

// WHAT WE DO

PORTFOLIO BUDGET STATEMENT INDICATORS

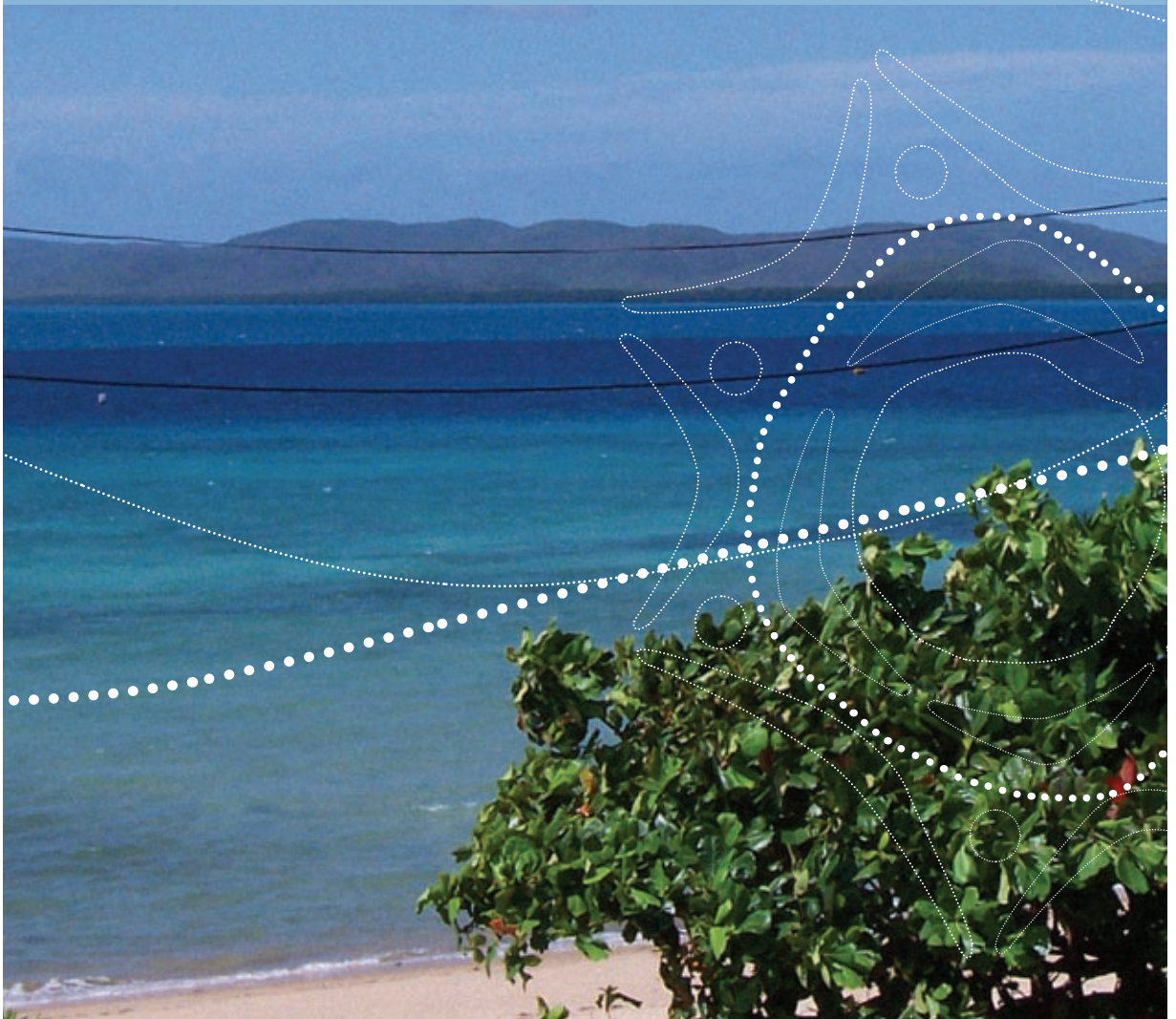
ADMINISTERING THE ACT

PUBLIC EDUCATION AND INFORMATION

MEDIATION AND DISPUTE RESOLUTION

PLANNING AND RESEARCH

INVESTIGATIONS AND PROSECUTIONS



PORTFOLIO BUDGET STATEMENT INDICATORS

Percentage of corporations that are fully transitioned to the CATSI Act

Estimate	95%	The variance is +4.6 per cent.
Actual	99.6%	The Registrar used his powers under the CATSI Act to transition corporations.

Percentage increase in number of corporations registered under the Act

Estimate	15% (from 2500 to 2875)	The variance is -10 per cent.
Actual	4.5% (from 2605 to 2723)	The percentage increase did not reach the estimate. However, the number of new corporations registered (125 corporations) exceeded last year's total (84 new corporations) by 48 per cent.

Percentage of corporations compliant with reporting requirements under the Act

Estimate	90%	The variance is -18 per cent.
Actual	72%	The 90 per cent target rate was not achieved. However, the 72 per cent compliance rate was the highest ever achieved by corporations and exceeded last year's compliance rate by 13 per cent.

Number of formal examinations conducted with follow-up action aimed at improving corporate governance practice and compliance with the Act

Estimate	80	The variance is +1.
Actual	81	ORIC delivered one additional examination within its budget.

Percentage of litigation to which the Registrar is a party concluded with outcomes considered favourable to the Registrar. This includes proceedings discontinued with the agreement of the Registrar as well as successful applications made by the Registrar and orders made in favour of the Registrar

Estimate	75%	The variance is +25 per cent.
Actual	100%	A minimum standard of favourable litigation outcomes has been set by the Registrar. A positive variance reflects that this has been met and exceeded. Six hearings were concluded (four of which were wind-up applications) and all favourable to the Registrar.

Percentage of non-complex corporation registration and support activities actioned within seven days

Estimate	90%	The variance is +5 per cent.
Actual	95%	The result reflects new streamlined processing practises introduced to process registration and support activities.

Percentage of complex corporation registration and support activities actioned within 30 days

Estimate	90%	The variance is +2 per cent.
Actual	92%	The result reflects new practices introduced to handle complex registration and support activities.

Number of external training days delivered by the Registrar's office

Estimate	200	The variance is +7.5 days.
Actual	207.5	<p>Formal non-accredited and nationally recognised accredited training was delivered nationally. These were delivered in key areas including Central Australia, Cairns, Torres Strait and the Pilbara.</p> <p>Training was delivered to individual corporations to provide information on the CATSI Act and to help them to transition.</p> <p>Other training included registration assistance, corporate governance, post-administration, and rule book design and redesign.</p>

Number of external training days delivered by state government partners and external providers

Estimate	150	The variance is +1.
Actual	151	<p>In 2008–09 ORIC partnered with the Victorian, Western Australian, South Australian and Northern Territory governments to deliver on partner training days.</p> <p>Partnership training consisted of nationally accredited Diploma of Business (Governance) and the Certificate IV in Business (Governance) and non-accredited training courses—the Introduction to Corporate Governance, Building Strong Corporations and a new program developed specifically for remote stores, Building Strong Stores.</p>

Percentage of client satisfaction with support and governance training

Estimate	90%	The variance is +3.1 per cent.
Actual	93.1%	This reflects the high calibre of materials and presenters.

ADMINISTERING THE ACT

Profile of corporations registered with ORIC

At 30 June 2009, 2723 corporations were registered under the CATSI Act. This reflects an increase of nearly 4.5 per cent in total corporation numbers from last year.

FIGURE 7 REGISTERED AND NEW CORPORATIONS BY YEAR, 1990-91 TO 2008-09



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

TABLE 1 REGISTERED AND NEW CORPORATIONS 1990–91 TO 2008–09

	No. of registered corporations	No. of new registrations finalised
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	2555	111
2007–08	2605	84
2008–09	2723	125

Preregistration services continue to encourage groups to register under the CATSI Act. It is estimated that at least as many Aboriginal and Torres Strait Islander 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 free public database of information on Aboriginal and Torres Strait Islander corporations and processes a large number of lodged documents to update the database.

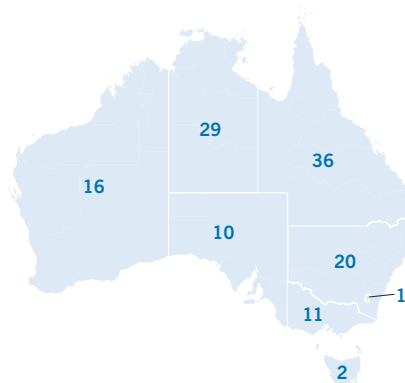
FIGURE 8 NEW REGISTRATIONS BY STATE 2008–09

TABLE 2 REGISTRATION AND SUPPORT SERVICES, 2002–03 TO 2008–09

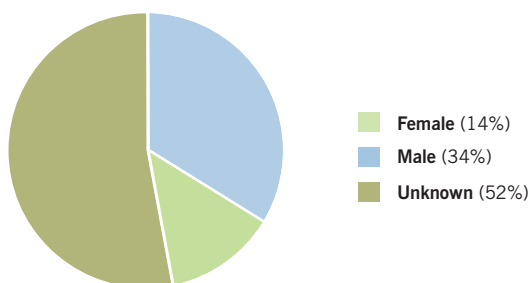
	02–03	03–04	04–05	05–06	06–07	07–08	08–09
REGISTRATION AND SUPPORT SERVICES							
Registrations							
Applications received	211	160	120	110	107	116	148
Total applications actioned during the year	205	143	134	123	143	108	133
Applications approved	183	134	120	102	111	84	125
Applications refused	–	–	–	1	2	5	–
Applications lapsed/withdrawn	22	9	14	17	30	19	8
Constitution change requests							
Requests received	138	122	116	92	126	97	411
Total requests actioned during the year	127	114	131	127	160	85	400
Requests approved	94	106	112	92	124	55	376
Requests refused	22	4	4	9	5	30	24
Requests lapsed/withdrawn	11	4	15	20	31	–	–
Name change requests							
Requests received	20	26	27	11	5	12	48
Total requests actioned during the year	16	18	25	15	27	9	45
Requests approved	8	14	18	9	16	6	38
Requests refused	2	–	2	–	1	3	7
Requests lapsed/withdrawn	6	4	5	6	10	–	–
Change of corporation contact and officer details							
Change requests received	n/a	n/a	n/a	n/a	n/a	345	853
Change requests applied to the public register	n/a	n/a	n/a	n/a	n/a	284	803
Annual general meeting extensions and other exemptions							
Matters finalised	–	104	137	197	162	97	236
Written inquiries on corporation issues							
Inquiries finalised	622	634	682	882	897	919	1080

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

The functions of Aboriginal and Torres Strait Islander corporations are diverse, ranging from providing health care services and power supply to holding land. Many corporations are multifunctional.

The membership and boards of corporations are also diverse. Figure 9 portrays the gender balance of Aboriginal and Torres Strait Islander corporations. The gender of a significant percentage of directors could not be identified from the data in the public database.

FIGURE 9 GENDER BALANCE OF ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATION DIRECTORS



Most corporations 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. Figure 10 and table 5 show 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 Centre (ICC) regions are shown in map 1 and table 3.

MAP 1 LOCATION OF CORPORATIONS, BY ICC REGION AT 30 JUNE 2009

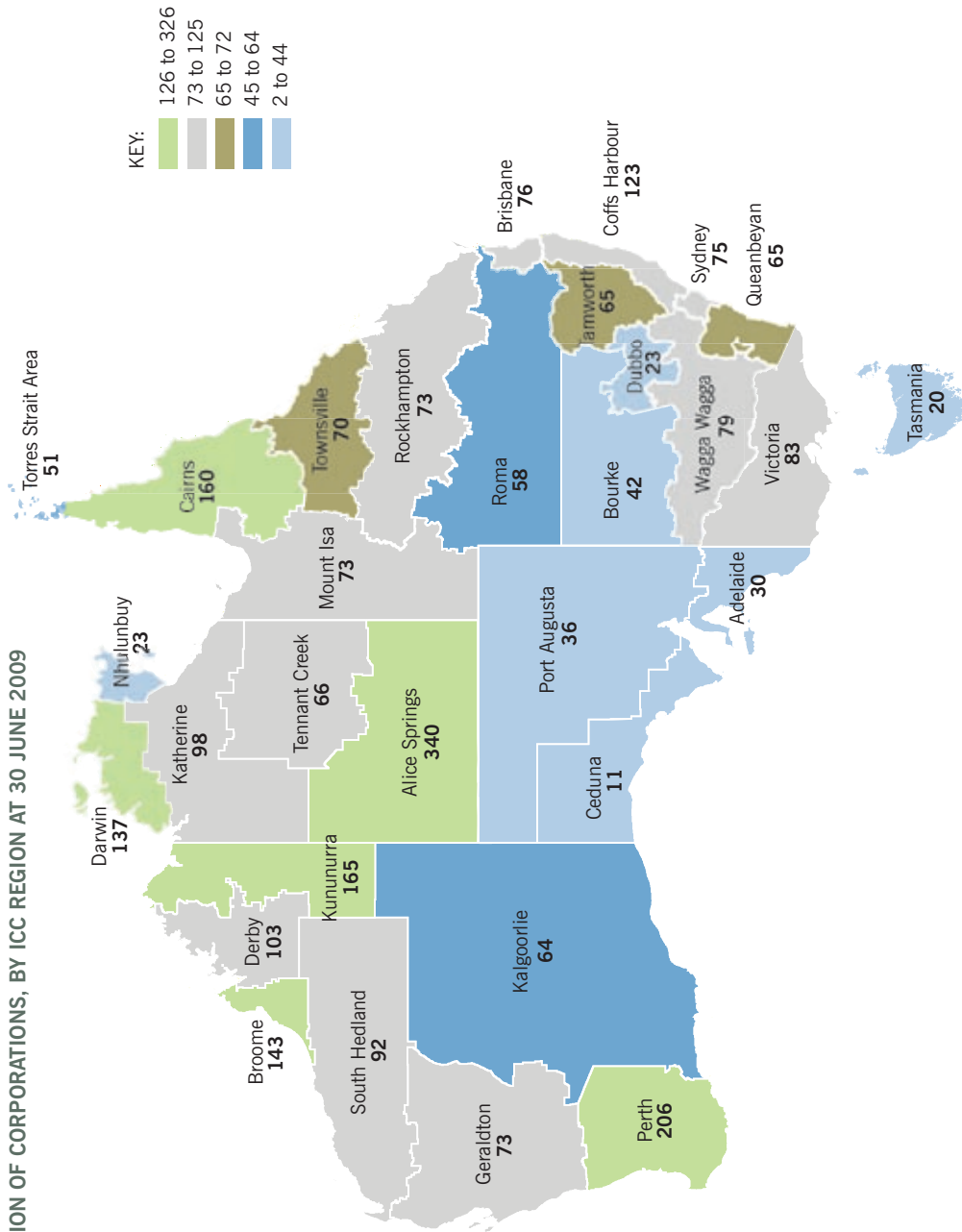


TABLE 3 LOCATION OF REGISTERED CORPORATIONS BY ICC REGION AT 30 JUNE 2009

ICC regions	Total corporations	ICC regions	Total corporations
Alice Springs	340	Rockhampton	73
Perth	206	Townsville	70
Kununurra	165	Tennant Creek	66
Cairns	160	Queanbeyan	65
Broome	143	Tamworth	65
Darwin	137	Roma	58
Coffs Harbour	123	Torres Strait area	51
Derby	103	Bourke	42
Katherine	98	Port Augusta	36
South Hedland	92	Adelaide	30
Victoria	83	Dubbo	23
Kalgoorlie	64	Nhulunbuy	23
Wagga Wagga	79	Tasmania	20
Brisbane	76	Ceduna	11
Sydney	75	TOTAL	2723
Geraldton	73		
Mount Isa	73		

Income of corporations

Table 5 and figure 10 show the wealth of 1167 corporations where full details of income and assets are known (see table 4 for Top 10 Aboriginal and Torres Strait Islander corporations by income, which also lists assets held). Those corporations with significant incomes usually also have significant assets. Most corporations under the CATSI Act are classified as small or medium depending on their income, assets and number of employees. However, a growing number are classified as large because they have substantial income, and 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 TOP 10 ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATIONS BY INCOME, 2007–08

Rank 2007–08	ICN	Corporation name	State	Assets	Income 2007–08
1	101	Ngaanyatjarra Council (Aboriginal Corporation)	NT	\$26 055 370	\$86 579 318
2	29	Bawinanga Aboriginal Corporation	NT	\$15 083 830	\$30 560 030
3	104	Marra Worra Worra Aboriginal Corporation	WA	\$22 202 008	\$21 933 501
4	2001	Yamatji Marlpa Aboriginal Corporation	WA	\$11 390 568	\$20 456 166
5	2102	Bungala Aboriginal Corporation	SA	\$17 615 652	\$17 523 546
6	21	Kimberley Land Council Aboriginal Corporation	WA	\$14 735 511	\$15 936 898
7	443	Ngaanyatjarra Services Aboriginal Corporation	NT	\$9 038 932	\$15 281 839
8	2964	Coolgaree Aboriginal Corporation for CDEP	Qld	\$3 050 018	\$13 386 283
9	1902	Anangu Pitjantjatjara Services Aboriginal Corporation	NT	\$10 755 996	\$12 494 312
10	3897	Groote Eylandt and Bickerton Island Enterprises Aboriginal Corporation	NT	\$21 329 240	\$11 922 431

Note: Income and assets are for 2007–08 corporation reports published on the public register at 30 June 2009; 2008–09 reports are not due until 31 December 2009.

TABLE 5 NUMBER OF CORPORATIONS BY INCOME AND ASSETS AT 30 JUNE 2009

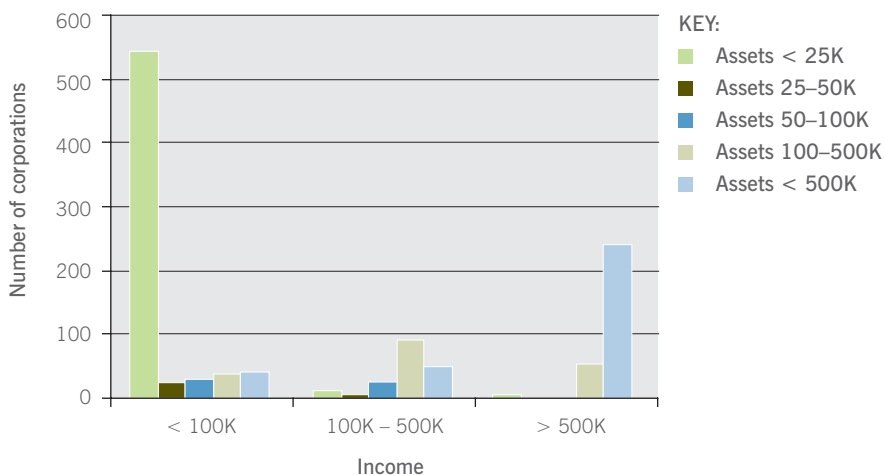
	assets < 25K	assets 25–50K	assets 50–100K	assets 100–500K	assets > 500K	Total
income < 100K	547	25	27	40	44	683
income 100–500K	10	8	24	91	51	184
income > 500K	4	0	1	54	241	300
Total	561	33	52	185	336	1167

Notes: Income = total grant plus other income

Assets = total of current plus non-current assets

Income and assets are for 2007–08 corporation reports published on the public register at 30 June 2009; 2008–09 reports are not due until 31 December 2009.

FIGURE 10 NUMBER OF REGISTERED CORPORATIONS BY INCOME AND ASSETS AT 30 JUNE 2009



Compliance of corporations

Estimate 90 per cent

Actual 72 per cent

For 2007–08 most corporations were required under the CATSI Act to lodge certain reports with ORIC, such as a general report. These documents are 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

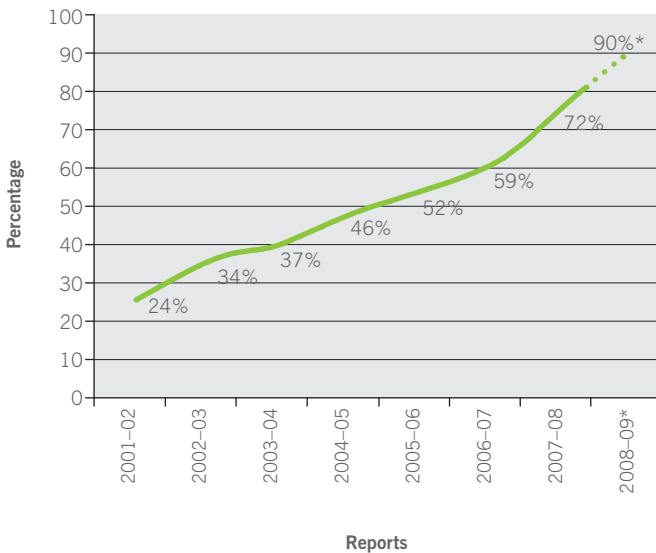
Compliance with the reporting requirements means that members, communities, creditors and government agencies have greater confidence in corporations. It provides interested parties with an important internal and external accountability indicator to rely on regarding the financial viability and governance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

During 2008–09 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 guidance 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.
- 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.
- ORIC compliance follow-up team visits targeting corporations in 14 regional and remote areas that had not lodged 2007–08 annual reports. The teams provided face-to-face assistance to help corporations fill in and lodge reports.
- Working with key funding bodies to increase awareness and to help increase the compliance of government-funded corporations.
- Targeted telephone follow-up of corporations in breach—for example, corporations that submitted 2006–07 reports but had not yet done so for 2007–08.
- Issued warning notices to corporations that did not respond to reminders.

As a result of this comprehensive program, 72 per cent of corporations provided their reports as required under the CATSI Act for 2007–08 or were exempted because of their circumstances. This result is the highest ever compliance rate achieved for reporting by corporations—13 per cent higher than last year.

FIGURE 11 REPORTING COMPLIANCE 2001-02 TO 2007-08



*This is the reporting compliance target for 2008-09. These reports are not due until 31 December 2009.

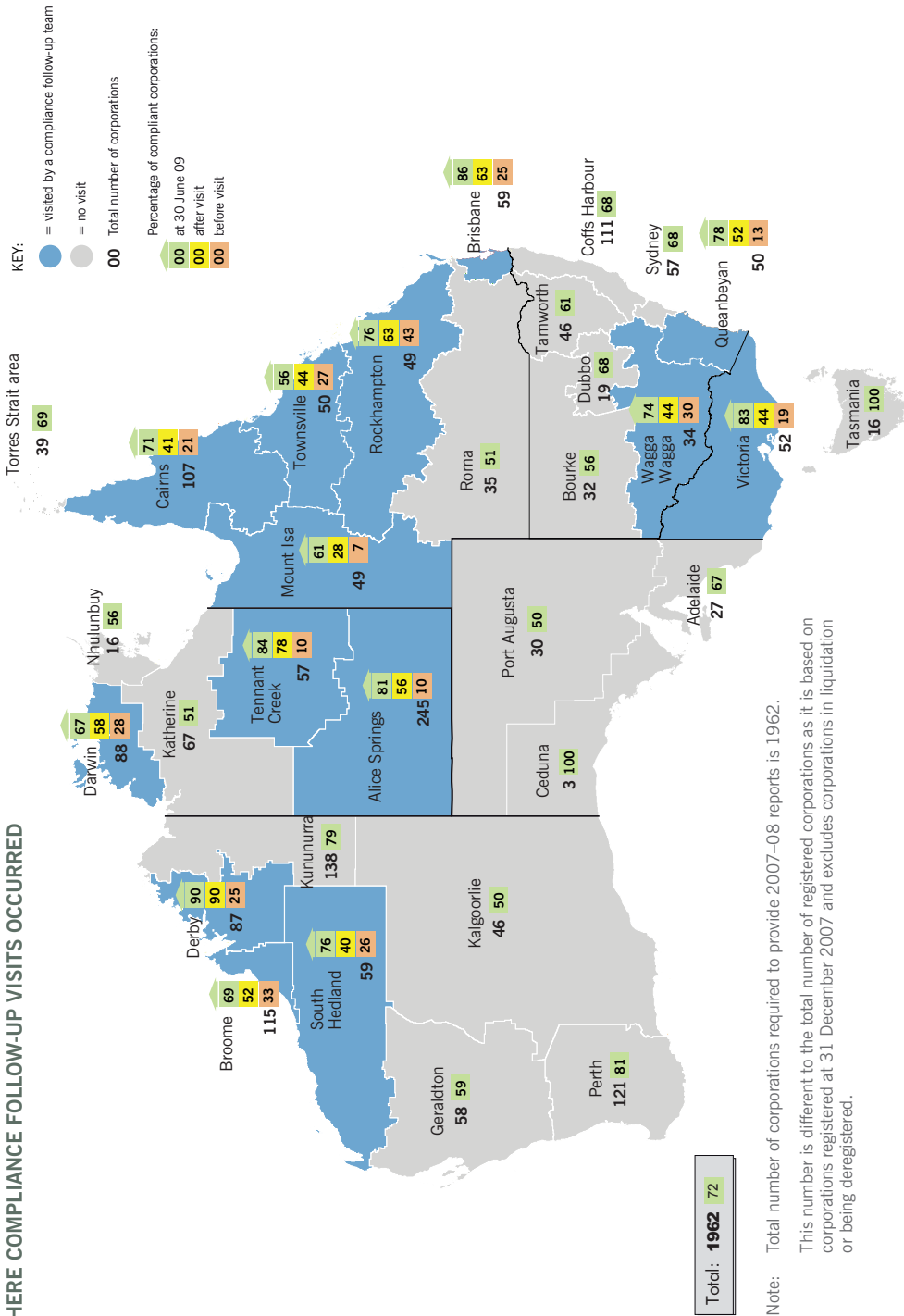
Figure 11 illustrates ORIC’s continued efforts at increasing the compliance of corporations. ORIC’s focus and intensive efforts in this work during 2008-09 resulted in a 13 per cent increase.

Compliance follow-up visits

From April to June 2009 ORIC staff visited 14 regional and remote areas that had poor compliance rates at the time. Visits ranged from two to four weeks in the various locations. The staff attempted to locate many corporations that had lost contact with ORIC. The primary aim was to offer face-to-face assistance to help corporations lodge their reports and update the corporations’ information on ORIC’s public database. ORIC also offered corporations help to complete their new rule books and transition. Staff also worked with several resource agencies and funding bodies to reach corporations and provide assistance.

The impact of this work was significant. Map 3 shows that all areas visited had a substantial increase in reporting compliance.

MAP 3 REPORTING COMPLIANCE FOR ICC REGIONS WHERE COMPLIANCE FOLLOW-UP VISITS OCCURRED



Note: Total number of corporations required to provide 2007–08 reports is 1962.

This number is different to the total number of registered corporations as it is based on corporations registered at 31 December 2007 and excludes corporations in liquidation or being deregistered.

Corporation size and reporting

A lot of corporations reported under the CATSI Act requirements for the first time during 2008–09. For reporting purposes corporations are classified as small, medium and large. Depending on their size and income for the year their reports may be different.

TABLE 5 2007–08 REPORTING REQUIREMENTS

Size and income	Reports
Small corporations with a consolidated gross operating income* of less than \$100 000.	1. General report only
Small corporations with a consolidated gross operating income of \$100 000 or more and less than \$5 million.	1. General report 2. Audited financial report or financial report based on reports to government funders (if eligible)
Medium corporations with a consolidated gross operating income of less than \$5 million.	3. Directors' report
Large corporations or any corporation with a consolidated gross operating income of \$5 million or more.	1. General report 2. Audited financial report 3. Directors' report

* consolidated gross operating income is gross income of the corporation and any entities it controls



Roseanne Mirto, ORIC, and Monica Jingle, Marra Worra Worra Aboriginal Corporation, help Helen Malo complete her corporation's general report.

FIGURE 12 2007–08 REPORTING COMPLIANCE BY SIZE

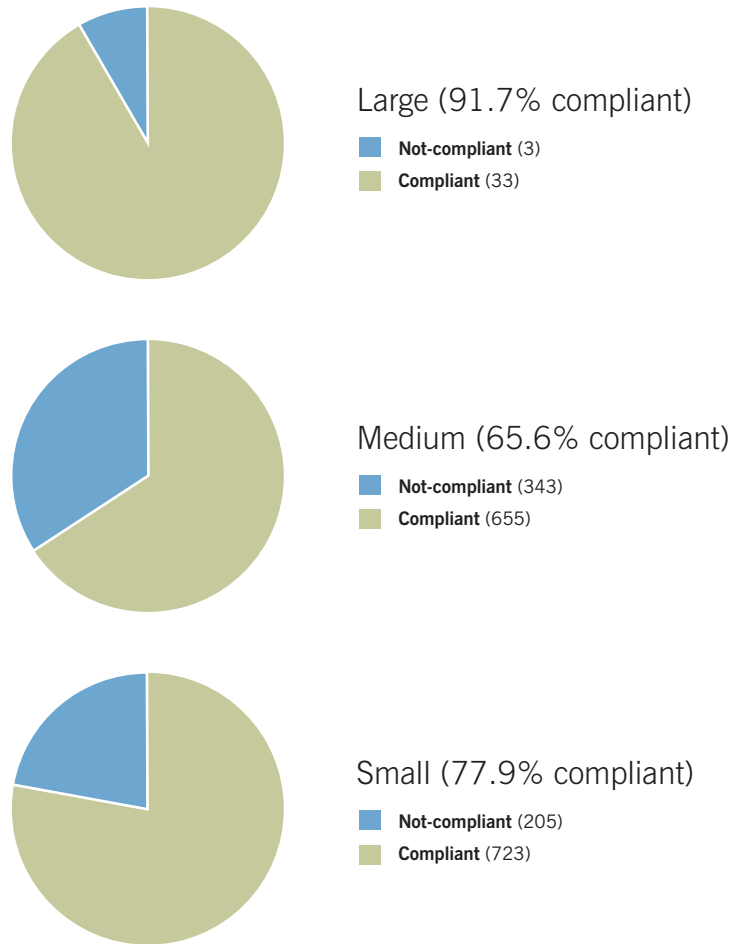


Figure 12 shows that large corporations have the highest reporting compliance followed by small, then medium corporations. There are a lot more corporations classified as medium than the other sizes. This may be because all corporations were classified as medium when the CATSI Act first started and ORIC did not have sufficient information to re-classify them.

The figure also shows that 8.3 per cent of large corporations failed to lodge 2007–08 reports. Given that these corporations would have significant income, assets or employees, ORIC will be conducting a campaign in 2009–10 focusing on large corporations.

Exemptions

After a review of reporting requirements the Registrar granted two class exemptions that apply to 2008–09 reporting and future financial years. In a media release dated 1 July 2009 the Registrar explained that the rationale behind the exemptions was to reduce ‘unnecessary burden’ on corporations.

This means that:

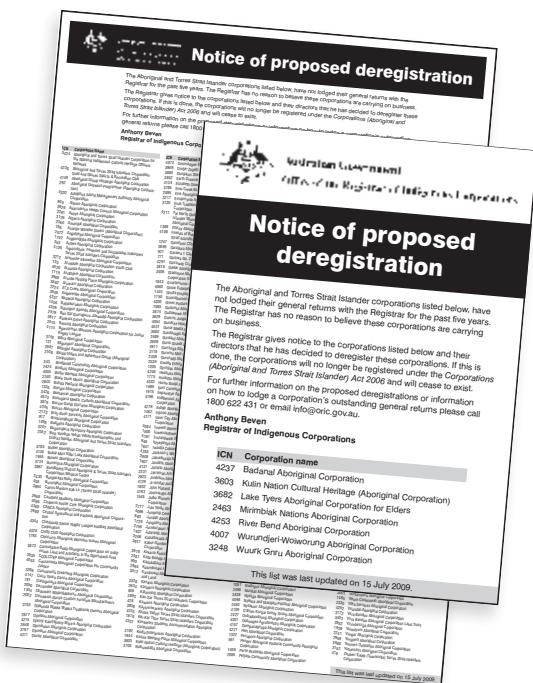
- all corporations have been exempted from providing trust and land information in their general report. This equates to a 30 per cent reduction in general report requirements.
- small and medium sized corporations with a consolidated gross operating income of less than \$5 million have been exempted from providing a directors’ report.

Consequences of not reporting

In June 2009 ORIC identified nearly 500 corporations that remain in longstanding breach of the reporting requirements. During the second quarter of the 2009–10 year, the Registrar will use his power under the CATSI Act to deregister those corporations that remain in breach. This will follow public notices in newspapers around the country and the *Gazette*.

This action is warranted because many of these corporations are defunct and no longer operating. Upon deregistration, the corporations will no longer be registered under the CATSI Act and will no longer exist.

In 2009–10 ORIC will continue to further improve the compliance of corporations. This may include the prosecution of non-compliant corporations and the secretaries of large corporations. It is also likely that deregistration powers will be used again.



Support for corporations

One of the benefits 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 to develop a rule book
- making information and documents available from the public Register of Aboriginal and Torres Strait Islander 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

- **125 new corporations** were registered during 2008–09 compared to 84 during 2007–08. This is the highest number of corporations registered during a year since 2003–04. The total number of corporations registered with ORIC increased by 4.5 per cent during the year.
- **148 new applications for registration** were received during 2008–09 compared to 116 in 2007–08. The total number of applications for registration received during 2008–09 represents the highest number of applications received since 2003–04. 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.
- **1080 written inquiries** were finalised in 2008–09 compared to 919 in 2007–08— involving requests for information, support and referrals.
- **411 requests for rule changes** were received during 2008–09 compared to 97 requests the previous year. This increase reflects corporations transitioning their existing constitutions to rule books under the CATSI Act.
- **236 annual general meeting extensions and other exemptions** were granted by the Registrar in 2008–09 under the CATSI Act. The Registrar continued to receive a high number of requests for extensions for holding annual general meetings. This reflects ORIC's ongoing flexible approach to corporations' special circumstances and needs— for example, the time and effort they require to hold annual general meetings and to comply with other requirements of the CATSI Act.

Public registers

Under the CATSI Act, the Registrar has to maintain public registers that contain specific information about Aboriginal and Torres Strait Islander corporations (see ORIC's *Policy statement 12—Registers and use and disclosure of information held by the Registrar*). These are:

- the Register of Aboriginal and Torres Strait Islander Corporations
- the Register of Disqualified Officers.

The Register of Aboriginal and Torres Strait Islander Corporations

ORIC maintains the public Register of Aboriginal and Torres Strait Islander Corporations, which lists corporations registered under the CATSI Act. The public register provides useful and unique information for 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, reports (general, financial and directors'), exemptions from some reporting requirements and documents relating to regulatory action—for example, monitoring, special administration, liquidation and deregistration.

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

Compliance with the CATSI Act requirements for lodging reports and other forms is important to ensure the accuracy and credibility of ORIC's public register. Through activities such as reporting compliance follow up, ORIC aims to increase the integrity of the data within the register. ORIC also looks at strategies to make lodgment of reports and forms easier for corporations. ORIC now provides a secure online lodgment website, <https://online.oric.gov.au>, to make the process easier and quicker for corporations. See 'Systems' on p. 82 to learn more about the online lodgment of forms.

Register of Disqualified Officers

The Register of Disqualified Officers is a register of people who have been disqualified from managing Aboriginal and Torres Strait Islander corporations. The register does not contain the details of people who have been automatically disqualified from managing Aboriginal and Torres Strait Islander corporations—for example, people who:

- have been convicted of an offence that involved making decisions or committing an act that could significantly affect the financial standing of a corporation's business
- have been convicted of an offence under the CATSI Act that involves imprisonment for more than 12 months or involves dishonesty that carries a penalty of at least three months in prison
- have committed an offence under the law of a foreign country that has a penalty of more than 12 months in prison
- are undischarged bankrupts or have a personal insolvency agreement in place
- are disqualified from managing a corporation under the *Corporations Act 2001*.

Corporation extract

In 2008 ORIC added to its online public register an electronic extract of current information and a list of documents held on the public register about a corporation registered under the CATSI Act. See 'Systems' on p. 82 for more information on what the corporation extract report contains.

ORIC WEBSITE

www.oric.gov.au

Search for a Corporation

Find a corporation by name or ICN

Search

[More search options](#)
[About the public register](#)

Total registered corporations: 2747

The public register can be searched using the 'Search for a corporation' feature from any page on ORIC's website.



Regulating corporations

Throughout the 2008–09 year ORIC continued to be one of the most active regulators proportional to the number of corporations it regulates.

Examinations

Estimate 80	Actual 81
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Corporations were selected for examination¹ in response to evidence of 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.

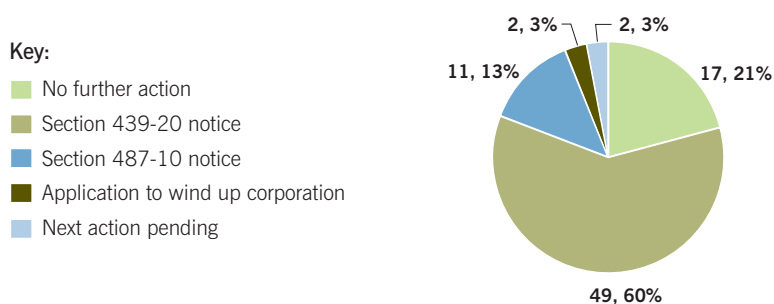
Outcomes of examinations

Of the 81 examinations conducted on corporations in 2008–09, the outcomes were as follows:

- 17 (21 per cent) were operating well and required no further action, they were sent a management letter
- 49 (60 per cent) required rectification of less serious matters which were settled through the issue of a compliance notice under section 439-20 of the CATSI Act
- 11 (13 per cent) had serious findings and were issued with notices under section 487-10 of the Act to show cause why the corporation should not be placed under special administration; of these, four corporations were placed under special administration, two were later issued a compliance notice under section 439-20 and five were pending as at 30 June 2009 (see table 8)
- 2 (3 per cent) required action for wind-up of the corporation (i.e. the appointment of a liquidator)
- 2 (3 per cent) has a decision for next action pending.

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.

FIGURE 13 OUTCOMES OF EXAMINATIONS BY PERCENTAGE, 2008–09



Examination panel

In February 2009 the Registrar convened a forum of members of the examination panel. It was held in Brisbane on 24–25 February 2009. The forum discussed ‘improving the examination process’. A second forum was held after this reporting period in July 2009.

There were four main outcomes from the forums:

1. Corporations would benefit from having a ‘best practice’ manual on governance. This would include templates for the basic records and registers needed by a corporation, such as the register of members, minutes of directors’ and general meetings, notices of meetings and consent forms for directors. This recommendation has been accepted and is on the Registrar’s work plan for the 2009–10 financial year.
2. The Registrar will examine the introduction of electronic lodgment systems and procedures for the submission of examination reports to reduce the need for paper.
3. The Registrar and examiners have agreed on procedures to reduce the time taken to complete an examination.
4. The Registrar will work with examiners to trial joint examinations. The joint examinations are seen as a way for both parties to build knowledge by drawing on each other’s expertise and to improve recommendations from examinations.

TABLE 6 OUTCOMES FROM CORPORATION EXAMINATIONS CONDUCTED IN 2008–09

ICN	Corporation	Outcome	Date
355	Aboriginal and Torres Strait Islanders Corporation for Welfare Services	Application to wind up corporation	7 July 09
3358	Alawa Aboriginal Corporation	Section 439-20 notice	3 Oct 08
2065	Amangarra Aboriginal Corporation	Section 439-20 notice	27 Nov 08
2542	Ampilawatja Health Centre Aboriginal Corporation	Section 439-20 notice	27 Oct 08
3834	Ananguku Arts and Cultural Aboriginal Corporation	Section 439-20 notice	23 Jan 09
1902	Anangu Pitjantjatjara Services Aboriginal Corporation	Section 487-10 notice Corporation placed under special administration 16 Feb 09	23 Dec 08
3722	Badjuballa Aboriginal Corporation	Section 439-20 notice	18 March 09
2273	Bidgerdii Aboriginal and Torres Strait Islanders Corporation Community Health Service Central Queensland Region	Section 439-20 notice	12 May 09
99	Biripi Aboriginal Corporation Medical Centre	Section 439-20 notice	15 March 09
914	Broome Aboriginal Media Association (Aboriginal Corporation)	Section 439-20 notice	5 June 09
12	Broome Regional Aboriginal Medical Service (Aboriginal Corporation)	Section 439-20 notice	28 May 09
3328	Burrandies Aboriginal Corporation	Section 439-20 notice	31 Oct 08
593	Burringurrah Community Aboriginal Corporation	Section 487-10 notice Corporation placed under special administration 10 March 09	7 Jan 09
4516	Cape York Family Violence Prevention Legal Unit Aboriginal Corporation	Section 439-20 notice	4 May 09
2807	Cawarra Womens Refuge Aboriginal Corporation	Cancelled	
67	Central Australian Aboriginal Media Association (Aboriginal Corporation)	No further action— management letter	15 March 09
1998	Charleville and Western Areas Aboriginal and Torres Strait Islanders Corporation for Health	No further action— management letter	4 May 09
1457	Dharawal Aboriginal Corporation Community Association	No further action— management letter	19 Feb 09
1574	Diwurruwurru-Jaru Aboriginal Corporation	Section 487-10 notice	24 March 09
624	Dubbo Koorie Housing Aboriginal Corporation	Section 487-10 notice	10 Dec 08

ICN	Corporation	Outcome	Date
2867	Dunghutti Elders Council (Aboriginal Corporation)	Next action pending	30 Jun 09
84	Ferdy's Haven Alcohol Rehabilitation Aboriginal Corporation	Section 439-20 notice	18 Feb 09
2744	Gumala Aboriginal Corporation	Section 439-20 notice	3 Nov 08
3202	Guri Wa Ngundagar Aboriginal Corporation	Section 439-20 notice	18 March 09
1798	Hunter Valley Aboriginal Corporation	Section 487-10 notice Corporation placed under special administration 13 Feb 09	5 Jan 09
274	Illawarra Aboriginal Medical Service Aboriginal Corporation	No further action— management letter	2 Feb 09
1451	Ilpurla Aboriginal Corporation	Section 439-20 notice	15 March 09
347	Ingkerreke Outstations Resource Services Aboriginal Corporation	Section 439-20 notice	15 March 09
3958	Jack Towney Hostel Aboriginal Corporation	Section 439-20 notice	22 Jan 09
616	Jarlmadangah Burru Aboriginal Corporation	Section 439-20 notice	3 June 09
373	Jawoyn Association Aboriginal Corporation	No further action— management letter	17 March 09
1826	Jena Boran Aboriginal and Torres Strait Islanders Corporation	Section 487-10 notice Section 439-20 notice	23 Feb 09 27 May 09
2716	Kalang Respite Care Centre Aboriginal Corporation	Section 439-20 notice	14 Jan 09
3062	K'gari Educational and Culture Centre Aboriginal Corporation	Section 439-20 notice	14 Jan 09
21	Kimberley Land Council Aboriginal Corporation	No further action— management letter	2 April 09
421	Kombumerri Aboriginal Corporation for Culture	No further action— management letter	14 March 09
61	Korrawinga Aboriginal Corporation	Section 439-20 notice	22 Jan 09
419	Kootana Women's Centre Palm Island Aboriginal Corporation	Section 439-20 notice	10 March 09
35	Kununurra Waringarri Aboriginal Corporation	Section 439-20 notice	5 Sept 08
413	Kupungarri Aboriginal Corporation	Section 430-20 notice	22 May 09
748	Louisa Downs Pastoral Aboriginal Corporation	No further action— management letter	3 Oct 08
401	Mamabulanjin Aboriginal Corporation	No further action— management letter	6 April 09
1191	Maraltadj Family Aboriginal Corporation	Section 439-20 notice	1 June 09

ICN	Corporation	Outcome	Date
104	Marra Worra Worra Aboriginal Corporation	No further action—management letter	18 June 09
1159	Merrepen Arts Aboriginal Corporation	Section 487-10 notice	29 June 09
3452	Mid North Coast Indigenous Broadcasters Association (Aboriginal Corporation)	Section 439-20 notice	15 March 09
2717	Mitakoodi Juhnjar Aboriginal Corporation	Section 487-10 notice	23 June 09
1432	Mount Isa Aboriginal Media Association (Aboriginal Corporation)	Section 439-20 notice	27 May 09
631	Mudth-Niyleta Aboriginal and Torres Strait Islanders Corporation	No further action—management letter	5 Sept 08
2195	Mungabareena Aboriginal Corporation	Section 439-20 notice	7 Nov 08
4629	Murujuga Aboriginal Corporation	No further action—management letter	22 May 09
2013	Murwangi Community Aboriginal Corporation	Section 439-20 notice	19 Feb 09
1881	Mulungu Aboriginal Corporation Medical Centre	Section 439-20 notice	15 March 09
1817	Narrandera Wiradjuri Elders Group Aboriginal Corporation	Application to wind up corporation	8 July 09
1870	Ngangganawili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation	Section 439-20 notice	15 March 09
318	Ngnowar-Aerwah Aboriginal Corporation	Section 439-20 notice	15 March 09
414	Ngurratjuta/Pmara Ntjarra Aboriginal Corporation	Section 439-20 notice	7 Aug 08
2391	Oombulgurri Community Store Aboriginal Corporation	Section 439-20 notice	14 March 09
3709	Palm Island Men's Business Group Aboriginal Corporation	Section 439-20 notice	10 March 09
559	Pius X Aboriginal Corporation	Section 439-20 notice	19 Nov 08
1956	Puntuturnu Aboriginal Medical Service Aboriginal Corporation	Section 439-20 notice	16 Oct 08
169	Riverina Foundation for Aboriginal Affairs (Aboriginal Corporation)	Section 487-10 Notice	9 July 09
745	Riverina Medical and Dental Aboriginal Corporation	No further action—management letter	24 March 09
1430	Sandhills Advancement Aboriginal Corporation	Section 439-20 notice	26 June 09
3651	Shared Vision Aboriginal Corporation	Section 439-20 notice	3 Oct 08

ICN	Corporation	Outcome	Date
1037	Tasmanian Aboriginal Land and Sea Council Aboriginal Corporation	No further action—management letter	12 March 09
467	The Gooddo Aboriginal Corporation for Day Care	Section 439-20 notice	10 March 09
4655	The Oolong Aboriginal Corporation	Section 439-20 notice	2 Feb 09
2156	Ungooroo Aboriginal Corporation	Section 439-20 notice	6 Jan 09
3748	Waanyi Nation Aboriginal Corporation	Next action pending	30 June 09
558	Wagga Advancement Aboriginal Corporation	No further action—management letter	25 March 09
69	Walhallow Aboriginal Corporation	No further action—management letter	15 April 09
924	Wardaman Aboriginal Corporation	Section 439-20 notice	18 July 08
2400	Watiyawanu Artists of Amunturrnga Aboriginal Corporation	Section 439-20 notice	5 June 09
374	Werenbun Association Aboriginal Corporation	Section 439-20 notice	10 June 09
1239	Winda-Mara Aboriginal Corporation	Section 439-20 notice	19 Nov 08
217	Woomera Aboriginal Corporation	Section 487-10 notice Section 439-20 notice	20 March 09 6 May 09
1386	Wurli-Wurlinjang Aboriginal Corporation	No further action—management letter	11 March 09
2358	Yandeyarra Pastoral Aboriginal Corporation	Section 439-20 notice	21 Jan 09
4597	Yawoorroong Miriuwung Gajerrong Yirgeeb Noong Dawang Aboriginal Corporation	Section 439-20 notice	28 May 09
3088	Yoorana Gunya Family Violence Healing Centre Aboriginal Corporation	Section 439-20 notice	15 March 09
951	Yuendumu Women's Centre Aboriginal Corporation	Section 487-10 notice Corporation placed under special administration 21 May 09	18 May 09



Special administrators forum, Canberra, October 2008.

Special administrations

Special administration² is a form of external administration unique to the CATSI Act. It is a special measure that addresses the unique role and circumstances of Aboriginal and Torres Strait Islander corporations. It contributes towards the CATSI Act as a special measure to advance and protect Aboriginal and Torres Strait Islander people and their respective cultures.

Special administration enables the Registrar to provide early proactive regulatory assistance when a corporation experiences financial or governance difficulties.

Under the CATSI Act the Registrar can make several determinations when appointing a special administrator:

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

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

2 A special administration is when the Registrar appoints someone (like a firm of accountants) to take the place of the directors for a specified period. The Registrar must have valid reasons for appointing a special administrator—for example, problems with finances or breaches of the law. Usually the Registrar will issue a show cause notice to a corporation first to allow them to justify why a special administrator should not be appointed.

Grounds for special administration

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

- the corporation has failed to comply with a section 439-20 compliance notice
- the corporation has failed to lodge its annual reports (Part 7-3)
- if there are disputes that interfere with the corporation's operations
- if a majority of directors or a prescribed number of members write to the Registrar and ask for the appointment.

At the start of the 2008–09 year six special administrations continued from previous years, eight new special administrations were started and 10 ended during the 2008–09 year, leaving four special administrations in progress at 30 June 2009.

Special administration publications

ORIC published two fact sheets on special administration, *Special administrations: what members and directors should know* and *Special administrations: what funding agencies, creditors and employees should know*. ORIC also developed a policy statement for special administrations providing guidance on the process, role and powers of a special administrator. It also includes the usual steps in a special administration, such as the Registrar's expectations for communications with corporation members and key stakeholders.

ORIC's research has found that, since 2002–03, 70 per cent of corporations were returned to members after the corporation was placed under special administration. The high return rate to members illustrates that the unique regulatory power of the Registrar to intervene improves the governance and financial affairs of corporations.



ORIC and stakeholder engagement

Stakeholder engagement is vital to ORIC's role in developing and implementing services that meet the needs of our clients. During 2008–09 ORIC reviewed the special administration process and used feedback from its panel of special administration consultants to improve the process. As a result of this, ORIC now publishes on the public register all public documents such as newsletters, media releases and meeting notices for special administrations.

Tables 7 and 8 indicate the corporations where new special administrators were appointed in 2008–09 and corporations under continuing special administration as at 30 June 2009.

TABLE 7 CORPORATIONS WHERE NEW ADMINISTRATORS WERE APPOINTED, 2008–09

Date appointed	ICN	Corporation	Special administrator	Date ended	Outcome
23 Sept 08	2833	Dhubbi Warra Aboriginal Corporation	Antony Jonsson and Gerard Mier	31 March 09	Handed back to members' control
23 Sept 08	3144	Walmbaar Aboriginal Corporation	Antony Jonsson and Gerard Mier	31 May 09	Handed back to members' control
18 Nov 08	3955	Mimili Maku Store Aboriginal Corporation	Austin Taylor and Anthony James	31 May 09	Handed back to members' control
10 Dec 08	1059	Bulabula Arts Aboriginal Corporation	Glen Walker	27 May 09	Handed back to members' control
13 Feb 09	1798	Hunter Valley Aboriginal Corporation	Peter McQuoid		In progress at 30 June 09
16 Feb 09	1902	Anangu Pitjantjatjara Services Aboriginal Corporation	Stephen Duncan and Peter Lanthois		In progress at 30 June 09
10 March 09	593	Burringurrah Community Aboriginal Corporation	Michael Carmody		In progress at 30 June 09
21 May 09	951	Yuendumu Womens Centre Aboriginal Corporation	Belinda Vella, Peter Lanthois and Stephen Duncan		In progress at 30 June 09

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TABLE 8 CORPORATIONS WITH ADMINISTRATIONS CONTINUING FROM PREVIOUS YEARS AT 30 JUNE 2009

Date appointed	ICN	Corporation	Special administrator	Date ended	Outcome
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	31 Aug 08	Handed back to members' control
1 Nov 04	560	Piccadilla Aboriginal Corporation	Bob Brewster	30 Sept 08	Deregistered
28 April 06	1838	Nyangatjatjara Aboriginal Corporation	Eamonn Thackaberry	31 Aug 08	Handed back to members' control
26 April 07	840	Kabi Kabi Aboriginal Corporation	Lorraine Forman	14 Nov 08	Handed back to members' control
4 Feb 08	514	The Gap Youth Centre Aboriginal Corporation	Gerard Mier and Antony Jonsson	31 Nov 08	Handed back to members' control
9 April 08	1383	Waminda Aboriginal Corporation	Brian McMaster and Jack James	25 Aug 08	Liquidator appointed

Other regulation activity

Other external administrations

The following tables refer to external administrations, other than special administrations in progress at 30 June 2009 and liquidations finalised in 2008–09.

TABLE 9 LIQUIDATIONS IN PROGRESS AND FINALISED AT 30 JUNE 2009

Date appointed	ICN	Corporation	State	Liquidator	Outcome
5 Sept 95	778	Yabu Bindalynga Aboriginal Corporation	WA	Dino Travaglini	Liquidation finalised on 2 Dec 08
2 May 00	957	NSW Women's Aboriginal Corporation	NSW	Greg Hall	Deregistration request 15 Oct 08
2 April 01	328	Kerrup Jmara Elders Aboriginal Corporation	Vic	Phillip McGibbon	In progress
16 Aug 01	1476	Narrogin Aboriginal Corporation	WA	David Coates	Deregistration request 13 Feb 09
7 June 02	3221	Wiri/Yuwiburra 'Touri' Aboriginal Corporation	Qld	Peter Lucas	Deregistration request 25 May 09
14 Aug 02	1674	Gundabooka Aboriginal Corporation	NSW	John Lord	Deregistration request 3 Feb 09
29 May 03	3639	Martidja Bunyjima Aboriginal Corporation	WA	Brian McMaster	In progress
29 May 03	2293	Aboriginal and Torres Strait Islander Corporation for All Sports, Health and Recreation	Qld	Ross Duus	Deregistration request 18 Dec 08
13 Feb 04	1449	Camma CDEP Aboriginal Corporation	NSW	Tony Cant	In progress
13 April 04	893	Boree Aboriginal Corporation	NSW	Peter Lucas	In progress
7 March 05	3553	Murrin Bridge Vineyard Aboriginal Corporation	NSW	Stephen Jay	In progress
23 Sept 05	3727	Port Hedland Indigenous Media Aboriginal Corporation	WA	Brian McMaster	In progress
10 May 05	1930	Durahrwa Training and Development Aboriginal Corporation	NSW	David Leigh	Deregistration request 14 May 09
23 Feb 06	2091	Yagga Yagga Enterprises Aboriginal Corporation	WA	Austin Taylor	Deregistration request 19 March 09
23 Feb 06	235	Yagga Yagga Community Aboriginal Corporation	WA	Austin Taylor	Deregistration request 19 March 09

Date appointed	ICN	Corporation	State	Liquidator	Outcome
2 March 06	2824	Goreta Aboriginal Corporation	SA	Alan Scott	Deregistration request 21 Nov 08
13 March 06	799	Minbani Aboriginal Corporation	NT	Bob Cowling	In progress
16 March 06	2416	Marruwayura Aboriginal Corporation	WA	Brian McMaster	In progress
31 Aug 06	1716	Armidale Employment Aboriginal Corporation	NSW	Grant Sparks	In progress
22 Nov 06	703	Western Australia Aboriginal Media Association (Aboriginal Corporation)	WA	Brian McMaster	In progress
25 Jan 07	1096	South East Qld Aboriginal Corporation for Legal Services	Qld	Graham Starkey	In progress
8 March 07	597	The Nunukul/Ngugi Cultural Heritage Aboriginal Corporation of Quandamooka	Qld	Matthew Joiner and Gerald Collins	In progress
5 June 07	3884	Rio CDEP Aboriginal Corporation	NSW	Deryk Andrew and Ozem Kassam	In progress
13 Aug 07	651	Ngoonjuwah Council Aboriginal Corporation	WA	Austin Taylor and Anthony James	In progress
30 Aug 07	33	Tenterfield Aboriginal Corporation	NSW	Grant Sparks and Raymond Richards	In progress
9 Oct 07	3805	Billa Downs Aboriginal Corporation	WA	Tony Cant	In progress
23 Oct 07	3620	Yakuna Dreaming Aboriginal Corporation	Vic	Roger Smith	In progress
25 Oct 07	210	Ninga Mia Village Aboriginal Corporation	WA	Chris Munday	Deregistration request 21 July 08
12 Nov 07	3620	Yakuna Dreaming Aboriginal Corporation	Vic	Roger Smith	In progress
18 Dec 07	1756	Piabun Aboriginal Corporation	Qld	Peter Lucas and Graham Starkey	In progress
4 April 08	3520	Nyunbuk Moorit Booja Aboriginal Corporation	WA	Brian McMaster and Jack James	In progress

Date appointed	ICN	Corporation	State	Liquidator	Outcome
4 April 08	4063	Ngarla Mia Mia Karlak Aboriginal Corporation	WA	Brian McMaster and Jack James	In progress
13 June 08	3783	Townsville Thuringowa Indigenous People's Community Employment Enterprise Development Aboriginal Corporation	Qld	Moira Carter	In progress
24 July 08	484	Mooniemia Aboriginal Corporation	WA	Chris Munday and Bryan Hughes	In progress
25 Aug 08	1383	Waminda Aboriginal Corporation	WA	Brian McMaster and Jack James	In progress
11 Sept 08	4011	North Stradbroke Island Community Development Employment Programme Aboriginal Corporation	Qld	Julie Williams	In progress
30 Dec 08	1094	Bama Ngappi Ngappi Aboriginal Corporation	Qld	Bill Buckby	In progress
11 Feb 09	1236	Wallaga Lake Community Development Employment Program Aboriginal Corporation	NSW	Frank Lo Pilato	In progress

Receiverships

ICN	Corporation	State	Receiver	Start	End
2651	Kimberley Aquaculture Aboriginal Corporation	WA	Robert Ferguson	12 Jan 2009	

Voluntary administrations

ICN	Corporation	State	Administrator	Start	End
1725	Coen Regional Aboriginal Corporation	Qld	Ian Currie	5 Nov 07	9 April 08
1900	Aboriginal Corporation of Employment and Training Development	SA	Tony Grieves	11 March 08	23 June 08
1302	Wongatha Wonganarra Aboriginal Corporation	WA	Brian McMaster and Jack James	17 March 08	4 July 08
3783	Townsville Thuringowa Indigenous People's Community Employment Enterprise Development Aboriginal Corporation	Qld	Moira Carter	7 May 08	12 June 08
4368	Barunga Community Store Aboriginal Corporation	NT	Austin Taylor and Anthony James	19 May 08	25 June 08
126	Yamboora Aboriginal Corporation	NSW	Morgan Chubb	30 July 08	19 Nov 08
4027	Wuduluk Progress Aboriginal Corporation	NT	Austin Taylor and Anthony James	3 Sept 08	30 Sept 08
2705	Wila Gutharra Community Aboriginal Corporation	WA	David Hurt and Chris Williamson	5 Sept 08	16 Dec 08
1094	Bama Ngappi Ngappi Aboriginal Corporation	Qld	Bill Buckby	24 Nov 08	30 Dec 08

Deeds of Corporation Arrangement (DoCAs)

ICN	Corporation	State	Administrator	Start	End
442	The Arrernte Council of Central Australia Aboriginal Corporation	NT	Ian Hall	24 Nov 04	
788	Gurungu Council Aboriginal Corporation	NT	Austin Taylor and Anthony James	16 Sept 05	
2822	Leonora Aboriginal Corporation	WA	Chris Munday	13 Dec 06	23 July 08
360	Wheatbelt Aboriginal Corporation	WA	Chris Munday and Bryan Hughes	24 May 07	
1725	Coen Regional Aboriginal Corporation	Qld	Ian Currie	9 April 08	
1900	Aboriginal Corporation of Employment and Training Development	SA	Tony Grieves	23 June 08	
4368	Barunga Community Store Aboriginal Corporation	NT	Austin Taylor and Anthony James	25 June 08	
1302	Wongatha Wonganarra Aboriginal Corporation	WA	Brian McMaster and Jack James	4 July 08	
4027	Wuduluk Progress Aboriginal Corporation	NT	Austin Taylor and Anthony James	30 Sept 08	
126	Yamboora Aboriginal Corporation	NSW	Morgan Chubb	19 Nov 08	
2705	Wila Gutharra Community Aboriginal Corporation	WA	David Hurt and Chris Williamson	16 Dec 08	

IN PROGRESS
 FINALISED
 NEW

TABLE 10 NUMBER OF EXAMINATIONS INITIATED, ADMINISTRATIONS APPOINTED, AND DEREGISTRATIONS AND REINSTATEMENTS COMPLETED 2002-03 TO 2008-09

Regulatory action	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Examinations initiated	35	54	61	49	50	60	81
New administrations appointed	8	7	7	14	7	3	8
Deregistrations completed	116	282	269	180	87	32	4
Reinstatements	-	-	-	12	2	-	2



Lorna and Sholau Hudson review the general report for Lowarda Aboriginal Corporation, Derby.

PUBLIC EDUCATION AND INFORMATION

Corporate governance training

ORIC's Training Section delivers a suite of corporate governance training programs to Aboriginal and Torres Strait Islander corporations registered under the CATSI Act, as well as groups and organisations that want to register under the CATSI Act. This training is part of the Registrar's regulatory function of providing public education and reflects ORIC's commitment to improving the sustainability, transparency and accountability of corporations.

ORIC's training objectives are to:

- strengthen the governance capacity of members, directors and staff—contributing to the long-term viability of corporations and communities
- integrate ORIC's regulatory functions with capacity building—strengthening people and communities
- develop a coordinated and consistent approach to the delivery of corporate governance training to Aboriginal and Torres Strait Islander corporations across Australia through the establishment of state and territory training partnerships.

Structural arrangements

Training is offered to directors, members and key staff of Aboriginal and Torres Strait Islander corporations.

Corporation-specific training

This type of training for corporations is flexible and tailored to the requirements of the corporation. This training consists of:

- **pre-incorporation doorway services (including transfers and amalgamations)**—looks at the issues that affect a group becoming a legal body and gives information on CATSI Act requirements and processes
- **rules design and redesign**—facilitates discussion and decision making about requirements under the CATSI Act and helps draft and develop rule books
- **corporation/post-administration governance training**—addresses specific governance issues a corporation may have, such as the roles and responsibilities of directors. Sometimes the training focuses on the underlying issues that led to administration and helps corporations rebuild after administration.

Managing in Two Worlds training

This training consists of:

- non-accredited **Introduction to Corporate Governance (ICG)**—held over three days
- non-accredited **Building Strong Corporations (remote)**—held over six days
- an accredited **Certificate IV in Business (Governance)** course—delivered in four one-week blocks
- an accredited **Diploma of Business (Governance)** course—delivered in five one-week blocks.

Building Strong Stores

This three-day program is designed specifically for corporations that manage a community store. For more information about this new program, see the case study on p. 63.

Training days—directly delivered

Estimate 200	Actual 207.5
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Training—participant satisfaction

Estimate 90%	Actual 93%
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This year ORIC's training program delivered 207.5 training days against its target of 200 days.

TABLE 11 DAYS OF TRAINING DELIVERED BY TYPE, 2008–09

Type of training	Days
Corporation-specific training (non-accredited)	130.5
Introduction to Corporate Governance (non-accredited)	6
Certificate IV in Business (Governance) (accredited)	54
Other (non-accredited)	17
TOTAL	207.5

Corporation-specific training

In 2008–09 ORIC’s training program focused on intensive transition workshops and clinics aimed at helping corporations to transition their rule books from the ACA Act to the CATSI Act. ORIC also provided training to five corporations after they had come out of special administration.

MAP 5 TRAINING DELIVERED BY REGION, 2008–09

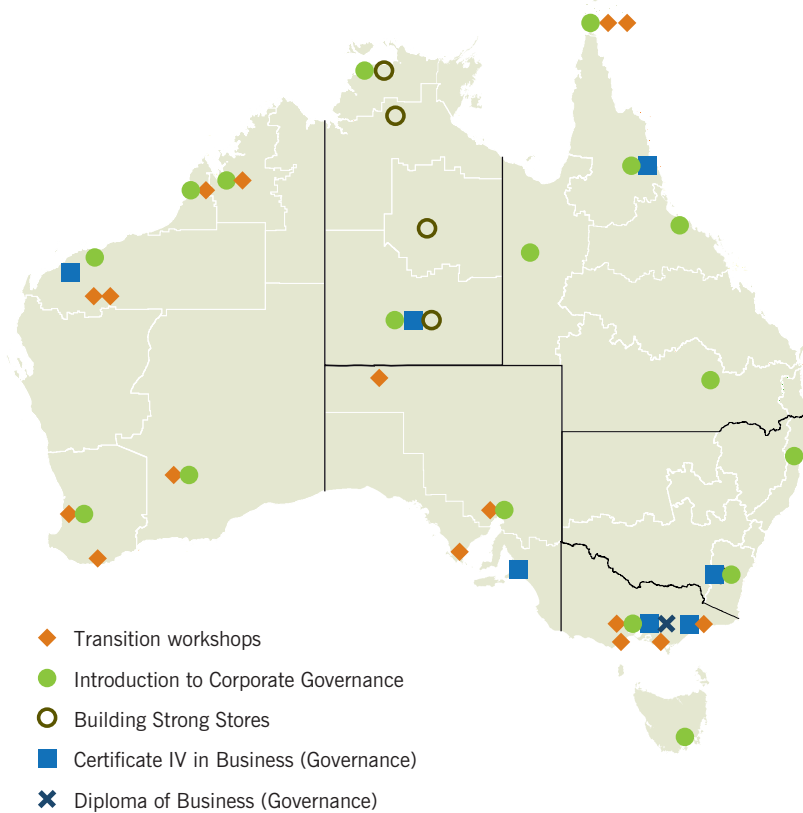
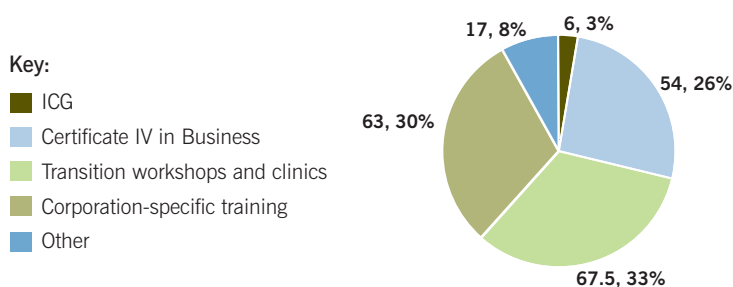


FIGURE 14 TRAINING TYPE AND DAYS, 2008–09



Introduction to Corporate Governance

The Introduction to Corporate Governance (ICG) is a three-day participatory workshop that covers the broad principles of corporate governance. It is a prerequisite for the accredited Certificate IV in Business (Governance). This year ORIC delivered seven ICG workshops—five in partnership with the Western Australian Government (see table 17).

TABLE 12 INTRODUCTION TO CORPORATE GOVERNANCE WORKSHOPS, 2008–09

Introduction to Corporate Governance (ICG)	Participants enrolled	Completed
Torres Strait	25	25
South Hedland	27	25
TOTAL	52	50

Certificate IV in Business (Governance)

This year ORIC delivered Certificate IV courses in Alice Springs and Cairns. There were 16 graduates from a total of 28 participants. Participants in the Alice Springs program were from central Australian communities while those in Cairns were primarily from far north Queensland and the Torres Strait Islands. The lower completion rate highlights the issues participants face when they have to attend four one-week residential blocks spread over a four to eight month period. ORIC remains committed to helping participants who did not graduate by offering them places on subsequent courses. A breakdown of the certificate program is:

TABLE 13 CERTIFICATE IV COURSES, 2008–09

Certificate IV in Business (Governance)	Participants enrolled	Graduates
Cairns	18	13
Alice Springs	10	3
TOTAL	28	16



Graduates from the Cairns Certificate IV in Business (Governance), 20 March 2009.

BACK: Douglas Passi, James Akee, Alan Woodley, Nadai Neliman, Cyril Manas, William Akee and James Bon

FRONT: Catherine Salee, Gwen Schrieber, Beverley Jacobs, Enid Tom, Patricia Nona and Mary Yoelu

Training days—partnership activity

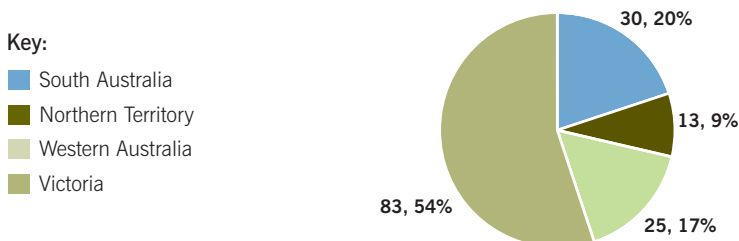
Estimate 150

Actual 151

ORIC's partnership activity continued to grow and consolidate this financial year. New training partnerships were entered into between ORIC and the Western Australian Government and ORIC and the Northern Territory Government. ORIC also continued to work closely with its partners in Victoria and South Australia. These partnerships increased the number of training programs offered to corporations, resulting in 151 actual training days being delivered. ORIC recognises the value of Commonwealth and state collaboration in corporate governance training delivery and is committed to the development of partnerships with other jurisdictions.

The following is a record of partner training activity delivered this financial year.

FIGURE 15 TRAINING DAYS DELIVERED IN PARTNERSHIPS, 2008–09



Victorian partnership

In 2008–09 Aboriginal Affairs Victoria (AAV) and Consumer Affairs Victoria (CAV) continued their strong partnership with ORIC. The Victorian partners delivered 83 days of training, which covered the Certificate IV and diploma.

TABLE 14 TRAINING DELIVERED WITH VICTORIAN GOVERNMENT, 2008–09

Training type	Days
Introduction to Corporate Governance—Echuca, Melbourne (2 courses), Traralgon, Geelong and Metung	18
Certificate IV in Business (Governance)	40
Diploma of Business (Governance)	25
TOTAL	83

South Australian partnership

This year the South Australian Department of Premier and Cabinet's Aboriginal Affairs and Reconciliation Division (DPC AARD), the South Australian Office of Consumer and Business Affairs and ORIC formalised their partnership through a memorandum of understanding.

In 2008–09 DPC AARD ran three ICG courses and organised an ORIC-funded Certificate IV in Business (Governance). ORIC and the South Australian Government are continuing to work on a remote training program for the Anangu Pitjantjatjara Yankunytjatjara lands following the successful delivery of a Building Strong Corporations workshop in Umuwa in February and March 2009.

TABLE 15 TRAINING DELIVERED WITH SOUTH AUSTRALIAN GOVERNMENT, 2008–09

Training type	Days
Introduction to Corporate Governance—Adelaide, Port Augusta and Port Lincoln	9
Building Strong Corporations—Umuwa	6
Certificate IV in Business (Governance)	15
TOTAL	30

Northern Territory

This year ORIC established a pilot partnership with the Northern Territory Government and the Community Stores Unit of the Department of Families, Housing, Community Services and Indigenous Affairs to deliver corporate governance training to the community stores licensed under the Northern Territory National Emergency Response. The three-day Building Strong Stores (BSS) program introduced basic principles and concepts of good corporate governance, including roles and responsibilities, understanding financial records, conflicts of interest and good decision making.

Five key locations in the Northern Territory were targeted for delivery to ensure that all the stores could access at least one of the workshops. The key sites were Alice Springs, Tennant Creek, Katherine, Darwin and Nhulunbuy. The Nhulunbuy workshop was rescheduled for the 2009–10 financial year. The BSS program was well received by both participants and trainers and is an exciting addition to ORIC's training suite.

TABLE 16 TRAINING DELIVERED WITH NORTHERN TERRITORY PARTNERS, 2008–09

Training type	Days
Building Strong Stores—Alice Springs, Tennant Creek, Katherine and Darwin	12
Corporation-specific training	1
TOTAL	13

Partnership discussions will recommence in 2009–10 to review the training program in the Northern Territory and to decide on the nature and extent of any future training.

Western Australia

A new partnership pilot training program was established in 2008–09 between the Western Australian Department of Indigenous Affairs (DIA), Department of Commerce (DoC) and ORIC. This partnership enabled ORIC to deliver five ICGs and the first block of a Certificate IV in Business (Governance). The ICGs were conducted in Broome, Kalgoorlie, Perth, Karratha and Albany.

ORIC is keen to continue this partnership arrangement and will be meeting with DIA and DoC in 2009–10 to discuss an ongoing partnership.

TABLE 17 TRAINING DELIVERED WITH WESTERN AUSTRALIAN GOVERNMENT, 2008–09

Training type	Days
Introduction to Corporate Governance—Kalgoorlie, Perth, Karratha, Broome and Albany	15
Certificate IV in Business (Governance)	10
TOTAL	25



Building strong stores

In partnership with the Northern Territory Government and the Community Stores Unit of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), ORIC developed a new corporate training program—Building Strong Stores (BSS). The training program was developed for the specific needs of FaHCSIA-licensed stores in the Northern Territory.

The program addresses various aspects of running a community store, such as business strategies, the roles and responsibilities of store directors and managers, financial management, decision making and licensing requirements. The objective of this program is to help participants understand the principles of good corporate governance and key aspects of running a successful community store.

The BSS training material caters for a variety of audiences by using plain English, diagrams, visual aids and participatory learning methods. The delivery and course exercises accommodate multiple literacy levels. Trainers encourage participants to draw on their own experiences to stimulate group participation and learning.

Four BSS programs were delivered in Alice Springs, Tennant Creek, Katherine and Darwin during this financial year and Indigenous leaders from the stores attended the workshops. ORIC will continue to deliver the BSS training in 2009–10 and will take the program beyond the Northern Territory, with scheduled workshops to be held in Queensland, Western Australia and South Australia.

The BSS program has been very successful. It was well received by community store leaders and received a high satisfaction rating. Many community store leaders expressed a strong desire for follow-up training and ongoing ORIC engagement to help communities build stronger and better stores.



Participants at the Alice Springs Building Strong Stores workshop held from 24–26 March 2009.
FROM LEFT TO RIGHT— Raymond Webb and John Bookie.

Communications and policy



ORIC uses communication activities to provide information about the CATSI Act, what ORIC does and guidance for corporations. The range of activities includes publications, direct mail, website, telephone and email inquiries, newspaper and radio campaigns and media releases. We also use field officers to provide CATSI Act information in communities.

In its communications ORIC uses Mary G (aka Mark Bin Bakar), well-known Kimberley performing artist and leading Aboriginal spokesperson, to help explain key points about the CATSI Act. Mark Bin Bakar was 2008 West Australian of the Year. He was also appointed chairman of the Australia Council for the Arts' Aboriginal and Torres Strait Islander Board in May 2009. Mark also holds a number of council, board and committee positions.

ORIC's communication activities also focus on supporting other ORIC services, such as training workshops and special administrations.

Publications

ORIC has a variety of free publications setting out what it does, including its corporate plan and its service charter. Although it is not a legislative requirement, ORIC publishes this yearbook as well as contributing to FaHCSIA's annual report (see www.fahcsia.gov.au). There are also a suite of fact sheets, policy statements, newsletters and other materials explaining the CATSI Act and how the Registrar applies it. We also publish 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

In 2008–09 ORIC issued 25 media releases about special administrations, winding up corporations, transfers to the CATSI Act and other ORIC activities (see appendix 1).

Media campaigns

Every year ORIC runs a series of radio and press advertisements on the National Indigenous Radio Service and in Indigenous newspapers, to remind corporations of their obligations under the CATSI Act—such as when annual reports are due, when to get their financial statements audited and when to hold annual general meetings.

Compliance with reporting requirements

ORIC's most high-profile campaign during 2008–09 was for reporting compliance. This campaign encouraged corporations to comply with the law and to lodge their 2007–08 reports. The first phase involved direct mail and a series of public announcements in ORIC's newsletters, regional and national Indigenous newspapers and on radio stations to remind corporations about their reporting obligations, the risks of not reporting and how to lodge reports.

The second phase began in March 2009. ORIC published a list on its website, updated weekly, and in 32 regional newspapers identifying corporations in each relevant area that were in breach of reporting requirements at the time.

ORIC staff responded to many media inquiries about the campaign. Considerable local media coverage was given about the key messages of this activity. This campaign supported an extensive program of ORIC staff visiting corporations in the field.

These activities contributed to the increased reporting compliance of corporations to 72 per cent in this reporting period—the highest result ever achieved by ORIC.

Transition to the CATSI Act

Another significant target for ORIC during 2008–09 was for 95 per cent of corporations to transition their rule books to the CATSI Act by 30 June 2009. The CATSI Act came into effect on 1 July 2007. Corporations had two years to fully transition to the requirements of the new law.

ORIC developed a major information campaign about the CATSI Act and what corporations needed to do. The main task for corporations was to change their constitutions to a rule book under the CATSI Act.

This information was delivered nationally using press, radio, workshops, one-on-one appointments and mail distribution of printed materials, such as fact sheets, booklets and posters. The activities provided corporations with information about the deadline for transition, the advantages of designing your own rule book, steps to take, tools to create a rule book and how to seek help.

Freecall number—1800 622 431

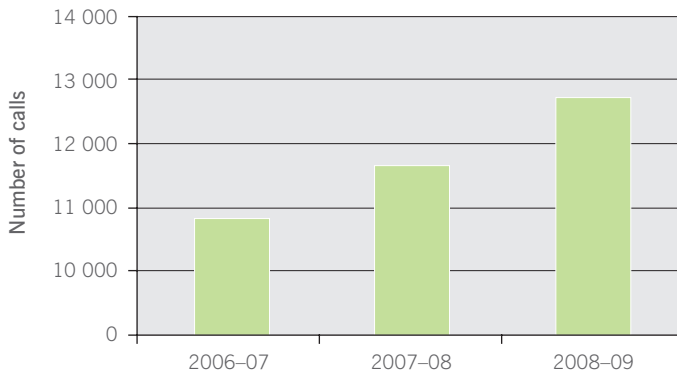
ORIC provides a personal information and advice service to clients. A lot of ORIC's initial contact with corporations is through the freecall telephone service. During the year ORIC made enhancements to this service, including implementing interactive voice recognition messages. This feature allows callers to access their preferred business area directly.

In 2008–09 ORIC received 12 830 calls on its freecall number compared to 11 785 in the previous financial year.

TABLE 18 NUMBER OF CALLS TO ORIC'S FREECALL NUMBER, 2006–07 TO 2008–09

2006–07	2007–08	2008–09
10 800	11 785	12 830

FIGURE 16 NUMBER OF CALLS TO ORIC'S FREECALL NUMBER, 2006-07 TO 2008-09



Website

ORIC used the findings from a review in 2007-08 of the content and information architecture of its website to significantly improve its usability. In December 2008 ORIC launched a completely redeveloped website.

The changes included:

- a new map-based training workshop locator
- an enhanced search facility
- easier page navigation
- a new, secure forms lodgment website
- a new corporation extract report.

The website also presents good news stories about corporations. Each month ORIC shares with visitors a 'Spotlight on' article about the activities of one of our corporations (see the case study on p. 67 for further information).

In 2008-09 there were 28 660 absolute unique visitors who accessed the ORIC website. Altogether there were 60 471 visits to the website.

The most popular feature of the website continues to be the public Register of Aboriginal and Torres Strait Islander Corporations. This is presented as the 'Search for a corporation' feature on the site.

Policy statements

ORIC has published a range of 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.

During 2008-09 ORIC published five new policy statements and revised two.

Our current policy statements are listed in appendix 1.



Spotlight on ...

ORIC added a new feature to its website in 2009 to showcase good news stories about corporations on a monthly basis.

The following corporations have been featured this year:

FEBRUARY: Wirrimanu Aboriginal Corporation

MARCH: Ramahyuck District Aboriginal Corporation

APRIL: Bulabula Arts Corporation

MAY: Mookai Rosie Bi-Bayan (Aboriginal and Torres Strait Islanders) Corporation

JUNE: Juluwarlu Group Aboriginal Corporation.

ORIC celebrates the achievements, whether big or small, of Aboriginal and Torres Strait Islander corporations. Every endeavour takes effort and planning and not often enough do the good news stories get the attention they deserve.

The stories are featured on the homepage of ORIC's website at www.oric.gov.au.



Scenes from the story on Wirrimanu Aboriginal Corporation, which owns the Balgo shop in the East Kimberley, featured in our first 'Spotlight on' in February 2009.

MEDIATION AND DISPUTE RESOLUTION

TABLE 19 MEMBERS' COMPLAINTS AND DISPUTE ASSISTANCE

Year finalised	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Number of complaints finalised	107	131	119	103	110	239	244
Number of disputes resolved							45*

* Separate recording of disputes began in 2008-09.

Mediation and Dispute Resolution Section

A dedicated Mediation and Dispute Resolution Section (MDRS) was established on 1 July 2008, with six staff becoming accredited mediators. The section assisted with the resolution of 45 disputes and finalised 244 complaints in 2008-09 compared to 239 dealt with by other areas of ORIC in 2007-08.

Requests for assistance with complaints and disputes continue to increase. Historically, disputes have been a significant cause of corporate failure. MDRS aims to reduce the instances of corporate failure from poorly managed disputes.

Well-managed disputes can improve the resilience of a corporation and improve confidence in the sector. ORIC works with parties in dispute to design a response most suited to the corporation's needs.

Services offered in 2008-09 included:

- formal advisory opinions
- informal advice on dispute management
- conferencing and small group problem solving
- mediation
- attending, calling, chairing and advising general meetings.

ORIC explored models for combining dispute resolution services with other services such as training and good governance audits. Combining training on specific governance issues and dispute management with facilitated problem solving was successfully used in a number of cases.

Dispute resolution processes were included in the rule books of all transitioned corporations, as it is a mandatory requirement under the CATSI Act.

In 2009–10 the new dispute and resolution services will be widely promoted and ORIC will explore ways to increase the capacity to respond through strategic partnerships and referrals.

Mediation and dispute resolutions services will be provided as a priority when:

- the corporation provides essential services
- the corporation holds land or native title
- the corporation has stopped functioning because of the dispute
- the corporation receives Australian Government funding
- an Australian Government agency has requested that ORIC intervene
- a large number of members are affected by the dispute
- there is a public interest in resolving the dispute.



Mediation training (LEFT) Participants attend a mediation training session.
(RIGHT) Gloria Jackson receives her certificate of completion from the trainer.

PLANNING AND RESEARCH

ORIC's Planning and Research Section is responsible for:

- managing the development, review and reporting on corporate documents—for example, the *Reconciliation action plan* (RAP), *ORIC's Indigenous workforce strategy*, *ORIC's strategic plan*, *ORIC's service charter* and the ORIC risk plan.
- reporting on ORIC's internal performance measures
- targeting research and analysis relevant to ORIC's statutory functions and business operations
- developing and contributing to policy about Indigenous corporate governance
- parliamentary reporting, including submissions to inquiries.

The section has focused its efforts on providing information to parliamentary committee inquiries related to Indigenous corporate governance. The Registrar made submissions and appeared before the following Australian parliamentary inquiries:

- the Senate Select Committee on Regional and Remote Indigenous Communities (written submission)
- the Senate Standing Committee on Economics inquiry into the disclosure regimes for charities and not-for-profit organisations (written submission and appearance)
- the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into developing Indigenous enterprises (written submission and appearance)
- the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into community stores in remote Aboriginal and Torres Strait Islander communities (appearance).

ORIC is also finalising a research paper, *Demystifying the myths and analysing key characteristics in Indigenous corporate failure*. The paper will be used to determine how ORIC can be more responsive to particular corporate governance issues in corporations as they arise and publicly inform the Indigenous corporate sector and funding bodies of factors that contribute to corporate failure.

The Planning and Research Section is responsible for monitoring the implementation of ORIC's RAP. Each section within ORIC provides contributions to the quarterly reports. During the financial year the section brought these contributions together in three separate reports, which are made available to all ORIC staff. The yearly report is made available on ORIC's website.

The section also coordinated the development of ORIC's *Indigenous workforce strategy*, which is one of the actions contained in the RAP. The strategy will be implemented in 2009–10.

An ORIC Happiness Committee was set up to plan a range of activities to promote the wellbeing of staff and their families through physical and social activities. The committee developed the ORIC Happiness Committee calendar, listing a variety of events and activities.

INVESTIGATIONS AND PROSECUTIONS

On 1 July 2008 the Investigations and Prosecutions Section was established. The section has specific responsibility for investigating and managing prosecutions of alleged or suspected contraventions of the CATSI Act or other Commonwealth legislation—or of a state or territory if the contravention:

- concerns the management or examinable affairs of an Aboriginal or Torres Strait Islander corporation or a related body corporate or
- involves fraud or dishonesty and relates to an Aboriginal or Torres Strait Islander corporation or a related body corporate.

The section may be required to exercise some of the Registrar's coercive powers provided for under the CATSI Act as part of a formal investigation.

The section is also responsible for establishing and implementing a penalty notice scheme as well as managing disqualifications of individuals who are not eligible to be a director under the CATSI Act.

In December 2008 ORIC established a Regulation and Litigation Committee. It is an internal committee and its role is to:

- approve matters for investigation and/or litigation (criminal and civil)
- refer appropriate matters to a delegate of the Registrar to consider whether to appoint a special administrator
- allocate resources to investigations, special administrations and litigation
- assess and monitor ORIC's work in the areas of investigations, special administrations and litigation.

The committee comprises four senior managers of ORIC including the Deputy Registrar and ORIC's General Counsel.

TABLE 20 MATTERS DEALT WITH BY THE REGULATION AND LITIGATION COMMITTEE**NEW MATTERS**

Matters approved for investigation	4
CDPP referrals approved	2
Show cause (section 487-10) notices monitored	11
Litigation matters monitored	2
Windings up monitored	1
TOTAL	20

CLOSED MATTERS

Investigations	2
CDPP referrals	0
Show cause (section 487-10) notices monitored	7
Litigation matters monitored	1
Windings up monitored	0
TOTAL	10

MATTERS ON HAND AT 30 JUNE 2009

Investigations	2
CDPP referrals	2
Show cause (section 487-10) notices being monitored	4
Litigation matters being monitored	1
Windings up monitored	1
TOTAL	10

During the year, ORIC negotiated a memorandum of understanding (MOU) with the Commonwealth Director of Public Prosecutions (CDPP). The MOU formalises the working arrangements between ORIC and the CDPP for the investigation and prosecution of alleged offences under the CATSI Act and related matters. The MOU was signed on 5 August 2009.