



Australian Government

Office of the Registrar of Indigenous Corporations

YEARBOOK ⁰⁷/₀₈



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ISSN 1036-2142

ISBN 978-1-921542-04-6

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Please be aware that this publication may contain the names and images of deceased people. The Registrar strives to treat Indigenous culture and beliefs with respect. We acknowledge that to some communities, it is distressing to show images of people who have died.

Produced by ORIC, October 2008.

Printed on 100% recycled paper waste in a Process Chlorine Free Environment.

Cover image: Aboriginal holding flower fruit and seeds of arrowroot in palm (*Tacca leontopetaloides*). Arnhemland, Northern Territory, Australia. © Penny Tweedie.

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About this report

Current legislation does not require the Office of the Registrar of Indigenous Corporations (ORIC) to provide an annual report. ORIC finds it appropriate and desirable to publish a yearbook as an aid to those interested in our work.

The yearbook provides strategic information about ORIC, including its achievements, challenges and organisational structure. It details who we are, what we do and how we do it.

The functions of the Registrar of Indigenous Corporations as prescribed by the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) underpin the performance of ORIC.

FUNCTIONS OF THE REGISTRAR

The Registrar has the following functions:

- to **administer** the Act
- to maintain such **registers** as the Registrar thinks appropriate
- to make available to the **public information** about the registration of Aboriginal and Torres Strait Islander corporations and the administration of the Act
- to provide **advice** to persons about:
 - the registration of a particular Aboriginal and Torres Strait Islander corporation
 - the rules governing the internal management of the corporation
 - the operation of the corporation
- to conduct public **education** programs on the operation of the Act on the governance of Aboriginal and Torres Strait Islander corporations
- to assist with the **resolution of disputes**:
 - internal to the operation of an Aboriginal and Torres Strait Islander corporation or
 - involving Aboriginal and Torres Strait Islander corporations
- to assist with **complaints** under the Act:
 - about the internal operation of an Aboriginal and Torres Strait Islander corporation or
 - involving Aboriginal and Torres Strait Islander corporations
- to conduct **research** in relation to matters affecting Aboriginal and Torres Strait Islander corporations
- to develop **policy proposals** about Aboriginal and Torres Strait Islander corporations.

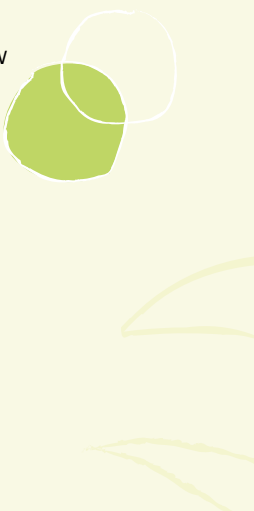
ORIC at a glance



VISION

Aboriginal and Torres Strait Islander people building strong communities and people through strong corporations.

MAIN ACTIVITIES

- administer the CATSI Act
 - make sure Indigenous corporations registered under the CATSI Act follow the law
 - advise Indigenous groups on how to become corporations
 - help corporations create and adopt their own rule book according to their own needs and culture
 - offer support, advice and training to help corporations do the best job for their communities
 - keep public registers of Aboriginal and Torres Strait Islander corporations under the CATSI Act.
- 

STAFF

Employed 65 people—including 11 Indigenous staff.

GOVERNANCE

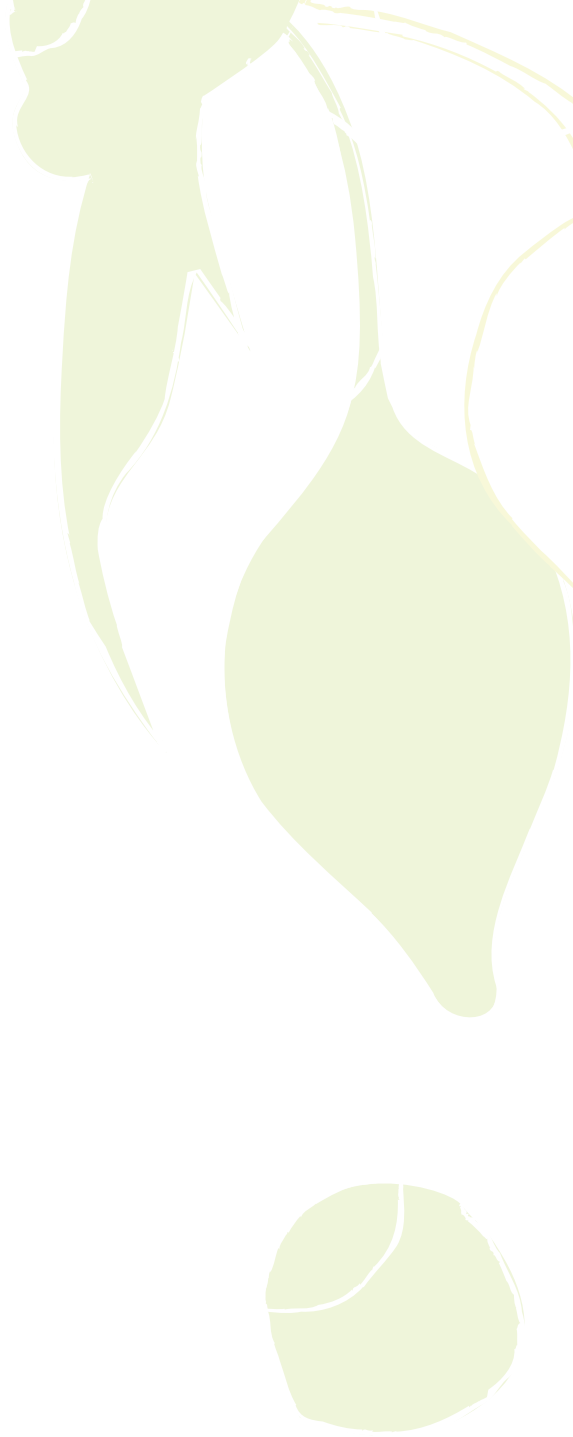
The CATSI Act creates the position of Registrar of Indigenous Corporations—an independent statutory office holder appointed by the Minister for Families, Housing, Community Services and Indigenous Affairs. In 2007–08 the Registrar was supported by two Deputy Registrars.

Highlights

- improved the overall reputation and credibility of Indigenous corporations by increasing the level of reporting compliance
- 59 per cent compliance rate with reporting, exceeding the anticipated rate of 55 per cent and the previous highest level of compliance
- delivered 200 days of training to build the capacity of Indigenous corporations by providing education and assistance
- 60 formal examinations of Indigenous corporations to assess the governance of the corporations
- up to 20 corporations under special administration managed by ORIC
- completed a four-year project to upgrade ORIC's document registration and information systems which has reduced average processing times from 60 days to 3.5 days
- completed our first Reconciliation Action Plan
- increased our Indigenous employment from 10 to 17 per cent
- completed an organisational review and restructure of ORIC
- a new way of working with out-posted staff
- completed the rebranding of the Office of the Registrar of Indigenous Corporations.



ORIC staff—Trish Mu, Katherine Oldfield and Patrick Chapman.



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FROM THE REGISTRAR

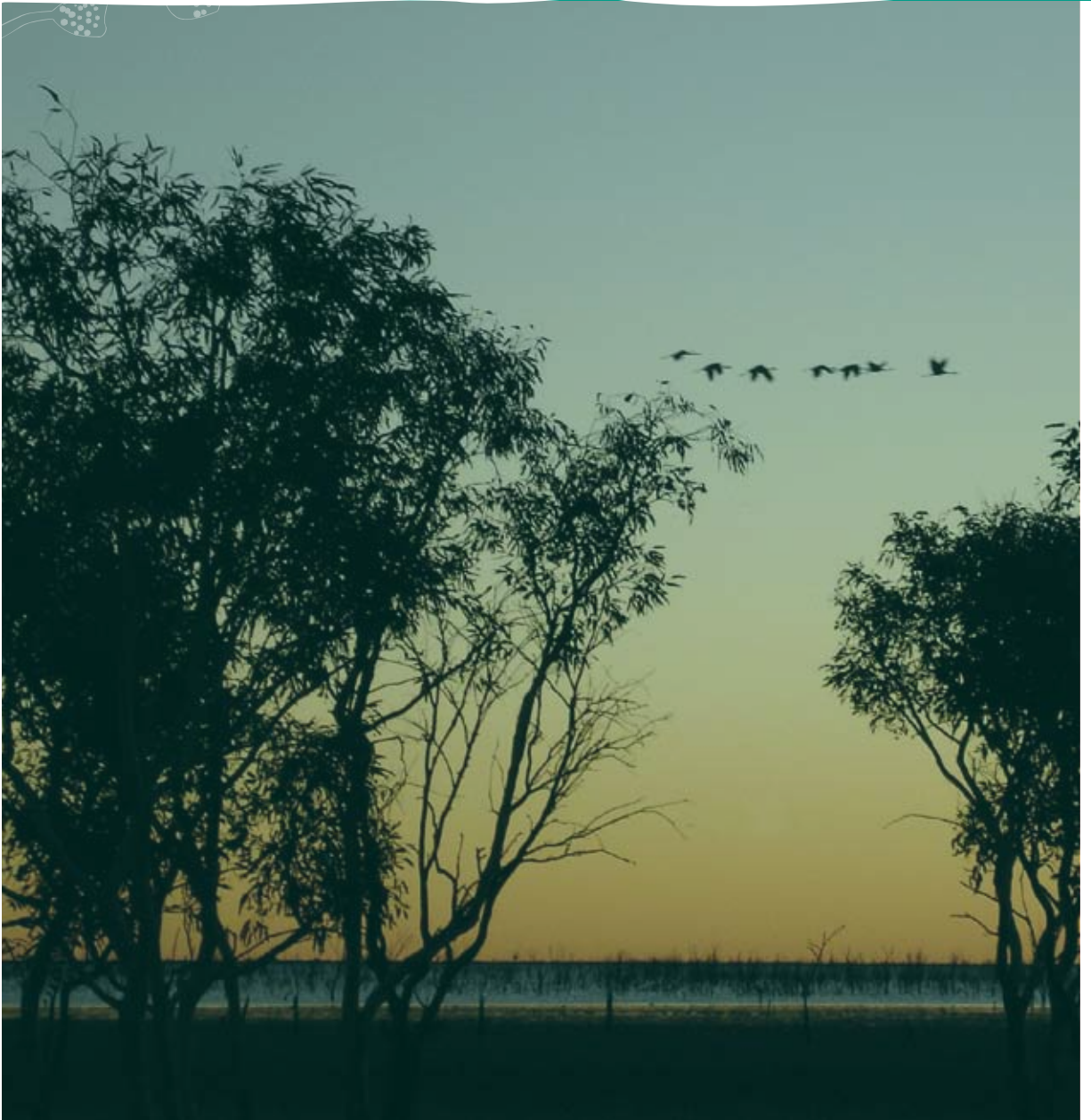




Photo on previous page: Paruku (Lake Gregory), WA, at sunset.

Registrar's year in review

Laura Beacroft ended her five-year period as Registrar on 30 September 2007. Our 2006–07 yearbook mentioned Laura's highly successful tenure and the highlights during her time. I took over from Laura on 1 October 2007 in what has proven to be a very smooth transition.

The major challenge for ORIC during the reporting period was the implementation of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). The Act commenced on 1 July 2007, repealing the previous 1976 legislation and introducing significant changes for Indigenous corporations. The CATSI Act delivers modern corporate governance standards to some 2605 Indigenous corporations around Australia. ORIC undertook extensive training and public education to assist corporations to understand and transition to the new Act. The transition period ends on 30 June 2009.

The CATSI Act emphasises the importance of compliance and reporting as a mechanism to improve transparency and accountability. ORIC addressed this as a key priority in 2007–08.

The Registrar administers the CATSI Act and is supported by the Office of the Registrar of Indigenous Corporations (ORIC).

The following paragraphs briefly outline where we have been and where we want to go.

Strengthening leadership and improving community governance

A major achievement for ORIC was the successful completion and implementation of a new electronic document processing system—the Electronic Register of Indigenous Corporations under the CATSI Act (ERICCA). ERICCA has been under development since 2003 and will deliver more efficient registration services for clients and reduced compliance costs. A supplementary part of the database is a new online forms lodgment function. This secure web-based lodgment system will significantly reduce the need for Indigenous corporations to lodge paper forms with ORIC.

Organisational review

Since 1 July 2007 ORIC has seen a lot of changes in quick succession—new legislation, a new Registrar, a new government, a new minister, and a whole lot of new priorities. These changes have influenced the focus and direction of our work and how we measure our performance. In February 2008 in an interview in *The Oracle* newsletter I outlined what I saw as the key challenges for Indigenous corporations and the key priorities for ORIC. A copy of the interview can be found on our website at www.oric.gov.au.

In 2008 ORIC reviewed its organisational structure to align resources and systems to deal with the new challenges and priorities, and to set it up to deliver on its commitments—achieving greater regulatory impact and improving our internal efficiency.

The new organisational structure was implemented on 1 July 2008.

Staff development

During the first year of implementing the new CATSI Act, ORIC focused on the technical development of its staff and delivering an internal skills development program based on the CATSI Act. ORIC staff met 28 times to share internal expertise and cover technical issues related to the CATSI Act such as the *Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006* (CATSI Transitional Act), corporation size classification, related party transactions, corporate membership, name changes and the internal governance framework of corporations.

Office accommodation

In 2007–08 we also completed the relocation of all staff to a central office. ORIC staff were officially welcomed to the new Canberra office by the performance of a smoking ceremony in May 2008.

Litigation

In April 2006 the Registrar appointed an administrator to the Nyangatjatjara Aboriginal Corporation under section 71 of the *Aboriginal Councils and Associations Act 1976* (ACA Act). An action was brought in the Federal Court seeking orders against the administrator and against the Registrar. In a judgment delivered in March 2008 those orders were refused. Subsequent to this the Registrar sought costs against the applicants, however the court ordered that each party bear its own costs.

In July 2006 the Registrar appointed an administrator to the Mutitjulu Community Aboriginal Corporation under section 71 of the ACA Act. In December 2006 a single judge of the Federal Court dismissed an application to have the appointment declared invalid. In June 2007 the Full Court of the Federal Court overturned the December 2006 decision and in July 2007 the appointment of the administrator was set aside. The corporation was handed back to the members on 17 July 2007.

Out-posted officer trial

From 31 March to 30 June 2008 ORIC set up a special trial of out-posted officers to support and build the governance of corporations operating in the East Kimberley region.

During this initial phase of the project the officers focused on visiting all Aboriginal corporations within the Kununurra region to confirm their continuing existence, assess their compliance, undertake basic updates of public register data and prioritise their need for further assistance. A review of the trial will be conducted in December 2008 to assess the effectiveness of out-posting ORIC staff to work directly with corporations.

Key strategic directions in 2007–08

BUILDING STRONG COMMUNITIES AND PEOPLE THROUGH STRONG CORPORATIONS

We have announced several key priorities to assist and strengthen corporations. An ongoing priority in 2007–08 was improving the overall reputation and credibility of Indigenous corporations by increasing their level of reporting compliance.

In May 2008, as part of its compliance project, ORIC ran a media campaign in regional newspapers listing corporations in each area that were in breach of their 2006–07 reporting obligations under the CATSI Act.

This compliance project was very successful and resulted in a 59 per cent compliance rate, exceeding the target rate of 55 per cent and the previous highest level of compliance.

ORIC focuses on building the capacity of Indigenous corporations through training, education and assistance. As discussed in more detail later in the 'What we do' section of the yearbook, ORIC directly delivered over 200 days of training to corporations, predominately in remote locations, as well as further training through partnership arrangements. Sixty formal examinations of Indigenous corporations were undertaken by ORIC in 2007–08 to assess the governance of corporations. At different times throughout the year up to 20 corporations were under special administration managed by ORIC. ORIC also provided assistance with disputes and advice.

Where we want to go

- 95 per cent of corporations transitioned to the CATSI Act by 30 June 2009
- 200 days of training (with greater information provided through the ORIC website and a new approach to delivery)
- 15 per cent increase in registered corporations
- 90 per cent reporting compliance
- a new stakeholder engagement plan
- audio, pictorial and language rule books
- more out-posted officers
- deliver new functions:
 - mediation and dispute resolution
 - modernised call centre operation
 - investigations and prosecutions
 - planning and research.

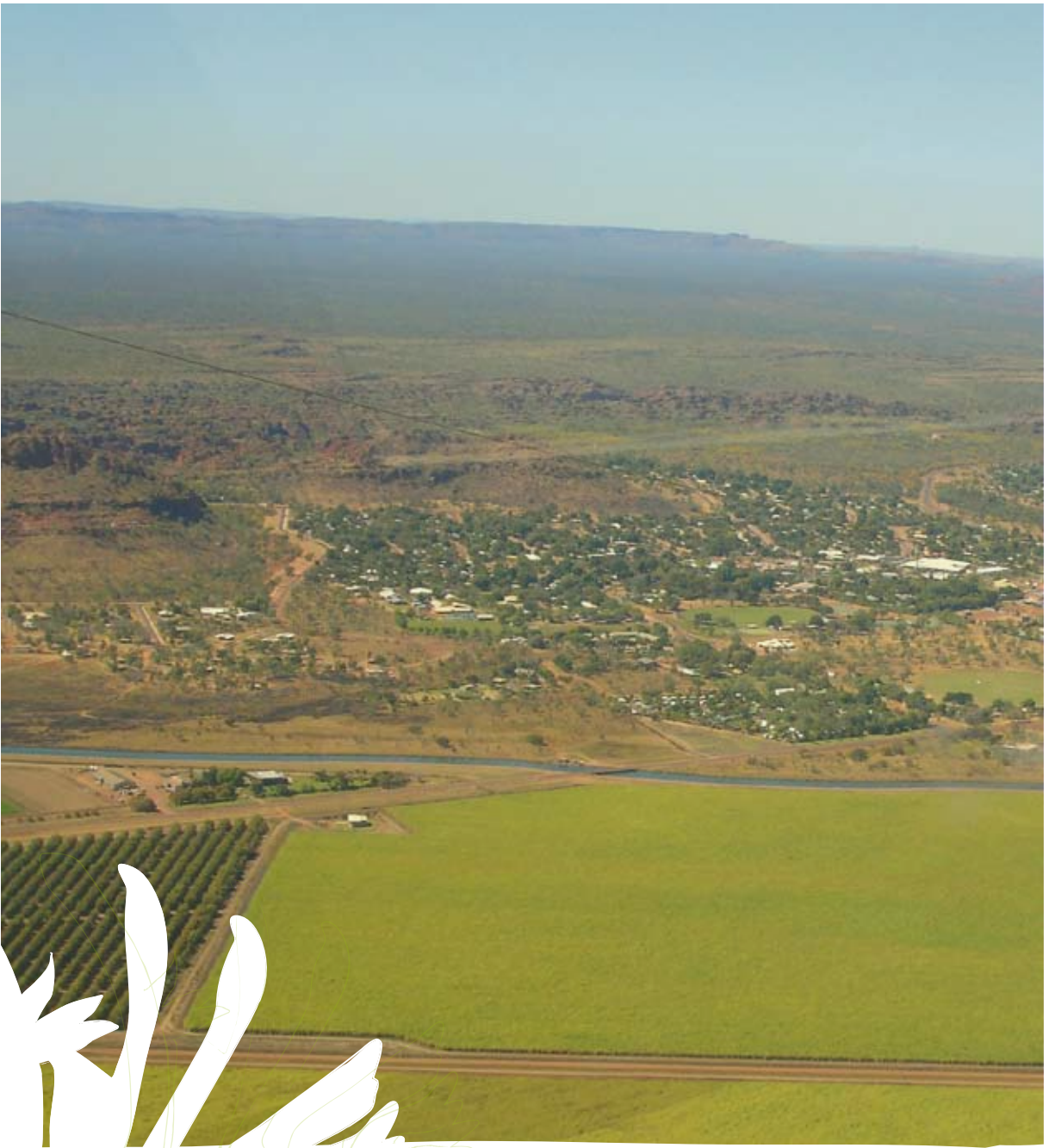
We are looking forward to the year ahead. We have set ourselves high, but achievable aims. The staff of ORIC have been working extremely hard and I would like to thank them for their efforts and the quality of the work that we are producing. I would also like to thank all of our corporations for their ongoing commitment to improving the governance of their corporations and their support for ORIC throughout the year.



Anthony Beven
Registrar
October 2008



Anthony Beven was appointed as Registrar on 1 October 2007. Previously he was the South Australian Regional Commissioner for the Australian Securities and Investments Commissions (ASIC). He had worked with ASIC in a number of roles, including spending 10 years with ASIC in the Northern Territory. From 1995–99 he worked in Papua New Guinea as the Registrar of Companies and the Registrar of Business Groups (the PNG equivalent of the Registrar of Indigenous Corporations).



WHO WE ARE



Photograph on previous page: Kununnurra, WA, from the air.

About ORIC

ORIC's objective

To support the delivery of registration, regulation and related services for Aboriginal and Torres Strait Islander people under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act).

We aim to deliver our services in a way that takes account of the special needs, requirements and risks of Indigenous corporations within a context of Australian and international best practice on sound corporate governance.

Powers of the Registrar

The CATSI Act gives the Registrar powers to intervene in a corporation's affairs, similar to those exercised by the Australian Securities and Investments Commission.

As a statutory officer, the Registrar is not under direction for decisions made under the CATSI Act. The Registrar exercises his or her powers and functions according to the CATSI Act, responding to the special needs, requirements and risks of Indigenous corporations. Ultimately, the aim is to build the independence and capacity of Indigenous individuals, groups and corporations.

See appendix 2 for a summary of the Registrar's regulatory powers.

Our guiding principles

The following principles guide ORIC's work.

Building sustainability—encouraging corporations to adopt good practices in management and governance that maximise the use of resources and help them achieve their purpose.

Eliminating poverty—closing the gap: helping to eliminate poverty in Indigenous communities and making sure we include the most disadvantaged and marginalised people in communities in any strategies to build capacity.

Supporting Indigenous economic development—recognising that economic development is a foundation for eliminating poverty and improving other social outcomes.



Members of ORIC's Indigenous staff group.

Being accountable—raising awareness that accountability to members, beneficiaries of corporations' services and communities underpins good governance and management practices. Corporations should meet their legal and other requirements in line with the expectations of funding agencies, members and the communities they serve.

Managing conflict and disputes—helping corporations to resolve conflicts and develop effective conflict resolution processes. These processes should acknowledge different interests, build capacity and fit within cultural and community contexts.

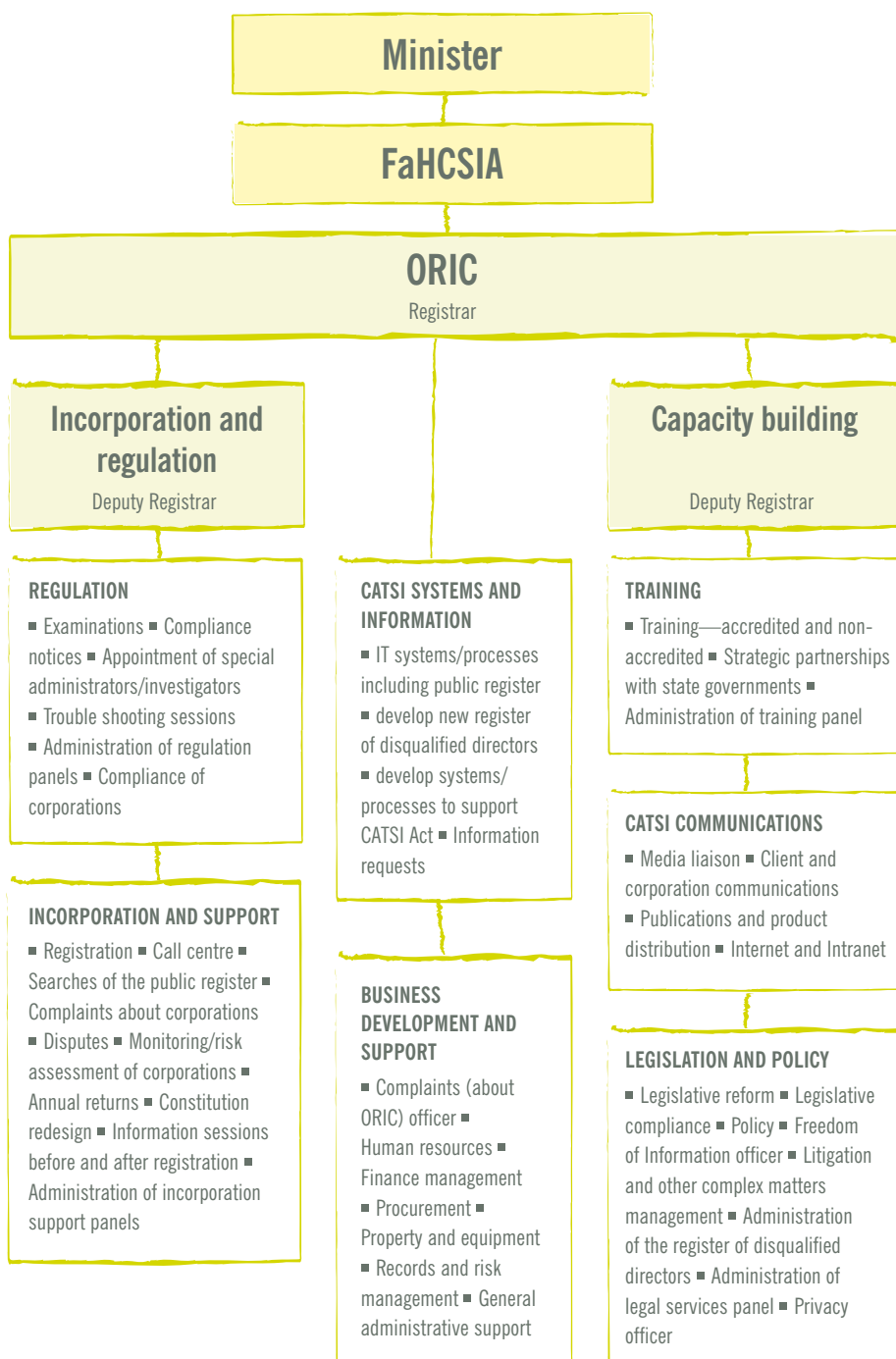
Promoting knowledge management—recognising that access to information, experience and knowledge is an empowering process and making sure any management processes are user friendly and accessible.

Fitting with culture—making sure corporation models and processes fit with culture in specific communities and localities, and that interactions with Indigenous corporations are relevant to communities and localities.

Being responsive and accessible—tailoring our information and services to the needs of our clients and making sure they are easy to access and use.

Building capability and social assets—developing capacity, knowledge and social assets to help build the sustainability of organisations.

Organisation chart 2007–08



Senior management 2007–08



Anthony Beven
Registrar



Toni Matulick
Deputy Registrar
Capacity building branch



Joe Mastrolembo
Deputy Registrar
Registration and regulation
branch

Other members of the senior staff were:



Kerrie Nelson
Director
Governance
and compliance
training



Caroline Joske
Director
Legislation and
policy



Janet Millar
Director
CATSI
communications



Jodie Goddard
Director
Business
development and
support



Peter Armstrong
Director
Regulation



Justin Toohey
Chief Information
Officer



Therese Colosimo
Director
Registration and
support services

Our legislation

The CATSI Act is the set of laws that creates the position of Registrar of Indigenous Corporations and allows Aboriginal and Torres Strait Islander groups to form corporations.

The CATSI Act was passed by the Australian Parliament in October 2006. It began on 1 July 2007, replacing the *Aboriginal Councils and Associations Act 1976* (ACA Act). Under the CATSI Act, laws governing Indigenous corporations have been modernised while still retaining the special measures to meet the specific needs of Indigenous people.

Registration under the CATSI Act is mostly voluntary. However, some corporations—for example, ‘registered native title bodies corporate’ determined by the Federal Court under the *Native Title Act 1993* and royalty associations under the *Aboriginal Land Rights (Northern Territory) Act 1976*—are required to register under the CATSI Act.

ORIC regulates and supports Indigenous corporations registered under the CATSI Act.

UNIQUE FEATURES OF THE CATSI ACT

Some factors unique to the CATSI Act include:

- Indigeneity—a majority of members and directors must be Indigenous.
- Internal governance rule requirements—a corporation’s rule book must meet minimum standards of governance and must be approved by the Registrar.
- Purpose—some types of organisations are inappropriate for registration under the CATSI Act, for example trade unions or corporations providing financial services.
- Corporate membership—bodies corporate or peak bodies can become members of CATSI corporations.
- Specialised assistance—in contrast to other regulators, the Registrar can provide assistance to CATSI corporations.
- Specialised regulatory powers—the Registrar has the power to appoint examiners and special administrators.
- Transfers—the CATSI Act contains transfer provisions which allow organisations to transfer to the CATSI Act provided they meet the minimum requirements (for example the Indigeneity requirement).

An application for registration under the CATSI Act can be downloaded from our website at www.oric.gov.au. Registration is free and the website contains further information about the steps and documentation required to register under the Act.

BENEFITS OF REGISTERING UNDER THE CATSI ACT

The main benefits of registering under the CATSI Act are:

- the members can choose, when they register the corporation, not to be liable for the debts of the corporation
- the rule book that governs how the corporation is run can take into account Aboriginal or Torres Strait Islander customs and traditions
- Aboriginal and Torres Strait Islander corporations can operate nationally—they are not limited to the state or territory where they are registered
- it is free to register as an Aboriginal and Torres Strait Islander corporation—unlike other regimes that may charge a fee
- sometimes a CATSI corporation may be eligible for an exemption from lodging annual reports
- profits of the corporation can be distributed to members if the rule book allows for this
- Aboriginal and Torres Strait Islander corporations can access client assistance, support and information and training programs offered by ORIC.



From left to right: Loreen Gunyan, Lurlene Button, Bob Durnan, Pauline Burton and Bernadette Angus work together during an Introduction to Corporate Governance workshop, Central Australia, February 2007.

WHAT WE DO

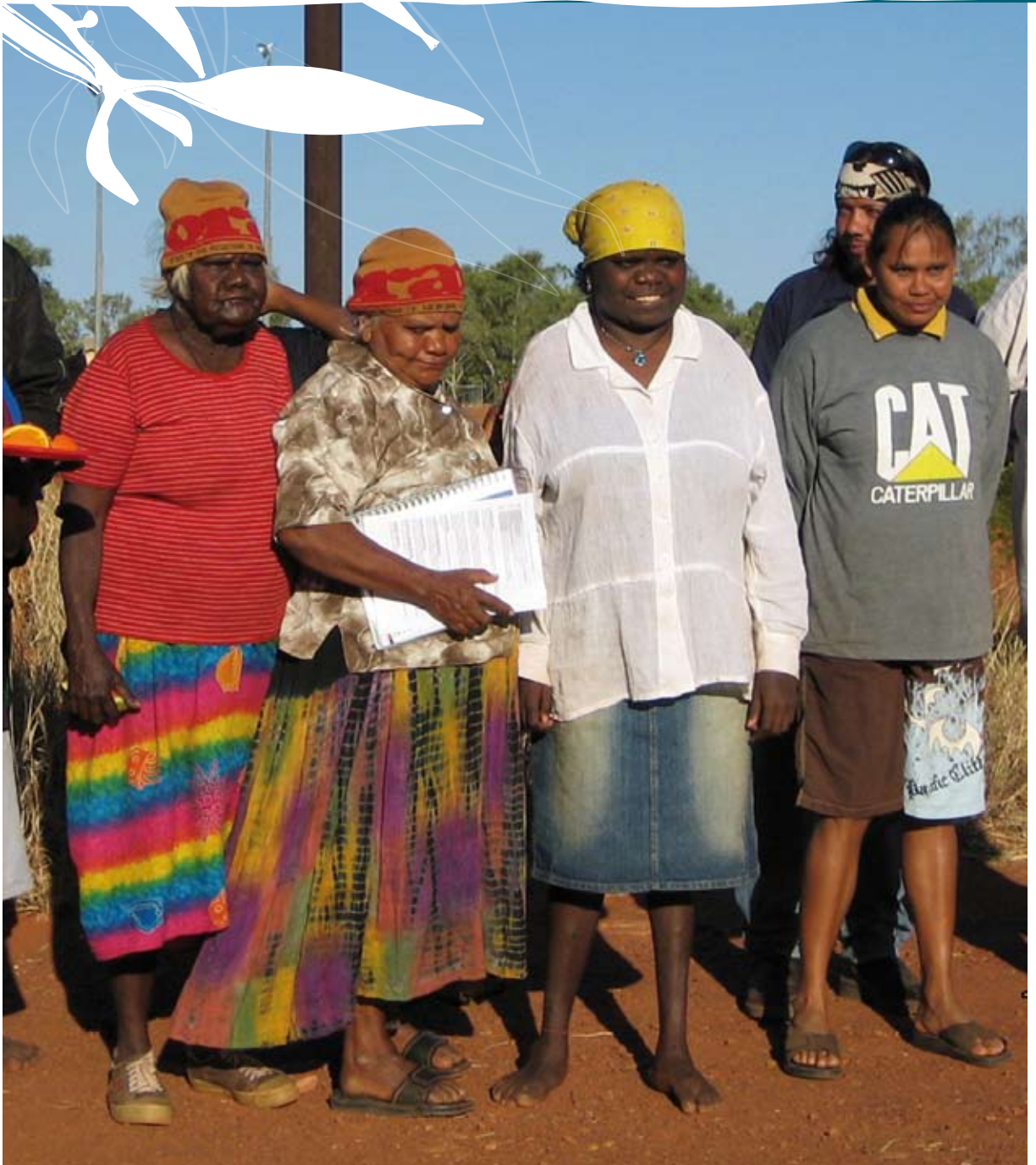
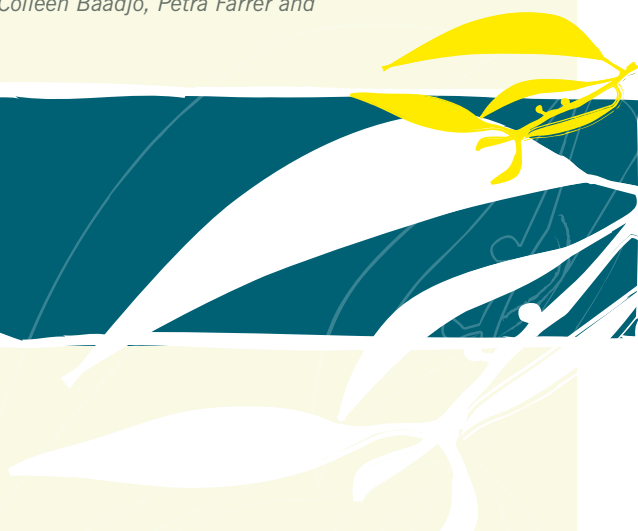


Photo on previous page: In August 2007, ORIC held a Building Strong Corporations training workshop in Balgo, WA • Ruby Darkie, Marie Mudgetell, Colleen Baadjo, Petra Farrer and Chris Mandigalli complete the first workshop.



Portfolio Budget Statement indicators

OUTCOME 1

Greater self-reliance and economic, social and community engagement for Indigenous Australians.

OUTPUT GROUP 1.3

Incorporation, regulation and capacity building for Indigenous corporations.

OUTPUT 1.3 INCORPORATIONS, REGULATION AND CAPACITY BUILDING OF INDIGENOUS CORPORATIONS

Quality assurance indicator: operations consistent with service charter.

Estimate 100%	The actual result was the same as the estimate indicated in the 2007–08 FaHCSIA Portfolio Budget Statements.
Actual 100%	<p>The Office of the Registrar of Indigenous Corporations (ORIC) performed to a high level in accordance with the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (CATSI Act) and ORIC's service charter, and provided its services in a manner that was efficient, effective and relevant to the needs of its clients.</p> <p>ORIC's commitment to its clients included: treating people with courtesy and respect; respecting culture and traditions; providing accurate and relevant information; acting fairly and professionally; and providing services in a timely and accountable way. This commitment continues to be reflected in the CATSI Act, which takes into account the particular needs and circumstances of Indigenous corporations, while requiring modern standards of governance and accountability.</p>

Quality assurance indicator: percentage of corporations compliant with reporting requirements under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*

Estimate 55% (target being increased progressively)	<p>The variance is +4 per cent. The results reflect ORIC's follow-up program, which has assisted more corporations to meet compliance targets.</p> <p>Under the CATSI Act, for the 2007–08 reporting year, all corporations were required to submit certain documents to ORIC which were placed on the public register, including a list of members and financial reports, unless the Registrar exempted the corporation from doing so.</p>
Actual 59%	

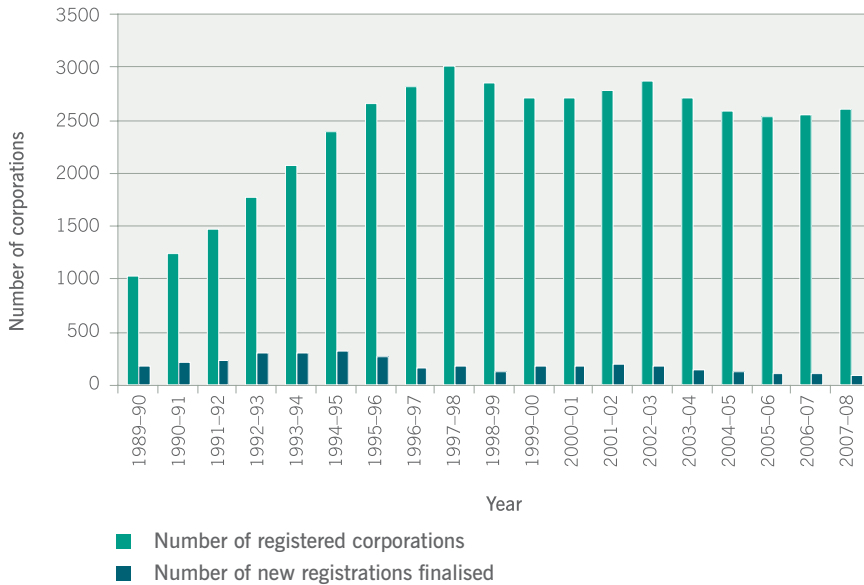
Quality assurance indicator: percentage of large corporations compliant with reporting requirements under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	
Estimate 100%	No corporation was classified as large during 2007–08. Corporation sizes will be re-classified in July 2008 based on 2006–07 annual returns information.
Actual n/a	
Quantity indicator: number of days of corporate compliance training and information sessions	
Estimate 200	The variance is +4 days.
Actual 204	<p>Training was delivered through the nationally accredited Certificate IV in Business (Governance) and introductory corporate governance workshops. These were delivered in key areas including East Kimberley, Palm Island and Central Australia.</p> <p>Training was delivered to individual corporations to provide information on the new <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> and to assist them to transition to the new Act.</p> <p>Other training assisted corporations to understand changes to reporting requirements and to become and remain compliant.</p> <p>ORIC also partnered with the state of Victoria to trial a pilot Diploma of Business (Governance) and delivered introductory and accredited training through the new South Australian partnership</p>
Quantity indicator: number of examinations or reviews conducted	
Estimate 60	The actual result was the same as the estimate indicated in the 2007–08 FaHCSIA Portfolio Budget Statements.
Actual 60	<p>Corporations were selected for examination in response to evidenced problems or as part of a program of rolling examinations responding to risk analysis involving criteria such as size, purpose, time since last examination, compliance status and history of member or other complaints. The outcomes as at June 2008 of the 60 examinations are discussed in greater detail on pp. 36-41.</p> <p>Examinations initiated, administrations appointed and deregistrations completed are shown in table 5. The trend for high numbers of regulatory actions compared to the total number of corporations shows ORIC continued to be a very active regulator.</p>

Administering the Act

Profile of corporations registered with ORIC

At 30 June 2008, 2605 corporations were registered under the CATSI Act. This reflects an increase of nearly two per cent in total corporation numbers from last year.

FIGURE 1 REGISTERED AND NEW CORPORATIONS BY YEAR, 1988-89 TO 2007-08



Note: The number of registered corporations is the total number of corporations registered less the total number deregistered.

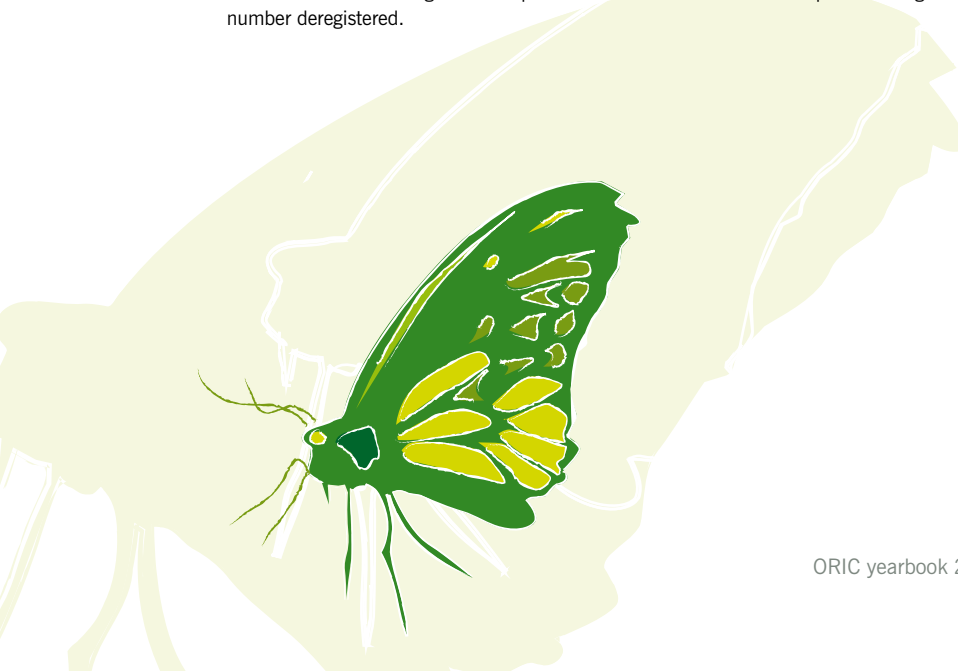


TABLE 1 REGISTERED AND NEW CORPORATIONS 1989–90 TO 2007–08

	NUMBER OF REGISTERED CORPORATIONS	NUMBER OF NEW REGISTRATIONS FINALISED
1989–90	1024	181
1990–91	1244	220
1991–92	1474	230
1992–93	1772	298
1993–94	2076	304
1994–95	2389	313
1995–96	2654	265
1996–97	2816	162
1997–98	2999	183
1998–99	2853	128
1999–00	2703	183
2000–01	2709	171
2001–02	2783	187
2002–03	2861	183
2003–04	2713	134
2004–05	2585	120
2005–06	2529	102
2006–07	2552	111
2007–08	2605	84

Pre-registration services continue to encourage groups to register under the CATSI Act. It is estimated that at least as many Indigenous organisations are registered under other legislation. However, it is expected that some of these organisations may transfer to the CATSI Act to gain the benefits of ORIC’s support and preventative work. ORIC maintains a public database of information on Indigenous corporations and processes a large number of lodged documents to update the database.

TABLE 2 INCORPORATION AND SUPPORT SERVICES, 2001–02 TO 2007–08

	01–02	02–03	03–04	04–05	05–06	06–07	07–08
REGISTRATION AND SUPPORT SERVICES							
Incorporations							
Applications received	206	211	160	120	110	107	116
Total applications actioned during the year	207	205	143	134	123	143	108
Applications approved	187	183	134	120	102	111	84
Applications refused	–	–	–	–	1	2	5
Applications lapsed/withdrawn	20	22	9	14	17	30	19
Constitution change requests							
Requests received	134	138	122	116	92	126	97
Total requests actioned during the year	143	127	114	131	127	160	85
Requests approved	98	94	106	112	92	124	55
Requests refused	21	22	4	4	9	5	30
Requests lapsed/withdrawn	24	11	4	15	20	31	-
Name change requests							
Requests received	24	20	26	27	11	5	12
Total requests actioned during the year	32	16	18	25	15	27	9
Requests approved	22	8	14	18	9	16	6
Requests refused	1	2	–	2	0	1	3
Requests lapsed/withdrawn	9	6	4	5	6	10	-
Public register searches							
Search requests actioned	844	557	272	501	282	135	362

TABLE 2 INCORPORATION AND SUPPORT SERVICES, 2001–02 TO 2007–08 (cont.)

	01–02	02–03	03–04	04–05	05–06	06–07	07–08
Change of corporation contact and officer details							
Change requests received	n/a	n/a	n/a	n/a	n/a	n/a	345
Change requests applied to the public register	n/a	n/a	n/a	n/a	n/a	n/a	284
Annual general meeting extensions							
Matters finalised	–	–	104	137	197	162	97
Written advice on corporation issues							
Inquiries finalised	245	622	634	682	882	897	919

Note: Some services finalised during the financial year were initiated in the previous year.

The functions of Indigenous corporations are diverse, and range from providing services such as health care and power supply to holding land. Many corporations are multifunctional.

Most groups registered under the CATSI Act are located in remote areas and are publicly funded. However, some corporations, such as those linked to mining compensation or to the Indigenous arts industry, generate substantial private income. Many hold significant community assets that were funded publicly and are now held privately by the corporations. See figure 2 and table 4 for the number of corporations, by income and assets, according to ORIC's most recent data.

The breakdown of the location of CATSI Act corporations by Indigenous Coordination Centres (ICCs) regions are shown in map 1 and table 3.

MAP 1 LOCATION OF CORPORATIONS BY ICC REGION AT 30 JUNE 2008

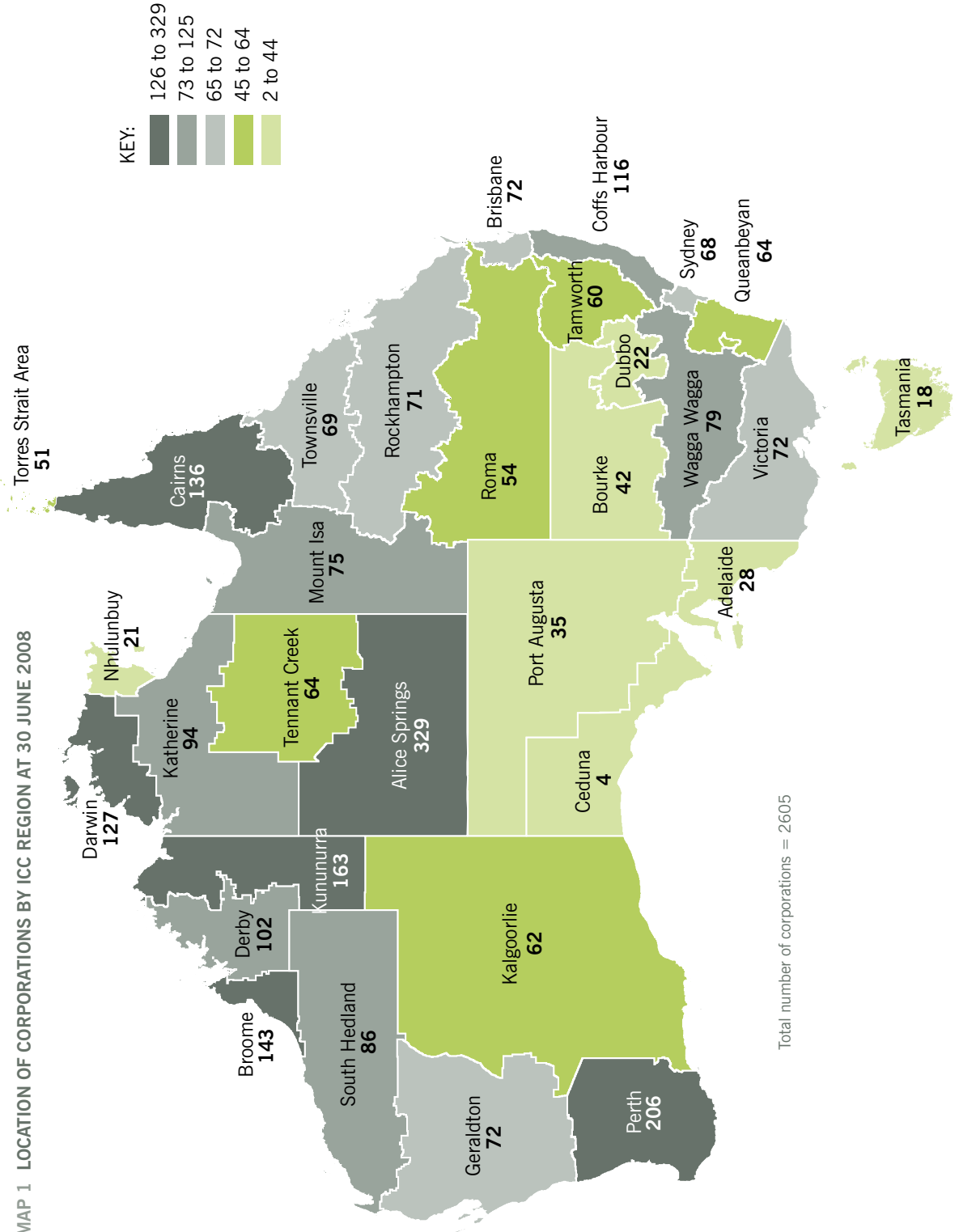


TABLE 3 LOCATION OF REGISTERED CORPORATIONS BY ICC REGION AT 30 JUNE 2008

ICC REGIONS	TOTAL CORPORATIONS	ICC REGIONS	TOTAL CORPORATIONS
Adelaide	28	Tasmania	18
Alice Springs	329	Tennant Creek	64
Bourke	42	Torres Strait area	51
Brisbane	72	Townsville	69
Broome	143	Victoria	72
Cairns	136	Wagga Wagga	79
Ceduna	4	TOTAL	2605
Coffs Harbour	116		
Darwin	127		
Derby	102		
Dubbo	22		
Geraldton	72		
Kalgoorlie	62		
Katherine	94		
Kununurra	163		
Mount Isa	75		
Nhulunbuy	21		
Perth	206		
Port Augusta	35		
Queanbeyan	64		
Rockhampton	71		
Roma	54		
South Hedland	86		
Sydney	68		
Tamworth	60		

Income of corporations

Table 4 and figure 2 show the wealth of 584 Indigenous corporations with ORIC where full details of income and assets are known. Those corporations with significant income usually have significant assets. Most corporations under the CATSI Act are registered as small or medium depending on their income, assets and number of employees. However, a growing number are registered as large because they have substantial income. Also, a number have little income and substantial assets. These findings have implications for many aspects of ORIC's work such as risk management.

TABLE 4 NUMBER OF REGISTERED CORPORATIONS BY INCOME AND ASSETS AT 30 JUNE 2008

	Assets < 25K	Assets 25-50K	Assets 50-100K	Assets 100-500K	Assets > 500K	Total
Income < 100K	33	17	13	16	20	99
Income 100-500K	7	5	22	90	47	171
Income > 500K	1	0	3	51	259	314
TOTAL	41	22	38	157	326	584

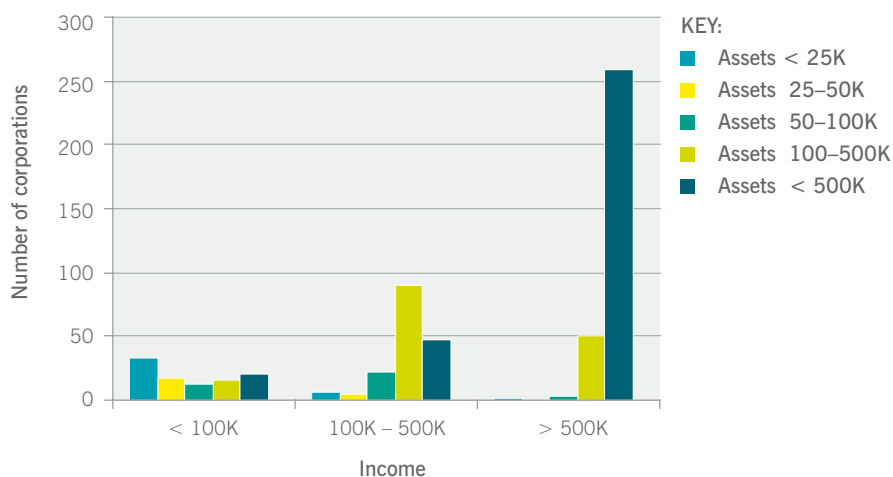
Notes

Income = total grant plus other income

Assets = total of current plus non-current assets

Income and assets are for corporations that filed annual returns for the 2006-07 financial year, since financial reports for 2007-08 are not due until 31 December 2008.

FIGURE 2 NUMBER OF REGISTERED CORPORATIONS BY INCOME AND ASSETS AT 30 JUNE 2008



Compliance of corporations

ESTIMATE	55%	ACTUAL	59%
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For 2006–07 reporting all corporations were required under the CATSI Act to submit certain documents to ORIC, such as a financial report. These documents were placed on the public register. Corporations that could not submit the required documents had to apply to the Registrar for an exemption.

REPORTING COMPLIANCE FOLLOW-UP PROGRAM

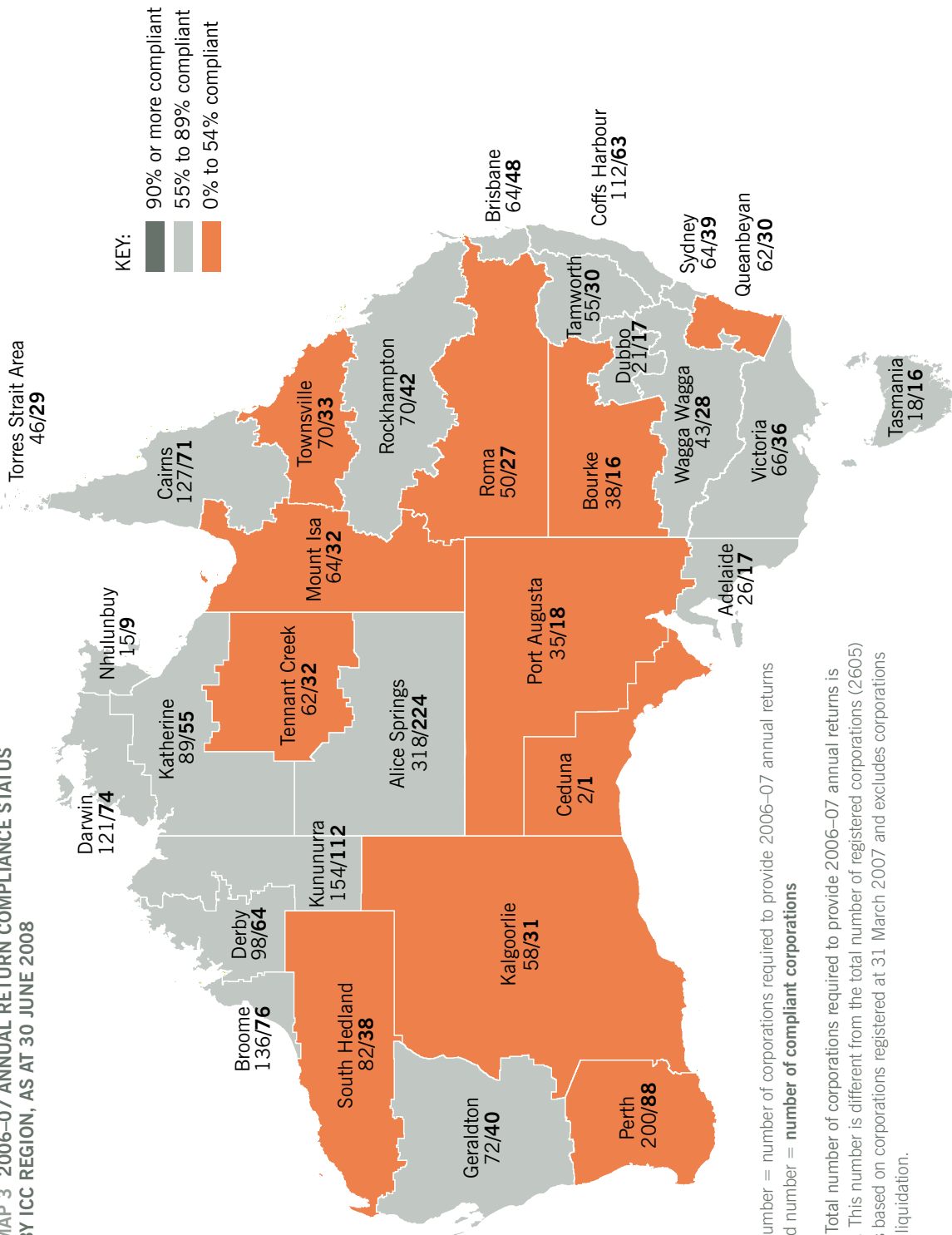
Compliance with the CATSI Act reporting requirements is important to ensure the accuracy and credibility of ORIC’s public Register of Indigenous Corporations.

Compliance with the reporting requirements means that members, communities, creditors, investors and government agencies have greater confidence in registered corporations. It provides interested parties with an important internal and external accountability function to rely on regarding the financial viability and governance stability of the corporations.

During 2007–08 ORIC implemented a detailed program to help corporations with their reporting requirements to achieve better compliance rates. The program included the following key activities:

- A communication strategy to deliver key messages and follow-ups about reporting compliance. This strategy included broadcasts on Indigenous radio networks; advertisements in Indigenous and key regional newspapers; notices and messages on our website and reminders placed in ORIC publications.
- An analysis of corporations registered as small or that have an exemption history—to target these corporations for exemptions initiated by the Registrar.
- Targeted follow-up of key groups and specific sectors such as Registered Native Title Bodies Corporate, Native Title Representative Bodies and corporations assisted by resource agencies operating in remote regions.
- Working with key funding bodies to increase awareness and help increase the compliance of government-funded corporations.
- Targeted follow-up of corporations in breach (e.g. corporations that submitted 2005–06 annual returns but did not do so for 2006–07).
- Issued warning notices to corporations that did not respond to reminders. In 2008–09 ORIC will institute a program to improve the compliance of Indigenous corporations. This may include the prosecution of non-compliant corporations and their directors, and the deregistration of corporations.

MAP 3 2006-07 ANNUAL RETURN COMPLIANCE STATUS
BY ICC REGION, AS AT 30 JUNE 2008



First number = number of corporations required to provide 2006-07 annual returns
Second number = **number of compliant corporations**

Note: Total number of corporations required to provide 2006-07 annual returns is 2438. This number is different from the total number of registered corporations (2605) as it is based on corporations registered at 31 March 2007 and excludes corporations under liquidation.

As a result of this comprehensive program, 59 per cent of corporations provided their annual returns as required under the CATSI Transitional Act for 2006–07 or have been exempted due to their circumstances. This result is the highest ever compliance rate achieved for reporting by ORIC corporations—seven per cent higher than last year. Importantly the 100 largest corporations were 100 per cent compliant with reporting under the CATSI Act (see map 3).

Support for corporations

One of the distinguishing features of registering under the CATSI Act is that ORIC provides information and support to groups before and after registration. ORIC's registration and support program includes:

- advising Aboriginal and Torres Strait Islander groups on the requirements for registration
- helping corporations with proposed rule book and name changes
- making information and documents available from the public Register of Indigenous Corporations
- helping directors better understand their roles, duties and responsibilities under the CATSI Act and their rule book
- advising members of their rights under the CATSI Act
- providing guidance to directors on how specific issues and problems within their corporation may be dealt with according to their rule book and the CATSI Act
- helping corporations manage complaints and disputes.

Snapshot

- **84 corporations** were registered during 2007–08. The total number of corporations registered with ORIC increased by 2 per cent during the year.
- **116 new applications** for registration were received during 2007–08 compared to 107 in 2006–07. This met expectations taking into account the new registration requirements under the CATSI Act and the transition period required by groups to become familiar with these new requirements. Applications to register remained stable during 2007–08.
- **11 785 calls** were received on ORIC's freecall number (nine per cent more than last year).
- **919 inquiries** were finalised in 2007–08 compared to 897 in 2006–07— involving requests for information, support and referrals.



Group photo at the end of an Introduction to Corporate Governance workshop, Central Australia.

- **239 complaints** were finalised in 2007–08 compared to 110 in 2006–07. The number of requests for assistance with complaints and disputes (from corporations, members and directors on ORIC's freecall number, by email and by letter) received during 2007–08 significantly increased. Given their increasing complexity and the serious consequences they can have for corporations if unresolved, ORIC is devoting more focused resources to assist with these matters. ORIC's key roles in dispute management assistance are:
 - embedding good dispute resolution processes into the corporation's rule book
 - bringing disputing parties together to discuss issues and, if necessary, conducting general meetings and mediations
 - issuing advisory opinions on issues of fact or law to help resolve these matters.
- **97 requests** for changes to constitutions were received during the year. ORIC expects a significant increase in the number of rule book change requests over the next year as corporations proceed to transition their existing constitutions to the CATSI Act. ORIC has a detailed transition strategy in place to help groups with this process.
- **97 annual general meeting extensions** and other exemptions granted by ORIC in 2007–08 under the CATSI Act. The Registrar continued to receive a high number of requests for extensions in time for holding annual general meetings. This reflects ORIC's ongoing flexible approach in responding to corporations' special circumstances and needs regarding the time and effort they require to hold annual general meetings and comply with other requirements of the CATSI Act.

The public register

ORIC maintains the public Register of Indigenous Corporations, which lists corporations registered under the CATSI Act. The public register provides useful and unique information for Indigenous corporations, members of the public and funding agencies.

The information in the public register includes certificates of registration, applications for registration, rule books (constitutions), details of contact persons/secretaries, annual financial statements, exemptions from some reporting requirements, and documents relating to regulatory action—for example, monitoring, administration, liquidation and deregistration.

A list of most documents held by ORIC for each corporation since 1978 is available electronically. These documents are available in hard copy from ORIC and some, including corporations' rule books, are accessible online. A few corporations have requested that their lists of members not be published electronically, for justifiable reasons.

NEW FEATURE—CORPORATION EXTRACT REPORT

In 2008 ORIC has added to its online public register an electronic report of current information and a list of documents held on the public register about a corporation registered under the CATSI Act. Information contained in the report includes current corporation details, such as:

- current and previous name
- Indigenous Corporation Number (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 this information is now contained in one document. Corporations are encouraged to check the public register to make sure their information is accurate and up-to-date.

NEW SERVICE—ONLINE LODGMENT OF FORMS

ORIC has also developed a new secure website, <https://online.oric.gov.au>, to make lodging forms easier and more convenient for corporations. The site began operating in July 2008. Forms lodgment at ORIC has traditionally been a paper-based system. By introducing new technology to existing services ORIC hopes to ease the paper burden for corporations and improve processing times to allow faster updating of information on the public register.

MAINTAINING THE PUBLIC REGISTER

ORIC relies on having quality information about corporations to provide our support and regulatory services. During 2007–08 ORIC updated the data held about key corporations. We did this by preparing a *Getting ready for CATSI* form with data that we currently held for each corporation. Corporations were able to fill in the hard copy form or access a unique web address to complete the form online.

SEARCHING THE PUBLIC REGISTER

In 2007–08 there were approximately 68 000 online searches of ORIC's public register.



FIGURE 3 HOW TO SEARCH FOR A CORPORATION ON ORIC'S PUBLIC REGISTER (WWW.OMIC.GOV.AU)

The top screenshot shows the ORIC website's 'Welcome to the Register of Indigenous Corporations' page. A red circle highlights the 'Search a corporation' link in the left-hand navigation menu. A red arrow points from this link to a detailed search interface shown in the bottom screenshot.

Corporation quick search

For a list of corporations in each **state or territory** click on links below. (Details may take some time to load.)

[QLD](#) [NSW](#) [ACT](#) [VIC](#) [TAS](#) [SA](#) [WA](#) [NT](#)

See a list of **all corporations** in the register.

If you know the name of the corporation or part of it, you can search by **corporation name**.

Total registered corporations: 2634

The bottom screenshot shows the 'Corporation search options' page. It features three main search sections:

- By corporation name:** A search box with a 'Search' button and a 'Go' link.
- By Indigenous Corporation Number:** A search box with a 'Search' button and a 'Go' link.
- By state or territory:** A list of states and territories (QLD, NSW, ACT, VIC, TAS, SA, WA, NT) with radio buttons, and a 'Go' link.

Below these are sections for 'By postcode' and 'By postcode', each with a search box and a 'Go' link.

Regulating corporations

Throughout the 2007–08 year ORIC continued to be one of the most active regulators proportional to the number of corporations it regulates.

Examinations

ESTIMATE	60	ACTUAL	60
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Corporations were selected for examination¹ in response to evidenced problems or as part of a program of rolling examinations responding to risk analysis involving criteria such as size, purpose, time since last examination, compliance status and history of member or other complaints.

SNAPSHOT

TABLE 5 NUMBER OF EXAMINATIONS INITIATED, ADMINISTRATIONS APPOINTED, AND DEREGISTRATIONS AND REINSTATEMENTS COMPLETED 2002–03 TO 2007–08

REGULATORY ACTIONS	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08
Examinations initiated	35	54	61	49	50	60
New administrations appointed	8	7	7	14	7	3
Deregistrations completed	116	282	269	180	87	32
Reinstatements				12	2	0

¹ An examination takes place when a person is authorised by the Registrar to look at the records of a corporation. This is a special regulatory power that allows the Registrar to supervise the operations and financial affairs of corporations and to diagnose problems before they become more serious.

OUTCOMES OF EXAMINATIONS

Of the 60 examinations conducted in 2007–08, the outcomes were as follows:

- 11 (18 per cent) were operating well and required no further action.
- 37 (62 per cent) required rectification of less serious matters which was settled through the issue of a compliance notice under section 439-20 of the CATSI Act. Seventeen of these notices were issued in 2007–08, another 20 were issued after 30 June 2008 (see table 6).
- 4 (7 per cent) had serious findings and were issued with notices under section 487-10 of the Act which invited them to show cause why the corporation should not be placed under special administration. Of these 4, one corporation was placed under special administration and two are pending as at 30 June 2008.
- 1 (1.6 per cent) was found to be non-operational and proceedings to deregister the corporation will be initiated.
- 3 (5 per cent) required action for the wind up of the corporation (i.e. the appointment of a liquidator).
- 4 (7 per cent) have a decision for next action pending.
- 1 (1.6 per cent) appointed a voluntary administrator.

TABLE 6 OUTCOMES FROM CORPORATION EXAMINATIONS

YEAR EXAMINATION CONDUCTED	ICN	CORPORATION NAME	EXAMINATION OUTCOME	DATE ISSUED
2006–07	3520	Nyunbuk Moorit Booja Aboriginal Corporation	Section 439-20 notice	6 Jul 07
2006–07	4063	Ngarla Mia Mia Karlak Aboriginal Corporation	Section 439-20 notice	6 Jul 07
2006–07	1034	Mildura Aboriginal Corporation	Section 439-20 notice	27 Jul 07
2006–07	101	Ngaanyatjarra Council (Aboriginal Corporation)	Section 439-20 notice	27 Jul 07
2006–07	443	Ngaanyatjarra Services Aboriginal Corporation	Section 439-20 notice	27 Jul 07
2006–07	557	Ngaanyatjarra Health Service (Aboriginal Corporation)	Section 439-20 notice	27 Jul 07
2006–07	547	Winjah Group Aboriginal Corporation	Section 439-20 notice	27 Jul 07
2006–07	2098	Ngunyntju Tjitji Pirni Aboriginal Corporation	Section 439-20 notice	24 Aug 07
2006–07	27	Durri Aboriginal Corporation Medical Service	Section 439-20 notice	24 Aug 07

YEAR EXAMINATION CONDUCTED	ICN	CORPORATION NAME	EXAMINATION OUTCOME	DATE ISSUED
2006–07	2022	Wulgurukaba Aboriginal Corporation	Section 439-20 notice	17 Sep 07
2006–07	2173	Kullila Welfare and Housing Aboriginal Corporation	Section 439-20 notice	20 Sep 07
2006–07	3270	Billabong Aboriginal Corporation	Section 439-20 notice	9 Nov 07
2006–07	1298	Anangu Uwankaraku Punu Aboriginal Corporation	Section 487-10 issued Section 439-20 notice	31 Aug 07 7 Dec 07
2006–07	2375	Kamilaroi Aboriginal Housing Aboriginal Corporation	Section 439-20 notice	21 Dec 07
2007–08	792	Wellington Aboriginal Corporation Health Service	No further action— management letter	9 Nov 07
2007–08	247	Bogan Aboriginal Corporation	Section 487-10 notice Section 439-20 notice	21 Apr 08 15 Jul 08
2007–08	248	Aboriginal Corporation for Sporting and Recreational Activities	Section 439-20 notice	29 Jan 08
2007–08	2004	Goondir Aboriginal & Torres Strait Islanders Corporation for Health Services	No further action— management letter	3 Jan 08
2007–08	2507	Mrangalli Aboriginal Corporation	Section 439-20 notice	23 Feb 08
2007–08	2769	Girringun Aboriginal Corporation	No further action— management letter	14 Mar 08
2007–08	2719	Kaarta-Moorda Aboriginal Corporation	Section 439-20 notice	26 Feb 08
2007–08	4170	Sunrise Health Service Aboriginal Corporation	Section 439-20 notice	18 Feb 08
2007–08	249	Warringu Aboriginal and Torres Strait Islanders Corporation	Section 439-20 notice	28 Mar 08
2007–08	1213	Kuku Djungan Aboriginal Corporation	Section 439-20 notice	3 Apr 08
2007–08	2526	Irukandji Aboriginal Corporation	No further action— management letter	28 Mar 08

YEAR EXAMINATION CONDUCTED	ICN	CORPORATION NAME	EXAMINATION OUTCOME	DATE ISSUED
2007–08	3976	Cairns Regional Community Development & Employment Aboriginal & Torres Strait Islander Corporation	Section 439-20 notice	28 Mar 08
2007–08	3589	Wide Bay Aboriginal Corporation for Child Protection	No further action—management letter	3 Apr 08
2007–08	4091	Bundaberg and Burnett Region Community Development Aboriginal Corporation	Section 439-20 notice	4 Apr 08
2007–08	1178	North Australia Aboriginal Corporation	Section 439-20 notice	24 Apr 08
2007–08	4242	Foundation of Rehabilitation With Aboriginal Alcohol Related Difficulties Aboriginal Corporation	Section 439-20 notice	24 Apr 08
2007–08	4339	Tiwi Art Network Aboriginal Corporation	No further action—management letter	22 Apr 08
2007–08	1383	Waminda Aboriginal Corporation	Section 487-10 notice Corporation placed under special administration on 9 April 2008.	6 Mar 08
2007–08	1653	Townsville Aboriginal and Torres Strait Islanders Corporation for Women	Section 439-20 notice	20 May 08
2007–08	1044	Bulgarr Ngaru Medical Aboriginal Corporation	Section 439-20 notice	21 Apr 08
2007–08	63	Buyinbin Aboriginal Corporation	Section 439-20 notice	28 Mar 08
2007–08	3010	Midwest Employment & Economic Development Aboriginal Corporation	Section 439-20 notice	6 Jun 08
2007–08	182	South Coast Medical Service Aboriginal Corporation	No further action—management letter	15 Apr 08
2007–08	192	Browns Flat Aboriginal Corporation	No further action—management letter	9 Apr 08
2007–08	97	Quirindi Aboriginal Corporation	Section 439-20 notice	14 Apr 08
2007–08	74	Birreelee Multi-Functional Aboriginal Childrens Service Aboriginal Corporation	Section 439-20 notice	6 May 08

YEAR EXAMINATION CONDUCTED	ICN	CORPORATION NAME	EXAMINATION OUTCOME	DATE ISSUED
2007-08	283	Anyinginyi Health Aboriginal Corporation	No further action—management letter	20 Jun 08
2007-08	275	Ord Valley Aboriginal Health Service Aboriginal Corporation	Section 439-20 notice	28 May 08
2007-08	1471	Ramahyuck District Aboriginal Corporation	No further action—management letter	12 Jun 08
2007-08	40	Maryborough Aboriginal Corporation for Housing and Cultural Development	Section 439-20 notice	10 Sep 08
2007-08	2268	Kahwun-Wooga Aboriginal and Torres Strait Islanders Corporation for Community Development	Section 439-20 notice	4 Jul 08
2007-08	4241	Yilli Rreung Housing Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007-08	1059	Bulabula Arts Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007-08	441	Townsville Aboriginal and Torres Strait Islanders Media Aboriginal Corporation	Section 439-20 notice	8 Jul 08
2007-08	583	Tugulawa Womens Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007-08	3475	Gudjuda Reference Group Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007-08	321	Gungyah Ngallingnee Aboriginal Corporation	Section 439-20 notice	17 Jul 08
2007-08	484	Mooniemia Aboriginal Corporation	ORIC application to wind up—liquidator appointed	24 Jul 08
2007-08	2705	Wila Gutharra Community Aboriginal Corporation	Section 439-20 notice	17 Jul 08
2007-08	1198	Redfern Aboriginal Corporation	Section 439-20 notice	28 Jul 08
2007-08	2546	National Aboriginal Sports Corporation Australia (Aboriginal Corporation)	Section 439-20 notice	4 Jul 08
2007-08	1207	South Sydney Aboriginal Corporation Resource Centre	Section 439-20 notice	11 Jul 08
2007-08	2863	Sydney Regional Aboriginal Corporation Legal Service	Section 439-20 notice	7 Aug 08

YEAR EXAMINATION CONDUCTED	ICN	CORPORATION NAME	EXAMINATION OUTCOME	DATE ISSUED
2007–08	1823	Narrama Multi Services Aboriginal Corporation	ORIC application to wind up—liquidator appointed	7 Aug 08
2007–08	2467	Tangglun Piltengi Yunti Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007–08	2963	Kumangka Youth Services Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007–08	1631	Wami Kata Old Folks Home Aboriginal Corporation	Proposed deregistration notice	17 Jul 08
2007–08	3098	Waltja Tjutangku Palyapayi (Aboriginal Corporation)	Section 439-20 notice	4 Jul 08
2007–08	2043	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Aboriginal Corporation	Section 439-20 notice	4 Jul 08
2007–08	532	Minimbah Pre-school, Primary School Aboriginal Corporation	Section 439-20 notice	17 Jul 08
2007–08	2833	Dhubbi Warra Aboriginal Corporation	Section 487-10 notice	9 Jul 08
2007–08	3144	Walmbaar Aboriginal Corporation	Section 487-10 notice	9 Jul 08
2007–08	1274	Njernda Aboriginal Corporation	Section 439-20 notice	14 Jul 08
2007–08	3068	Katherine West Health Board Aboriginal Corporation	No further action—management letter	(pending)
2007–08	126	Yamboora Aboriginal Corporation	Voluntary administrator appointed	31 Jul 08
2007–08	4011	North Stradbroke Island Community Development Employment Programme Aboriginal Corporation	ORIC application to wind up (pending)	as at 30 Jun 08
2007–08	4616	Nguurruumungu Aboriginal Corporation	next action pending	as at 30 Jun 08
2007–08	4617	Binhthiwarra Aboriginal Corporation	next action pending	as at 30 Jun 08
2007–08	4530	Birri (Bididi)-Baru Aboriginal Corporation	next action pending	as at 30 Jun 08
2007–08	3545	Yuyung Nyannung Aboriginal Corporation	next action pending	as at 30 Jun 08

Special administrations

Under the CATSI Act the Registrar can 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).

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

GROUNDS FOR SPECIAL ADMINISTRATION

Some increased powers (through 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.

At the start of the 2007–08 year 20 special administrations continued from previous years, three (3) new special administrations were commenced and seventeen (17) ended during the 2007–08 year, leaving six (6) special administrations in progress at 30 June 2008.

Tables 7 and 8 indicate the corporations where new administrators were appointed in 2007–08 and corporations under continuing administration as at 30 June 2008.

TABLE 7 CORPORATIONS WHERE NEW ADMINISTRATORS WERE APPOINTED, 2007–08

DATE APPOINTED	ICN	CORPORATION	ADMINISTRATOR	DATE CANCELLED	OUTCOME
4 Sep 07	116	Mandangala Aboriginal Corporation	Tony Douglas-Brown	30 Jun 08	Handed back to members control
4 Feb 08	514	The Gap Youth Centre Aboriginal Corporation	Anthony Jonsson and Gerard Mier		In progress at 30 Jun 08
9 Apr 08	1383	Waminda Aboriginal Corporation	Brian McMaster and Jack James		In progress at 30 Jun 08

TABLE 8 CORPORATIONS WITH ADMINISTRATIONS CONTINUING FROM PREVIOUS YEARS AT 30 JUNE 2008

DATE APPOINTED	ICN	CORPORATION	SPECIAL ADMINISTRATOR	DATE CANCELLED	OUTCOME
16 Jul 02	2133	Goomburrup Aboriginal Corporation	Eamonn Thackaberry	30 Jun 08	Handed back to members control
24 Mar 03	662	Munjuwa Health Housing and Community Aboriginal Corporation	Peter Sheville	26 Feb 08	Handed back to members control
31 Oct 03	289	Wirrimanu Aboriginal Corporation	Bob Smillie	22 Nov 03	Replaced by Joe Schiavi
22 Nov 03			Joe Schiavi	23 May 04	Replaced by Ian Swan
24 May 04			Ian Swan	23 Feb 07	Replaced by Brian McMaster
24 Feb 07			Brian McMaster		In progress at 30 Jun 08
21 Nov 03	2541	Kununurra Region Economic Aboriginal Corporation	Eamonn Thackaberry	28 Feb 08	Handed back to members control
29 Sep 04	2749	Three Ways Aboriginal Corporation	Andrew Bowcher	31 Jan 08	Deregistered
1 Nov 04	560	Piccadilla Aboriginal Corporation	Bob Brewster		In progress at 30 Jun 08
18 May 05	1269	Dubbo Gogars Aboriginal Corporation - CDEP	Andrew Bowcher	17 Sep 08	Deregistered
29 Aug 05	3805	Billa Downs Aboriginal Corporation	Bob Brewster	9 Oct 07	Liquidator appointed
13 Mar 06	761	Mutitjulu Community Health Service (Aboriginal Corporation)	Eamonn Thackaberry	11 Apr 08	Handed back to members control

DATE APPOINTED	ICN	CORPORATION	SPECIAL ADMINISTRATOR	DATE CANCELLED	OUTCOME
3 Apr 06	3037	Kukatj Aboriginal Corporation	Peter McQuoid	30 Jun 06	Replaced by Tony Birch
			Tony Birch	11 Apr 08	Handed back to members control
3 Apr 06	1999	Gkuthaarn Aboriginal Corporation	Peter McQuoid	30 Jun 06	Replaced by Tony Birch
1 Jul 06			Tony Birch	11 Apr 08	Handed back to members control
3 Jul 06	268	Carpentaria Land Council Aboriginal Corporation	Tony Grieves	30 Jun 08	Handed back to members control
18 Jul 06	4611	Mutitjulu Community Aboriginal Corporation	Brian McMaster	17 Jul 07	Handed back to members control after Federal Court ruling
28 Apr 06	1838	Nyangatjatjara Aboriginal Corporation	Eamonn Thackaberry		In progress at 30 Jun 08
16 Jun 06	680	Link-up (QLD) Aboriginal Corporation	Barry Jameson	18 Apr 08	Handed back to members control
29 Nov 06	282	Cooramah Housing and Enterprise Aboriginal Corporation	Peter Saunders	30 Jun 08	Handed back to members control
22 Dec 06	3411	Wonnarua Nation Aboriginal Corporation	Glen Walker	27 Jun 08	Handed back to members control
2 Jan 07	2409	Kunawarratji Aboriginal Corporation	Ron Gamble	30 Jun 08	Handed back to members control
26 Apr 07	840	Kabi Kabi Aboriginal Corporation	Lorraine Forman		In progress at 30 Jun 08
14 Jun 07	1169	Bumma Bippera Media Aboriginal and Torres Strait Islanders Corporation	Glen Walker	30 Jun 08	Handed back to members control

Other regulation activity

DEREGISTRATIONS

The following table records deregistrations completed in 2007–08 by state.

TABLE 9 DEREGISTRATIONS COMPLETED DURING 2007–08, BY STATE

ICN	CORPORATION	STATE	STATE TOTAL
4393	Aboriginal Torres Strait Islander Business Aboriginal Corporation	ACT	ACT = 1
70	Weimija Aboriginal Corporation	NSW	
646	Lower Clarence Aboriginal Corporation for Youth	NSW	
1269	Dubbo Googars Aboriginal Corporation - C.D.E.P.	NSW	
1278	New South Wales Aboriginal Rugby League Association (Aboriginal Corporation)	NSW	
2370	Balladoran Youth and Culture Aboriginal Corporation	NSW	
2749	Three Ways Aboriginal Corporation	NSW	NSW = 6
331	Central Australian Aboriginal Child Care Agency Aboriginal Corporation	NT	
709	Akarnenhe Well Housing Aboriginal Corporation	NT	
1150	Pertame Aboriginal Corporation	NT	
1419	Munyupanji Aboriginal Corporation	NT	
2135	Mamp Kwetja Aboriginal Corporation	NT	
3650	Walangeri Aboriginal Corporation	NT	
3951	Jarraluk Arts and Crafts Aboriginal Corporation	NT	
4185	Arnkentwye-Jangkayi Aboriginal Corporation	NT	NT = 8
284	Musgrave Park Aboriginal Corporation	QLD	
1766	Coolgaree Youth Movement Aboriginal Corporation	QLD	
1771	Gangalidda Aboriginal Corporation	QLD	
2032	Giru Dala Council of Elders Aboriginal Corporation	QLD	
2202	Keriba Mina Torres Strait Islanders Corporation for Development	QLD	
2323	Warrego Aboriginal Corporation	QLD	
3467	Jetimarla Aboriginal Corporation	QLD	
3819	Giere Jalbu (All Womens) Aboriginal and Torres Strait Islanders Corporation	QLD	
3985	Roma Advancement Aboriginal Corporation	QLD	QLD = 9
87	Sports Aboriginal Corporation of Tasmania	TAS	TAS = 1
3851	Pooncarrie Barkandji Aboriginal Corporation	VIC	VIC = 1
227	Balangarri Aboriginal Corporation	WA	
1551	Wandanooka Aboriginal Corporation	WA	
1696	Guddoo Marddah Aboriginal Corporation	WA	
2232	Ope Enterprises Aboriginal Corporation	WA	
3320	Jirrawun (Aboriginal Arts) Aboriginal Corporation	WA	
3811	Gidjee Dreaming Aboriginal Corporation	WA	WA = 6

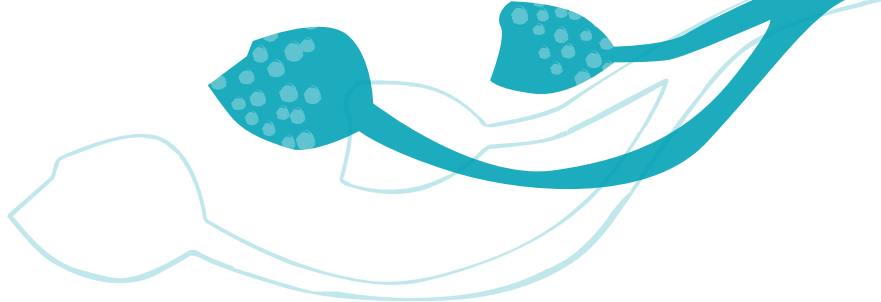
LIQUIDATIONS

The following table refers to liquidations in progress at 30 June 2008 and liquidations finalised in 2007–08.

TABLE 10 LIQUIDATIONS IN PROGRESS AND FINALISED AT 30 JUNE 2008

DATE APPOINTED	ICN	CORPORATION	OUTCOME
5 Sep 95	778	Yabu Bindalynga Aboriginal Corporation	In progress
30 May 97	164	Central Qld Aboriginal Corporation for Training Resources	In progress
28 Jul 99	227	Balangarri Aboriginal Corporation	Deregistered 24 Mar 08
4 Oct 99	1551	Wandanooka Aboriginal Corporation	Deregistered 06 Jun 08
23 Feb 00	1696	Guddoo Marddah Aboriginal Corporation	Deregistered 24 Mar 08
2 May 00	957	NSW Women's Aboriginal Corporation	In progress
6 Oct 00	87	Sports Aboriginal Corporation of Tasmania	Deregistered 06 Jun 08
2 Apr 01	328	Kerrup Jmara Elders Aboriginal Corporation	In progress
16 Aug 01	1476	Narrogin Aboriginal Corporation	In progress
7 Jun 02	3221	Wiri/Yuwiburra "Touri" Aboriginal Corporation	In progress
14 Aug 02	1674	Gundabooka Aboriginal Corporation	In progress
28 Nov 02	2323	Warrego Aboriginal Corporation	Deregistered 06 Jun 08
29 May 03	3639	Martidja Bunyjima Aboriginal Corporation	In progress
29 May 03	2293	Aboriginal and Torres Strait Islander Corporation for All Sports, Health and Recreation	In progress
13 Feb 04	1449	Camma CDEP Aboriginal Corporation	In progress
13 Apr 04	893	Boree Aboriginal Corporation	In progress
18 Aug 04	1766	Coolgaree Youth Movement Aboriginal Corporation	Deregistered 24 Mar 08
7 Mar 05	3553	Murrin Bridge Vineyard Aboriginal Corporation	In progress
10 May 05	1930	Durahrwa Training and Development Aboriginal Corporation	In progress
23 Sep 05	3727	Port Hedland Indigenous Media Aboriginal Corporation	In progress
2 Feb 06	2202	Keriba Mina Torres Strait Islanders Corporation for Development	Deregistered 24 Mar 08
23 Feb 06	2091	Yagga Yagga Enterprises Aboriginal Corporation	In progress

Note: in progress at 30 Jun 08.



DATE APPOINTED	ICN	CORPORATION	OUTCOME
23 Feb 06	235	Yagga Yagga Community Aboriginal Corporation	In progress
2 Mar 06	2824	Goreta Aboriginal Corporation	In progress
13 Mar 06	799	Minbarni Aboriginal Corporation	In progress
16 Mar 06	2416	Marruwayura Aboriginal Corporation	In progress
25 May 06	2032	Giru Dala Council of Elders Aboriginal Corporation	Deregistered 06 Jun 08
31 Aug 06	1716	Armidale Employment Aboriginal Corporation	In progress
7 Sep 06	3697	Gudu Wondjer (Sea Women) Aboriginal Corporation	In progress
22 Nov 06	703	Western Australia Aboriginal Media Association (Aboriginal Corporation)	In progress
25 Jan 07	3691	Kalkadoon Aboriginal Corporation	In progress
25 Jan 07	1096	South East Qld Aboriginal Corporation for Legal Services	In progress
8 Mar 07	597	The Nunukul/Ngugi Cultural Heritage Aboriginal Corporation of Quandamooka	In progress
5 Jun 07	3884	Rio CDEP Aboriginal Corporation	In progress
20 Jun 07	3296	Healing for Harmony Aboriginal and Torres Strait Islander Corporation	In progress
6 Jul 07	702	Murrin Bridge Advancement Aboriginal Corporation	In progress
9 Aug 07	331	Central Australian Aboriginal Child Care Agency Aboriginal Corporation	Deregistered 06 Jun 08
13 Aug 07	651	Ngoonjuwah Council Aboriginal Corporation	In progress
30 Aug 07	33	Tenterfield Aboriginal Corporation	In progress
9 Oct 07	3805	Billa Downs Aboriginal Corporation	In progress
23 Oct 07	3620	Yakuna Dreaming Aboriginal Corporation	In progress
25 Oct 07	210	Ninga Mia Village Aboriginal Corporation	In progress
18 Dec 07	1756	Piabun Aboriginal Corporation	In progress
4 Apr 08	3520	Nyunbuk Moorit Booja Aboriginal Corporation	In progress
4 Apr 08	4063	Ngarla Mia Mia Karlak Aboriginal Corporation	In progress

Note: in progress at 30 Jun 08.

Public education and information

Corporate governance training

This year ORIC planned to provide 200 training days and met its target. The need to help corporations transition to the new CATSI Act required ORIC to be more flexible than in previous years. ORIC did not distinguish between non-accredited and accredited training days in 2007–08.

The training section uses a capacity development approach² that draws on all of ORIC’s guiding principles. Corporate governance training and other services aim to put good relationships at the centre of our engagement with corporations. Our materials and methods build on people’s strengths by tailoring training to meet participants’ needs. Practically, this can mean using interpreters, plain English and pictorial materials to teach governance concepts in a remote setting, and designing training activities based on adult education best practice.

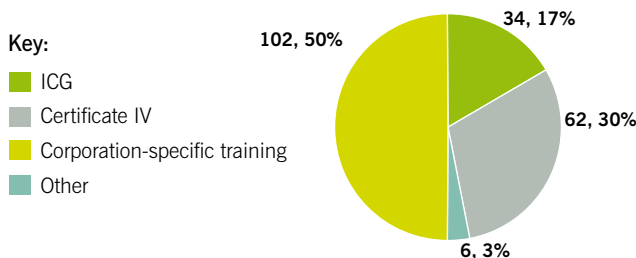
TRAINING DAYS

ESTIMATE	200	ACTUAL	204
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ORIC’s training target was exceeded despite a period of significant change associated with the introduction of the new CATSI Act.

TYPE OF TRAINING	DAYS
Introduction to Corporate Governance + remote equivalent (non-accredited)	34
Certificate IV in Business (Governance) (accredited)	62
Corporation-specific training (non-accredited)	102
Other (non-accredited)	6
TOTAL	204

FIGURE 4 TRAINING TYPE AND DAYS



² 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.

ORIC's training continued to focus on implementing the CATSI Act by delivering targeted information sessions and incorporating CATSI Act activities in all training events.

This year ORIC restructured its training products. ORIC delivers two streams of training and several products are available in each stream to cater for regional and remote clients. The two streams of training are:

1. **Managing in two worlds (MTW)**—targeting **individuals** (directors, key staff and members, with a focus on women and youth).

REGIONAL PROGRAMS	REMOTE PROGRAMS
Delivered in metropolitan, urban and regional centres, targeting participants with Year 10 mainstream education.	Delivered in remote communities or centres servicing remote communities, targeting participants for whom English is a second language and where access to mainstream services may be limited.
Introduction to Corporation Governance (ICG) (3-day workshop)	Australian Governance Story (AGS) (3-day workshop in development)
Certificate IV in Business (Governance) (Cert IV Regional) (4 x 1-week blocks; 20 days total)	Building Strong Corporations (BSC) (2 x 3-day workshops)
Diploma in Business (Governance) (Diploma) (5 x 1-week blocks; 25 days total)	Certificate IV in Business (Governance) (Cert IV Remote) (up to 60 days flexible delivery in development)

2. **Corporation-specific training (CST)**—targeting **corporations** with training tailored to their specific needs (focus on all directors and key staff).

TRAINING PRODUCT	REGIONAL	REMOTE
Doorway (for groups thinking about registration)	1 day	2 days
Rule book redesign	1 day	2 days
Post-administration	1–2 days	2–4 days
CATSI Act transition or transfer	1 day (negotiable)	2 days (negotiable)

Most of ORIC's training is non-accredited, although two vocational and technical education (VTE) sector accredited programs will be offered in 2008–09 after the successful trial of the diploma pilot program during the year. Participants who undertake the ICG and the BSC successfully are eligible to apply to enrol in the Certificate IV in Business (Governance) regional or remote training program. Graduates from that program are eligible to apply to enrol in the Diploma in Business (Governance), although ORIC only offers a regional diploma program.

All training delivered by ORIC is funded by ORIC through Commonwealth funding.



Nakarra Mudgetell, Imelda Guguman, Tossie Baadjo, Eva Nagomara, Philomen Baadjo and Ruby Darkie happy to complete the Building Strong Corporations workshop at Balgo, October 2007.

TRAINING ACHIEVEMENTS

Building strong corporations—ORIC's long-standing collaboration with the executive and staff of Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC) to develop, trial and finalise the remote equivalent of the ICG continued throughout the year. An NPYWC and Young Women's remote ICG helped tailor the product for use with East Kimberley corporations in Balgo, Mulan, Bililuna and Ringer Soak. Two trials were conducted with these groups resulting in a new product, 'Building Strong Corporations' (BSC). This product is one that will be used in the South Australian partnership (see partnership activity on p. 53) in the Anangu Pitjantjatjara Yankunytjatjara lands in 2008–09.

Of note is the different statistics between training in regional and remote areas, and the reasons underpinning them. For example, ORIC ran four regional ICGs with these results:

- 4 ICG workshops for 12 training days
- 98 participants enrolled
- 83 participants completed (or 89 per cent).

In remote settings, ORIC ran 2.5 (the other half of this training event is to be completed in 2008–09) remote BSCs with these results:

- 2.5 BSC workshops for 15 training days
- 59 participants enrolled
- 23 completed (or 39 per cent).

Organising remote workshops presents a number of challenges to ORIC and other government and non-government agencies delivering training and related services in remote communities. It is more complex, takes longer and costs more. Some of the factors contributing to this are distance and technology issues that make engagement with prospective participants more difficult. For example, ORIC’s ability to communicate directly with participants is more difficult as many may not have their own telephones or faxes. Transport is more expensive and may involve charter flights or other travel arrangements which are difficult to coordinate.

From the participants’ perspective, the following factors may affect attendance: ill health, deaths and sorry business, family commitments, work obligations, competing priorities, lack of childcare, cultural issues or sporting obligations. ORIC tries to take these factors into account, as well as keep an eye on local and seasonal events that could affect its training plans.

1. **Certificate IV in Business (Governance)**—this year ORIC completed three Certificate IV courses in Kununurra, Darwin, Canberra and Palm Island. In total 57 participants were involved in the accredited program of which 36 people graduated during the financial year, representing 63 per cent of those enrolled. Another 21 have partially completed and they will be encouraged to undertake future catch-up blocks where possible. Participants in the Kununurra program were drawn from all East Kimberley communities and many experienced similar barriers to participating outlined above for remote participants in the BSC. ORIC will help interested participants to graduate using catch-up blocks. A breakdown of the certificate program is:

CERTIFICATE IV	ENROLLED	GRADUATES
Kununurra	13	3
Darwin	9	6
Canberra	16	11
Palm Island	13	10
Cairns catch-up block	6	6
TOTAL	57	36

FIGURE 5 EXCERPTS FROM THE AUSTRALIAN GOVERNANCE STORY BIG BOOK



2. **Australian governance story big book**—in 2006 ORIC developed and trialled a civics program in Mulan in response to the needs of corporation members in the East Kimberley. This was to help remote people understand western governance concepts such as power, responsibility, money and accountability as it applies to everyone in government as well as in corporations. A ‘big book’ was collated after the trial using photographs of presentations and activities to record the trial and develop generic charts for use in other training. Further work with Mulan participants continues to add to the development of the ‘big book’ by incorporating an Indigenous iconography that illustrates the money story and other aspects of the program. In this way it provides a platform for corporate governance training.
3. **ORIC’s website and online training registrations**—after ORIC’s organisational restructure, the ORIC website was improved to offer online training registrations in 2008–09. This will enable corporation directors, key staff and members to view ORIC’s training calendar, contribute to improved access to training events and streamline the application and enrolment process.
4. **Corporation-specific training (CST)**— To help corporations transition to the CATSI Act, ORIC concentrated on rule book redesign and doorway training. CST made up 50 per cent of the total training days achieved.

PARTNERSHIP ACTIVITY

Partnership activity continued to grow and consolidate this financial year. ORIC provided coaching and support to training partners in Victoria and South Australia and delivered CATSI Act training at partners' training events. ORIC is continuing to promote partnership relationship with other jurisdictions.

The following record of partner training activity covers this financial year.

Victorian partnership

The Victorian partnership is a mutually beneficial arrangement formalised by a memorandum of understanding and a licensing agreement. Aboriginal Affairs Victoria (AAV) and Consumer Affairs Victoria (CAV) have partnered with ORIC to fund and conduct training for Indigenous organisations in Victoria and Tasmania using ORIC's panel of trainers and registered training organisations (RTOs). ORIC funds the participation of Indigenous corporations in Tasmania and Victoria to participate in the Victorian program.

The Victorian partners funded the development and delivery of a Diploma in Business (Governance), using the RTOs on ORIC's panel—Swinburne University of Technology and Horizons Education and Development. ORIC funded five of the participants, all of whom graduated from various ORIC-funded Certificate IV programs. ORIC participants were drawn from Western Australia, Northern Territory, Tasmania and the Torres Strait Islands. Of these, three graduated. The remaining two will complete their studies in ORIC's diploma starting in 2008–09.

TYPE OF TRAINING	DAYS
Introduction to Corporate Governance (Lakes Entrance, Melbourne, Hamilton, Melbourne)	12
Certificate IV in Business (Governance)	40
Diploma in Business (Governance)	25
TOTAL	77

The Productivity Commission in its 2007 report, *Overcoming Indigenous disadvantage*, identified the ORIC–Victorian partnership and ORIC's training program as 'things that work' in increasing the governance capacity and skills.

South Australian partnership

In South Australia three ICGs were delivered for 12 days of training as a trial after the Department of Premier and Cabinet (Aboriginal Affairs and Reconciliation Division) (DPC AARD) identified funding and a local community agent to liaise with prospective participants to organise the training events. The South Australian Office of Consumer and Business Affairs provides a staff member to attend each ICG to provide information about the South Australian association incorporation legislation. ORIC staff attend to provide information about the CATSI Act.

ORIC funded a follow-up certificate course, which will be completed in 2008–09.

ORIC and the South Australian Government are now working on a remote training program for the Anangu Pitjantjatjara Yankunytjatjara lands, capitalising on ORIC's work in the East Kimberley.

It is envisaged that in 2008–09 the partnership will be formalised through memorandums of understanding for a regional and a remote program.

In 2008–09 ORIC will continue to expand its training partnerships and is planning on delivering 150 training days with 90 per cent satisfaction by participants.

EVALUATION OF CAPACITY DEVELOPMENT PROGRAM

The training program is a large component of ORIC's capacity development program, which includes other services such as registration and reporting support, mediation and dispute resolution, and regulatory activity.

As part of its 2007–08 evaluation and audit program the Office of Evaluation and Audit (OEA), which examines how government departments and agencies administer their special programs for Aboriginal and Torres Strait Islander people, started an evaluation of ORIC's capacity development program. The evaluation will be completed in 2009. The OEA's evaluation will cover³:

- the design of the overall program and its components, including activities, materials and pathways
- the delivery of the program, including strategic targeting, logistical issues and the resources supporting delivery
- the impact on the performance of Indigenous corporations.

ORIC welcomes the evaluation of its capacity development program by the OEA.

³ Department of Finance and Deregulation, Office of Evaluation and Audit (Indigenous Programs), *Terms of reference*, February 2008, p. 1.

Case study

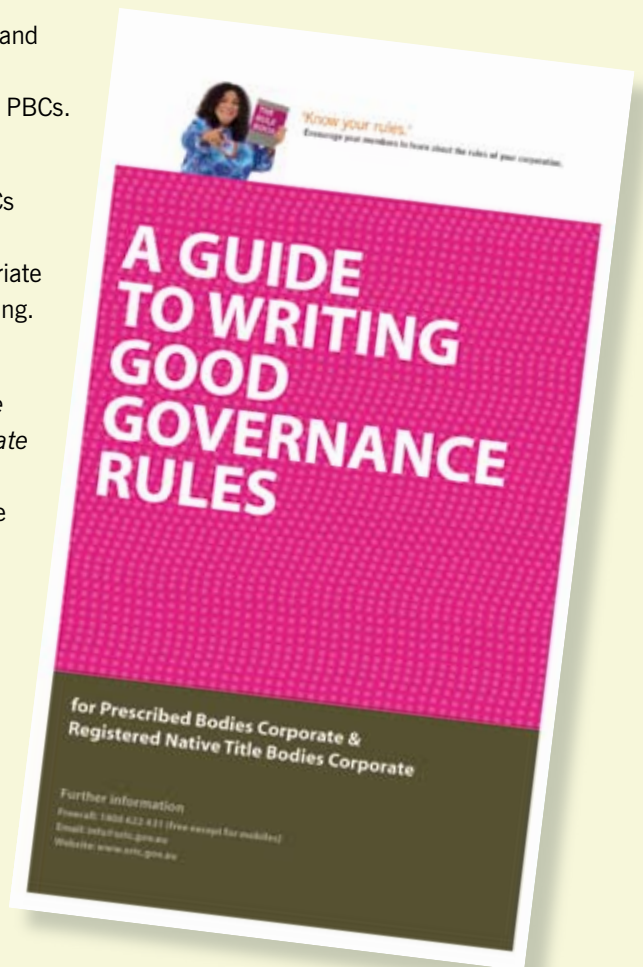
Building the capacity of native title communities

Throughout 2007–08 ORIC participated in an Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) research program into the challenges facing native title holders and their prescribed bodies corporate (PBCs). The program aims to develop stronger support mechanisms and capacity building in effective governance.

ORIC agreed to contribute relevant information from its public register and knowledge and expertise related to corporate governance structures for PBCs.

A direct output of the project was the development of a guide for PBCs to develop their own rule book (constitution) that supports appropriate corporate design and decision making.

In June 2008 ORIC launched its *A guide to writing good governance rules for Prescribed Bodies Corporate & Registered Native Title Bodies Corporate* at the annual Native Title Conference in Perth.



Corporate communications

PUBLICATIONS

Although the Act does not require it, ORIC publishes this yearbook and also contributes to the department's annual report (see www.fahcsia.gov.au).

ORIC has a variety of publications setting out what it does, its corporate plan and its service charter. It also has a suite of fact sheets, policy statements, newsletters and other materials explaining the new CATSI Act. We also publish a wide range of free publications including newsletters, fact sheets and various products to help corporations draft their own rule books. These publications, listed in appendix 1, are available at www.oric.gov.au.

MEDIA RELEASES

We issued 11 media releases about special administrations, the winding up of corporations, graduates of our training program and other ORIC activities.

CAMPAIGNS

CATSI Act

The CATSI Act started on 1 July 2007. To celebrate this important day ORIC held a formal launch in Darwin.

ORIC developed a major information campaign about the new CATSI Act. This involved printed materials, such as fact sheets, booklets and posters.

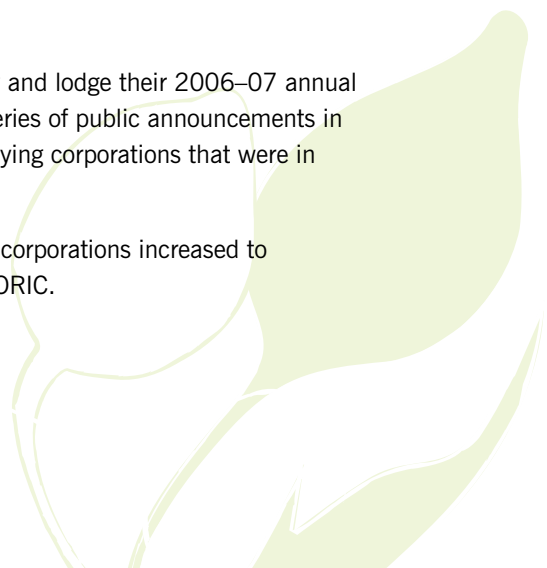
ORIC also developed a series of radio commercials using Mary G (aka Mark Bin Bakar), a radio presenter and leading Aboriginal spokesperson, to help explain key points about the new CATSI Act.

In July 2007 ORIC wrote to all corporations to let them know what their size is under the CATSI Act according to their income, assets and number of employees.

Compliance with reporting requirements

To encourage corporations to comply with the law and lodge their 2006–07 annual returns, ORIC published a booklet and issued a series of public announcements in major regional and Indigenous newspapers identifying corporations that were in breach of reporting requirements at the time.

As a result the 2006–07 reporting compliance of corporations increased to 59 per cent. The highest result ever achieved by ORIC.



Recurring campaigns

ORIC runs regular radio campaigns across the National Indigenous Radio Service and press campaigns in Indigenous newspapers to remind corporations of their obligations under the Act—such as when annual reports are due, when to get their financial statements audited and when to hold annual general meetings.

Freecall number—1800 622 431

ORIC provides an information and advice service to clients. Initial communication with ORIC is usually through the freecall telephone service. In 2007–08 ORIC received 11 785 calls on its freecall number (nine per cent more than the previous year).

Website

ORIC encourages access to its website. On average 5918 visitors visited the website each month during 2007–08, of these 21 per cent visited more than once. In 2007–08 ORIC conducted a review of the content and information architecture of its site to improve its usability. In 2008–09 we will be implementing the findings of the review to improve the accessibility and quality of information provided online.

TABLE 11 WEBSITE STATISTICS

MONTH	NUMBER OF VISITS			NUMBER OF VISITORS		
	2006–07	2007–08	VARIANCE	2006–07	2007–08	VARIANCE
JUNE	9433	16 423	74%	5087	8639	70%
MAY	10 806	14 145	31%	5729	7479	31%
APRIL	8939	11 596	30%	4961	6249	26%
MARCH	10 234	10 434	2%	5821	5719	-2%
FEBRUARY	9219	11 497	25%	5280	5797	10%
JANUARY	8806	12 171	38%	4687	5303	13%
DECEMBER	7374	9962	35%	4172	4503	8%
NOVEMBER	10 156	10 549	4%	5228	5471	5%
OCTOBER	9622	10 602	10%	5387	5702	6%
SEPTEMBER	10 443	9531	-9%	5433	5336	-2%
AUGUST	9858	9928	1%	5779	5447	-6%
JULY	12 336	9703	-21%	6199	5367	-13%
MONTHLY AVERAGE	9769	11378		5314	5918	

Electronic communication is increasing as the number of corporations with email and Internet access continues to grow. The free public Register of Indigenous Corporations continues to be a highly popular service on the website. During 2007–08 approximately 68 000 online searches of the public register were viewed.

Resolving disputes and complaints

TABLE 12 CALL CENTRE COMPLAINTS STATISTICS

CALL CENTRE COMPLAINTS AND DISPUTE ASSISTANCE							
Year finalised	01–02	02–03	03–04	04–05	05–06	06–07	07–08
Number of matters finalised	119	107	131	119	103	110	239

NEW MEDIATION AND DISPUTE RESOLUTION TEAM

From 1 July 2008 ORIC will have a team of staff dedicated to provide mediation and dispute resolution services. The focus will be on early intervention, rapid response and helping to find a lasting resolution for problems. All complaints and disputes will be treated with sensitivity and with consideration to the culture and traditions of our clients.

What we look at when we receive a complaint

- Does the corporation provide essential services?
- Does the corporation hold land?
- Has the corporation stopped functioning because of the conflict?
- Does the corporation receive Australian Government funding?
- Has an Australian Government agency or corporation members requested ORIC to intervene?
- Does the corporation have a large number of members?
- Is there a public interest in resolving the dispute?

What we do

- Firstly assess whether complaints can be addressed by ORIC's Mediation and Dispute Resolution Section (MDRS). Some complaints might have to be referred to other agencies.
- Check whether the corporation has made use of its own internal dispute resolution procedure. If not, MDRS will encourage the complainant to do so in the first instance and offer to help them use those procedures effectively.
- Once the necessary checks have been undertaken and the complaint is taken on by MDRS, the process begins. This means that MDRS will research all aspects of the particular corporation to create a clear and complete picture.
- All parties to the dispute will be contacted and given the opportunity to provide input.
- All parties will be given information about the mediation and dispute resolution process and they will have the opportunity to ask questions.

- Depending on the circumstances of the dispute, MDRS will develop an appropriate response which might include other processes such as training, constitutional redesign, examinations and special administration.
- At the end of the process, MDRS will prepare a report including the background of the complaint and how it was addressed and resolved. The report will be finalised within 20 days.
- The parties will be contacted after one month and again after six months to make sure the resolution achieved is followed through.

Research and policy

RESEARCH

A key recommendation from the ORIC organisational review (see p. 3 for more information on the organisational review) was to establish a Planning and Research Section. The establishment of the section came into effect on 1 July 2008 and aligns with the Australian Government priority for evidence-based research to inform government policy and programs.

The section will undertake targeted research and analysis of issues related to ORIC's statutory functions and business operations, with an emphasis on assessing the impacts of ORIC's regulatory regime and services. One example is a research project being developed to identify the key factors which contribute to Indigenous corporations entering external administration.⁴ The section also formulates strategic communication documents, including parliamentary submissions and reviews. This is an effective means for ORIC to participate in public dialogue on matters affecting corporate regulation and to communicate ORIC's messages to a broader audience.

⁴ External administration refers to the various ways in which the management of a corporation may be taken over by someone other than the directors, for example when the corporation is being wound up.

POLICY STATEMENTS

We have developed and published 15 policy statements that govern and support the day-to-day operations of our office and decision-making processes under the CATSI Act. These are publicly available on our website to provide guidance to corporations and other interested people about the Registrar's powers and how they will be exercised.

Our policy statements published during 2007–08 are:

- PS-01 Providing information and advice
- PS-02 Complaints and disputes 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 Change of corporation name
- 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



HOW WE DO IT

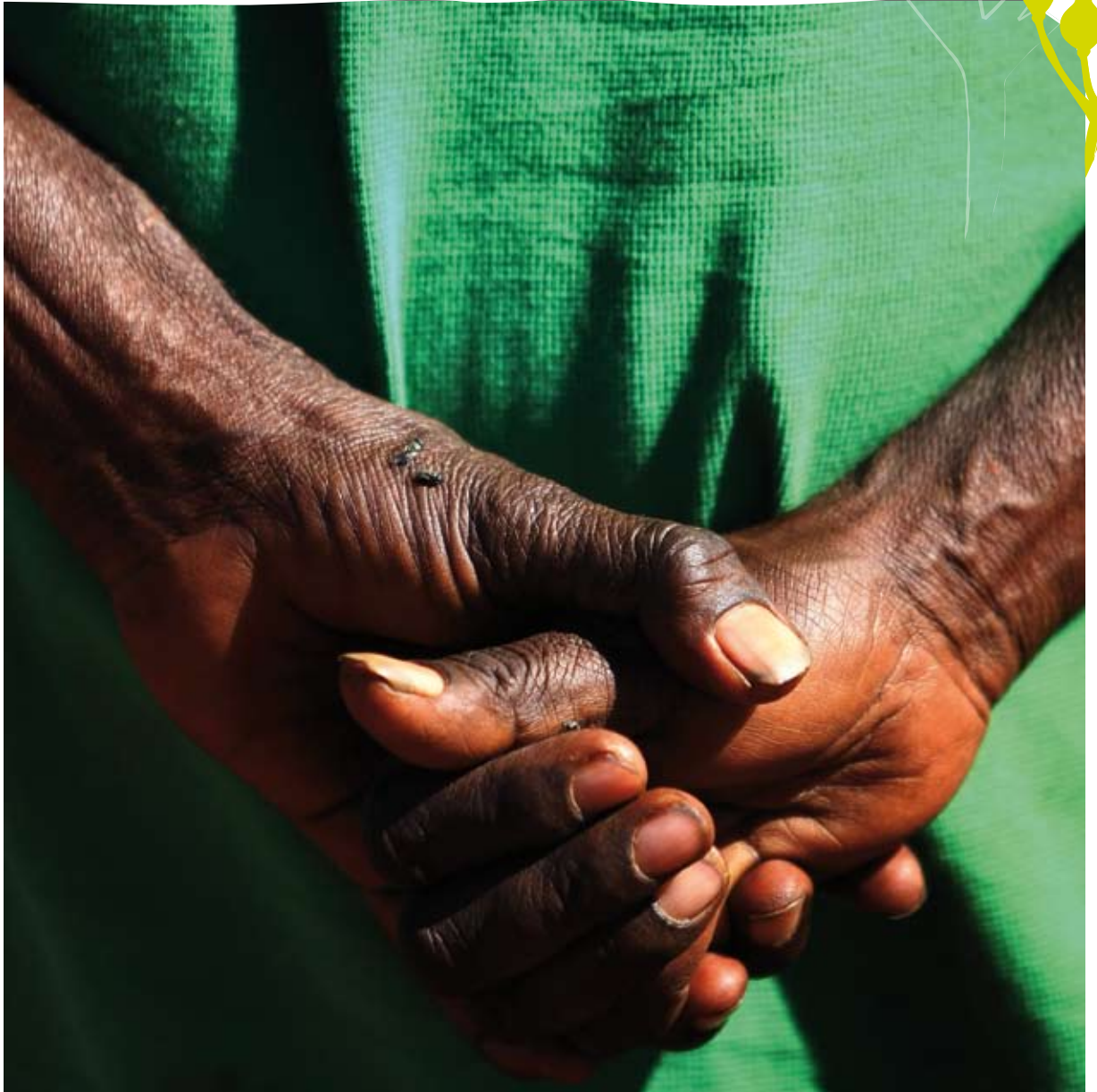




Photo on previous page:

Aboriginal elder, Judy Trigger, from the Mutitjulu community © 2007 Getty Images.

Supporting our business

Our staff

The Registrar was supported by 65 staff at 30 June 2008.

ORIC's focus is on building staff skills and aligning systems and processes with the new CATSI Act.

ORIC's staff and contractors continued to work very professionally and in flexible ways to suit our Indigenous clients and support the commencement of the new legislation.

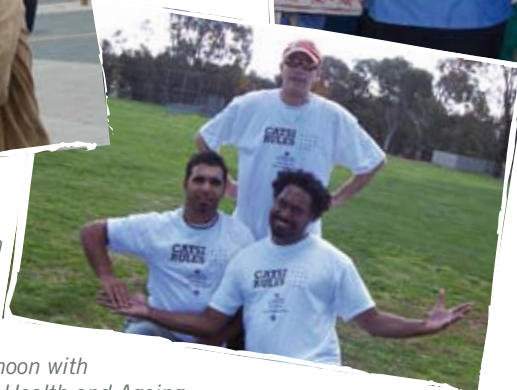
ORIC has a charter for good service which provides detailed standards to guide staff and contractors. ORIC also has an in-house training program to develop the skills of ORIC staff.

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

ORIC employed 11 Indigenous staff (17 per cent), compared with the average of 2.1 per cent Indigenous employees across the Australian Public Service (*State of the service report 2006–07*), six staff with a disability (nine per cent), compared with the APS average of 3.3 per cent and seven staff from a non-English speaking background.



Above: Tarshi Secombe and Amelia Russin at the launch of ORIC's reconciliation action plan.



Right: Joshua Kirk, Michael Strecker and Masepah Banu at ORIC's sports afternoon with Aboriginal Hostels and the Department of Health and Ageing.



Top right: Therese Colosimo at a training workshop.

Our administration

In 2007–08 ORIC's finance and administration staff supported the Registrar by managing ORIC's finances, procurement and contracts (including ORIC's panel of consultants), human resources, property and equipment, records and risk management, and other general administrative support to the office.

ORIC started a tender process during the period to establish a new Regulatory (Examinations and Special Administrations) Panel of experts. The following panels established under RFT04/57 were extended for an additional period of one year:

- Panel 1—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

To ensure we provide accommodation that meets the needs of our staff and business we completed a relocation to new premises in Canberra in early December 2007 with a smoking ceremony in May 2008 for the official welcome.



Pat Chapman and Katherine Oldfield at the ORIC smoking ceremony.



Our clients

Our clients include:

- Aboriginal and Torres Strait Islander individuals, groups and corporations
- people accessing the public Register of Indigenous Corporations
- the Minister for Families, Housing, Community Services and Indigenous Affairs, and agencies supporting the minister
- the Australian Government and state and territory governments
- agencies with interests in funds and/or assets controlled by Indigenous corporations
- other agencies regulating the Indigenous corporate sector, e.g. the Australian Taxation Office, the Australian Securities and Investments Commission, and state and territory incorporating agencies
- Indigenous peak bodies in critical sectors such as medical, housing, land holding and legal.

Our services

ORIC offers a range of support to Indigenous corporations and responds to their special needs and risks.

Our key services are:

- providing accessible information about corporations registered under the CATSI Act on the public Register of Indigenous Corporations
- assisting groups that are considering registration and supporting them through the process
- assisting groups once they are registered, including support for dispute management, helping with meetings and answering queries about corporate governance
- assisting with concerns or complaints about corporations and taking action when necessary
- delivering training and learning materials to clients
- monitoring compliance of corporations with reporting requirements under the CATSI Act
- examining corporate governance 'health'
- intervening where necessary
- deregistering where necessary
- referring or conducting matters against individuals and corporations.

Case study

Launch of ORIC's reconciliation action plan

ORIC's reconciliation action plan (RAP) outlines its commitment towards the national goal of closing the 17-year life expectancy gap between Indigenous and non-Indigenous children. It identifies actions and targets in the key areas of relationships, respect, creating opportunities and tracking progress and reporting. It is also an expression of ORIC's ongoing commitment to reconciliation between Indigenous and non-Indigenous people of Australia.

The process of developing ORIC's RAP was started by setting up a working party of Indigenous and non-Indigenous staff. This group met regularly, devised and ran a consultation process, gathered peoples' views and responses to reconciliation and drafted the RAP. We consulted people who run or are members of Indigenous corporations, and people in agencies and business who work with us or for Indigenous corporations, such as special administrators or examiners. We also talked to other agencies that have a RAP to learn from their experience, all ORIC staff and Reconciliation Australia.

The Registrar launched ORIC's RAP in Woden Town Square on 10 July during NAIDOC week. Special guests were Ms Barbara Livesey, Chief Executive of Reconciliation Australia; Mary G, ORIC's official ambassador and Aunty Ruth Bell, who provided the welcome to country. This celebratory event was attended by staff from various government departments and members of the public. A fitting way to launch our first RAP underlining the process of its development—encouraging the opportunity for conversation about what reconciliation means to us on an individual and agency level.



Far left: Mary G and Registrar, Anthony Beven at the RAP launch.

Left: ORIC staff with Mary G at the RAP launch.

Our relationships

MINISTER

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

ORIC reports to the minister through FaHCSIA's annual report, briefings and submissions.

RELATIONSHIP TO FaHCSIA

ORIC and its staff are part of the Department of Families, Housing, Community Services and Indigenous Affairs. The staff report to the Registrar of Indigenous Corporations—an independent statutory office holder.

Funding for ORIC was \$10.188 million for 2007–08, and actual expenditure was \$9.447 million, coming within the FaHCSIA appropriation.

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.

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 Indigenous 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.

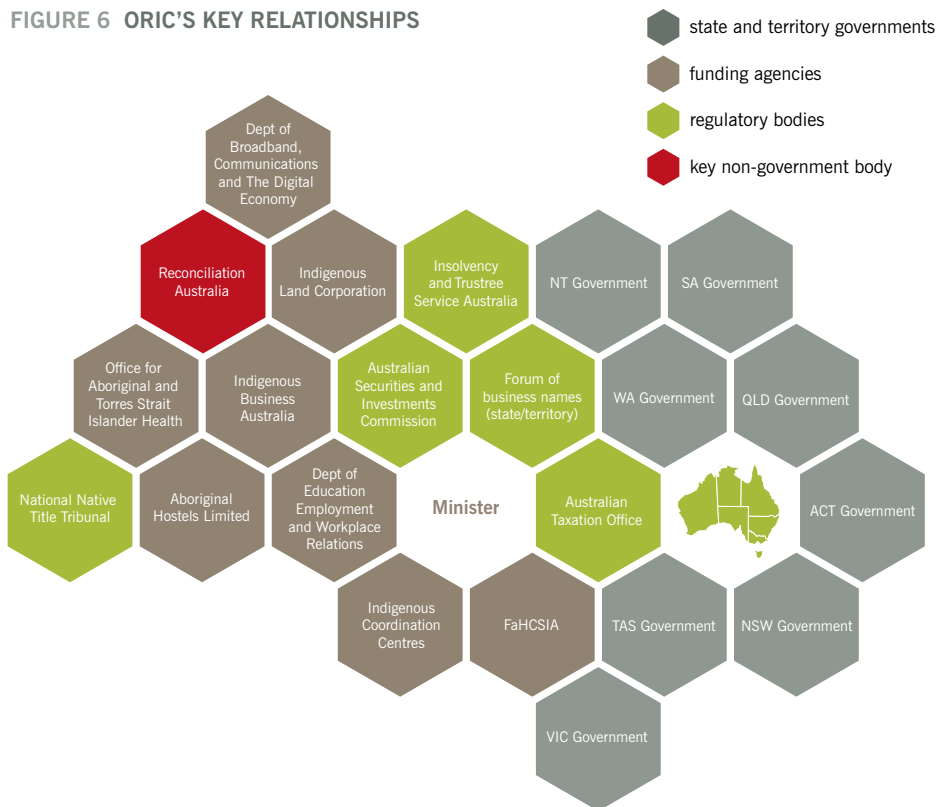
RELATIONSHIP TO OTHER AGENCIES

ORIC's primary clients are individuals, groups and corporations linked to the CATSI Act and also users of the public Register of Indigenous 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 Indigenous people across Australia (see figure 3).

In recent years ORIC has developed a relationship with the Australian Securities and Investments Commission (ASIC) and the state/territory incorporation and regulation agencies to foster better coordination nationally of incorporation and regulation services and responses. ORIC and ASIC have agreed in principle to a memorandum of understanding, which is yet to be finalised.

ORIC's focus is on identifying and targeting key systemic issues that undermine the viability of Indigenous corporations and has been building closer relationships with the following agencies for this purpose: the Australian Taxation Office, agencies linked to the Council of Australian Government (COAG) working group on Indigenous reforms, individuals and agencies involved in corporate governance training, and state/territory government agencies, particularly in South Australia, Victoria, Queensland, Northern Territory and Western Australia.

FIGURE 6 ORIC'S KEY RELATIONSHIPS





Gagandeep Bhatia, Edison Hui and Carmel Collins at the ERICCA launch.

Systems

ERICCA project

ORIC completed development of a new system—the Electronic Register of Indigenous Corporations under the CATSI Act (ERICCA). ERICCA aligns with the CATSI Act and ORIC’s strategic objectives, such as improving services and accessibility of information to the public.

Background

ERICCA is the new IT system that replaces the former Electronic Register of Indigenous Corporations (ERIC) system. The review of ORIC’s information technology systems started in 2003 and re-scoping work on the ERICCA system started in January 2007 following an external review of system options in November 2006.

Improving key processes

The purpose of the ERICCA system is to facilitate and support the effective administration of the CATSI Act by the Registrar, including: improving key processes completed by ORIC staff in managing CATSI corporations; implementing a new online public register to allow the general public access to ORIC’s corporation data, such as an online Register of Disqualified Persons; 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.

A related electronic ‘rule book tool’ has also been developed to assist corporations with transitioning their rules to the CATSI Act by 30 June 2009.

ERICCA was fully released into production on 19 July 2008 and formally launched on 8 August 2008.

Accountability

Freedom of information

One request was made under the *Freedom of Information Act 1982* between 1 July 2007 and 30 June 2008. The applicant was notified of applicable charges, and was taken to have withdrawn the request when there was no response. There was no request for a review of the decision to impose charges.

Complaints about ORIC staff and contractors

ORIC endeavoured to respond to complaints about its staff and contractors promptly, thoroughly, and with sensitivity towards all involved. In 2007–08 ORIC received three complaints.

Commonwealth Ombudsman

In 2007–08 ORIC received one section 9 letter from the Commonwealth Ombudsman under the *Ombudsman Act 1976* in which the ombudsman requested information to assist in the investigation of a complaint. The issues raised in the letter were responded to within the specified timeframe and the Commonwealth Ombudsman advised that no further action would be taken.

Environmentally sustainable development

ORIC implemented an environmental management system (EMS) at its new premises in Canberra. 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. For a more detailed account of FaHCSIA's environmental performance, please go to: <http://www.fahcsia.gov.au/sustainabilityreport/2007/p8.htm>.



APPENDIXES





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

