guided by the CATSI Act and any information or advice regarding the circumstances of a corporation, including that provided by the corporation.
- 4.3 Attachment B of this document specifies the provisions under which the Registrar may initiate a change to a corporation's details.

END OF POLICY STATEMENT

Attachment A—Corporation details which may be changed by telephone or email

Note: dates on documents lodged with the Registrar cannot be changed by telephone or email in any circumstances.

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| Corporation |
| Australian Business Number (ABN) |
| Contact phone number |
| Fax number |
| Email address |
| Preferred method of communication |
| Intention to become an RNTBC |
| Number of members aged between 15 and 18 years |
| Current directors |
| Telephone number |
| Fax number |
| Email address |
| Current contact person/secretary |
| Postal address |
| Telephone number |
| Fax number |
| Email address |
| Preferred method of communication |
| Current members |
| Address |

Attachment B—Changes the Registrar may initiate to corporation details

| Section | Description |
|----------------|---|
| 37-5 | Registrar may alter registered size of corporation after registration. |
| 69-35 | Registrar may change an Aboriginal and Torres Strait Islander corporation's constitution on own initiative. |
| 88-5(3) | Registrar may direct a corporation to change its name. |
| 112-10 | Registrar may change address of registered office to a director's address. |
| 115-10 | Registrar may change document access address to a director's address. |