



Australian Government
Office of the Registrar of Indigenous Corporations

Yearbook

strong corporations // strong people // strong communities

2008-09





ABOUT THE YEARBOOK

Under current legislation the Registrar of Indigenous Corporations (Registrar) is not required to produce an annual report. However, the Registrar thinks it appropriate and desirable to publish a yearbook as an aid to those interested in our work.

The Office of the Registrar of Indigenous Corporations (ORIC) provides support to the Registrar, an independent statutory office holder responsible for administering the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). The functions of the Registrar are prescribed by the CATSI Act and form the basis of all ORIC's business.

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

FUNCTIONS OF THE REGISTRAR

The Registrar has the following functions:

- to **administer** the CATSI Act
- to maintain certain **registers**
- to make available to the public **information** about the registration of Aboriginal and Torres Strait Islander corporations and the administration of the CATSI 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 CATSI Act and 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 CATSI Act:
 - about the internal operation of an Aboriginal and Torres Strait Islander corporation or
 - involving Aboriginal and Torres Strait Islander corporations
- to conduct **research** on matters affecting Aboriginal and Torres Strait Islander corporations
- to develop **policy proposals** about Aboriginal and Torres Strait Islander corporations.



ORIC AT A GLANCE

VISION

Strong corporations, strong people, strong communities

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

GOVERNANCE

The Registrar of Indigenous Corporations is an independent statutory office holder appointed by the Minister for Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). ORIC supports the Registrar to regulate and provide services to corporations under the CATSI Act. ORIC is part of the FaHCSIA portfolio.

MAIN ACTIVITIES

The main activities of ORIC are to:

- make sure Aboriginal and Torres Strait Islander corporations registered under the CATSI Act follow the law
- advise Aboriginal and Torres Strait Islander groups on how to become corporations and help them register
- help Aboriginal and Torres Strait Islander corporations understand, create and adopt their own rule book according to their own needs and values
- offer support services, advice and corporate governance training to help corporations do the best job for their members and communities
- record public information about corporations
- help corporations with complaints and provide mediation and dispute resolution services
- conduct investigations into breaches of the CATSI Act.

STAFF

Employed 70 people—including 20 Aboriginal and Torres Strait Islander staff members.



HIGHLIGHTS

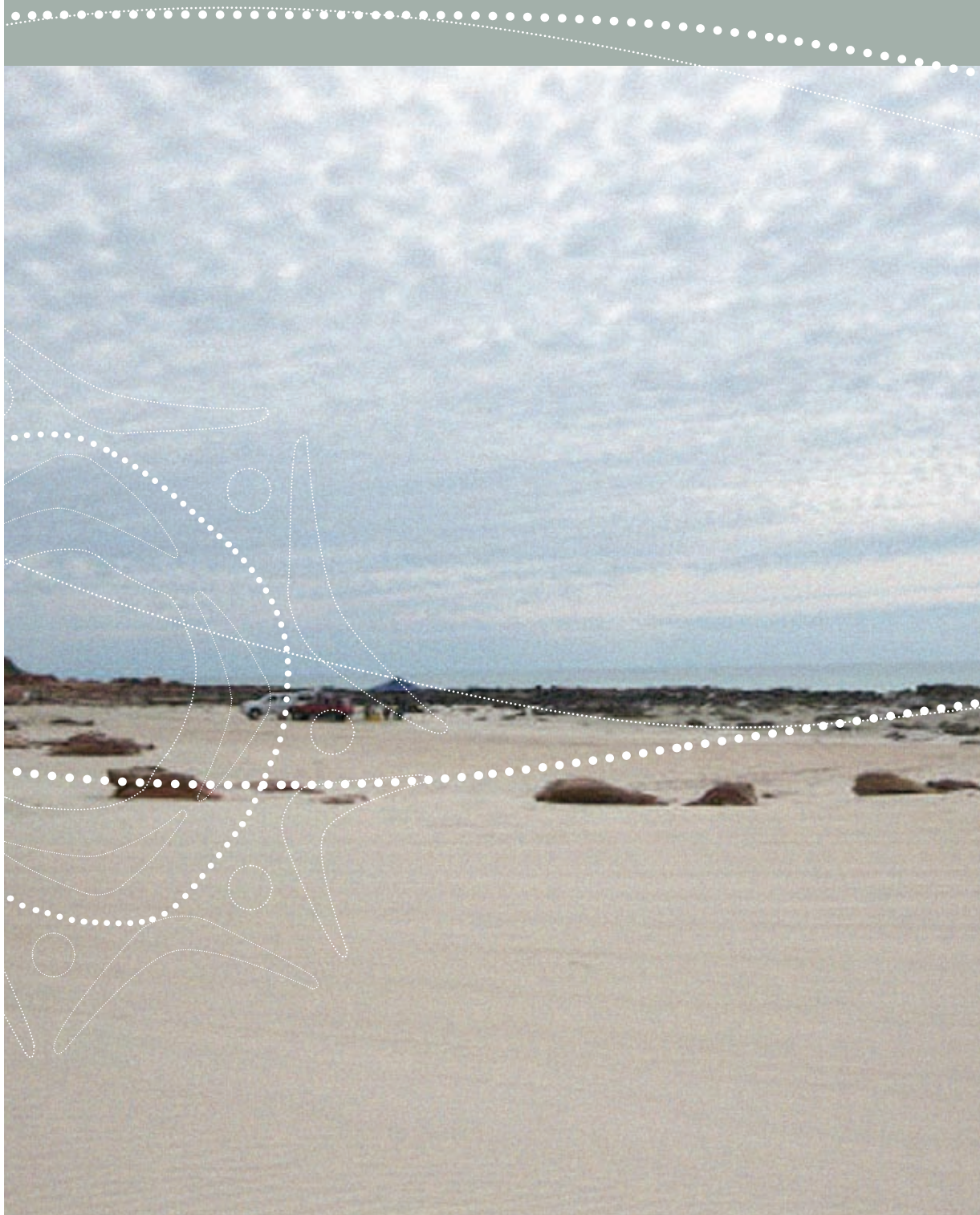
In 2008–09 ORIC:

- completed a successful transition to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) on 30 June 2009 of 99.6 per cent of corporations
- deployed a compliance campaign to help corporations complete their reporting requirements under the CATSI Act
- 72 per cent compliance rate with reporting, the highest level ever reached and an increase of 13 per cent on the previous year's compliance rate of 59 per cent
- implemented Registrar-initiated rule books for corporations without their own rule books
- delivered 207 days (204 days last year) of training to build the capacity of Aboriginal and Torres Strait Islander corporations by providing education and assistance
- 81 formal examinations of Aboriginal and Torres Strait Islander corporations to assess the governance of the corporations—an increase on last year's 60 formal examinations
- six special administrations continued from previous years, eight new special administrations begun and 10 ended during the 2008–09 year, leaving four special administrations in progress at 30 June 2009
- refined ORIC's document registration systems and introduced online lodgment to help corporations lodge their reports on time
- introduced and reported on ORIC's first *Reconciliation action plan* (RAP)
- completed an Indigenous workforce strategy as outlined in the RAP to look at the recruitment, development and retention of Aboriginal and Torres Strait Islander staff
- increased the number of Aboriginal and Torres Strait Islander employees from 11 (16 per cent) to 20 (29 per cent)
- contributed to whole-of-government policy through submissions to and appearances before parliamentary committee inquiries into matters relating to the governance of Aboriginal and Torres Strait Islander corporations
- established a mediation and dispute resolution service, which has resolved 45 disputes and responded to over 240 complaints.

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// FROM THE REGISTRAR
YEAR IN REVIEW





Anthony Beven
REGISTRAR

OFFICE OF THE REGISTRAR OF
INDIGENOUS CORPORATIONS

YEAR IN REVIEW

The past year has been full of challenges but also full of achievements.

We have raised the bar with the number and quality of the services we provide to Aboriginal and Torres Strait Islander corporations and this has been widely welcomed. Equally though, we have also increased the expectations on our corporations with respect to compliance. But it is not compliance for the sake of compliance; it is about working together to improve the credibility of Aboriginal and Torres Strait Islander corporations and the accuracy and reliability of our public database. We have made compliance easier by removing up to 30 per cent of the information that previously had to be supplied by a corporation as part of its annual reporting to the Registrar and we have provided more field officers on the ground to assist with reporting.

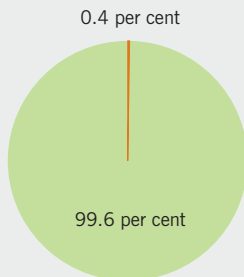
The upcoming year will also be an important year for ORIC as we plan to release more innovative services to address the special needs of corporations and to target higher levels of compliance.

Aboriginal and Torres Strait Islander corporations have diverse functions—from providing health care and power supply to simply holding land—and many have multiple functions. Most corporations are located in remote areas and are publicly funded. However, some generate substantial private income—for example, corporations linked to mining compensation or to the Aboriginal and Torres Strait Islander arts industry. Many hold significant community assets that were funded publicly and are now held privately by the corporations.

In an environment of constant change and in difficult circumstances Aboriginal and Torres Strait Islander corporations continue to provide important services and leadership to their members and communities. To their dedicated directors and staff I express my gratitude and look forward to working with them again during the year ahead.



The transition banner graphic from the website



End of the CATSI Act transition period

The culmination for ORIC this past financial year was the successful end to the transition period under the CATSI Act. Aboriginal and Torres Strait Islander corporations had two years from July 2007 to transition to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). A lot of ORIC's external communications, such as fact sheets, newsletters and radio ads, were aimed at getting the message out to corporations. The message to corporations was clear—make sure you make the necessary changes to your rule books to reflect the internal governance processes of your corporation before the deadline.

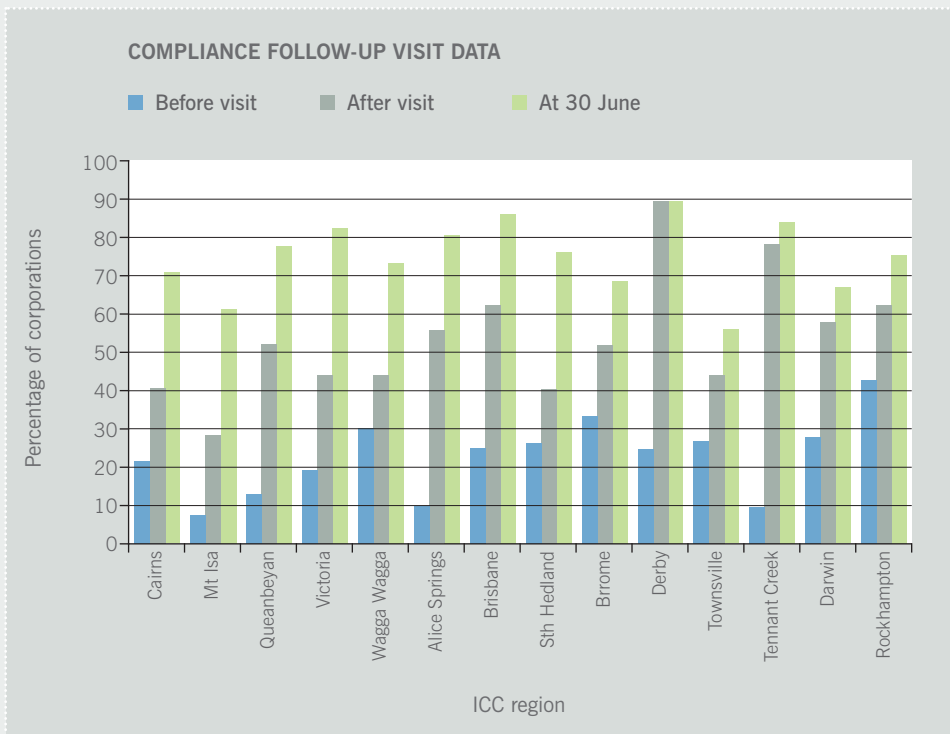
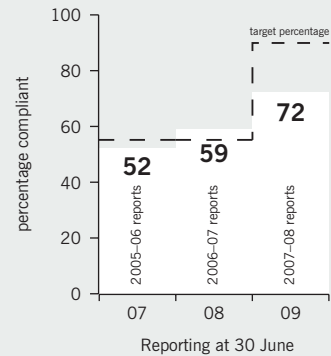
Corporations that couldn't meet the 30 June deadline were helped with Registrar-initiated rule books. These rule books were based on ORIC's *Rule book—condensed* and the corporation's existing constitution. Copies of these rule books were sent to all corporations between mid-June and mid-July. They are available on ORIC's website at www.oric.gov.au.

By 30 June 2009, 99.6 per cent of Aboriginal and Torres Strait Islander corporations had completed the transition.

Strengthening corporate governance

Compliance visits

In the second half of the financial year there was a focus on implementing a compliance plan to help corporations comply with reporting requirements under the CATSI Act. For the first time compliance teams were sent to 14 areas around Australia to provide corporations with face-to-face assistance in lodging reports. This was the key to reporting compliance increasing from 59 per cent to 72 per cent.



Public register

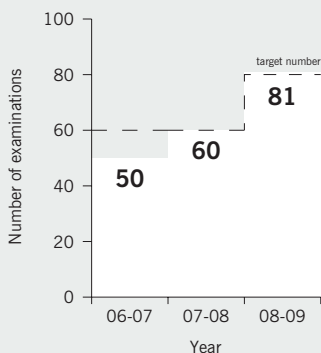
The increase in reporting compliance has substantially improved the accuracy and reliability of data contained in the public register. It now contains more information about corporations and more up-to-date information. All of this is available free of charge from the public register.



New corporate governance training program

In 2009 ORIC's Training Section developed a new corporate governance training program, Building Strong Stores, in partnership with the Northern Territory Government and the Community Stores Unit of FaHCSIA. The program was developed to improve the governance capacity of FaHCSIA-licensed stores in the Northern Territory. Indigenous leaders from stores in and around Alice Springs, Tennant Creek, Katherine and Darwin attended the workshops.

In 2009–10 ORIC intends to expand its training partnerships to include more regions across Australia. Having developed a successful program for stores, we will also be looking at opportunities to develop similar training aimed at other sectors.



Formal examinations

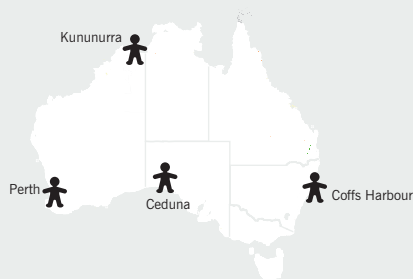
The office conducted 81 formal examinations of Aboriginal and Torres Strait Islander corporations to assess their governance and financial position and offer support in problematic situations. This was a 35 per cent increase from the previous year.



Participants of the Diploma of Business (Governance) course in Cairns, Queensland, undertaking group activities.

Out-posted officer trial

ORIC has been trialling staff out-postings in various locations since March 2008. The long-term aim of the trials is to use the most effective ways of delivering ORIC services and functions in remote and regional locations.



The trials contributed to:

- assisting corporations to transition to the CATSI Act
- increasing the reporting compliance of corporations
- increasing the number of corporations registered under the CATSI Act
- promoting the role of ORIC and benefits of the CATSI Act.

ORIC officers were out-posted in Kununurra (March–December 2008), Ceduna (July–November 2008), Perth (November 2008–February 2009) and Coffs Harbour (from February 2009 onwards).

In 2009–10 ORIC will focus on out-posting officers in some of the 29 sites identified in the Council of Australian Governments' Remote Service Delivery National Partnership, particularly in areas where corporations are delivering essential services to communities.

Staff

New organisational structure

In last year's yearbook an organisational restructure was announced to deliver the following new functions:

- mediation and dispute resolution
- a modernised call centre operation
- investigations and prosecutions
- planning and research.

These changes were implemented on 1 July 2008 and they are reported on in more detail in the relevant sections of this yearbook.

Complaints about ORIC staff and contractors

ORIC responds to complaints about its staff and contractors in accordance with *Policy statement 3: Complaints about the Registrar's staff and contractors*. ORIC tries to respond promptly, thoroughly and with sensitivity to complaints. During 2008–09 two complaints about staff and contractors were received. The complaints have been resolved.

The year ahead: where we want to go

ORIC has already started to implement its business plan for 2009–10. The two key pillars of ORIC's business plan are:

- greater regulatory impact
- improved internal efficiency.

Under these two key pillars, ORIC will continue to deliver tangible outcomes to our corporations over the next 12 months. ORIC, for example, will be strengthening the corporate governance knowledge base and skills sets of corporations through new training products and materials and better ways of communicating with our corporations.

Compliance with the law will remain a primary focus for ORIC in 2009–10 and we will be aiming to increase compliance from 72 per cent to 90 per cent. In the second half of 2009 we will concentrate our push for reporting compliance on large corporations, undertaking compliance activities against those corporations that do not report by 31 December 2009.

ORIC will be investigating further ways to reduce dispute-related corporate failure, leveraging off our new mediation and dispute resolution service. Our research indicates that a major cause of corporate failure is internal dispute. The sooner assistance can be provided the greater the chance that failure can be avoided.

We intend to issue a number of research papers to provide a better understanding of the circumstances in which Aboriginal and Torres Strait Islander corporations operate and the issues they face.

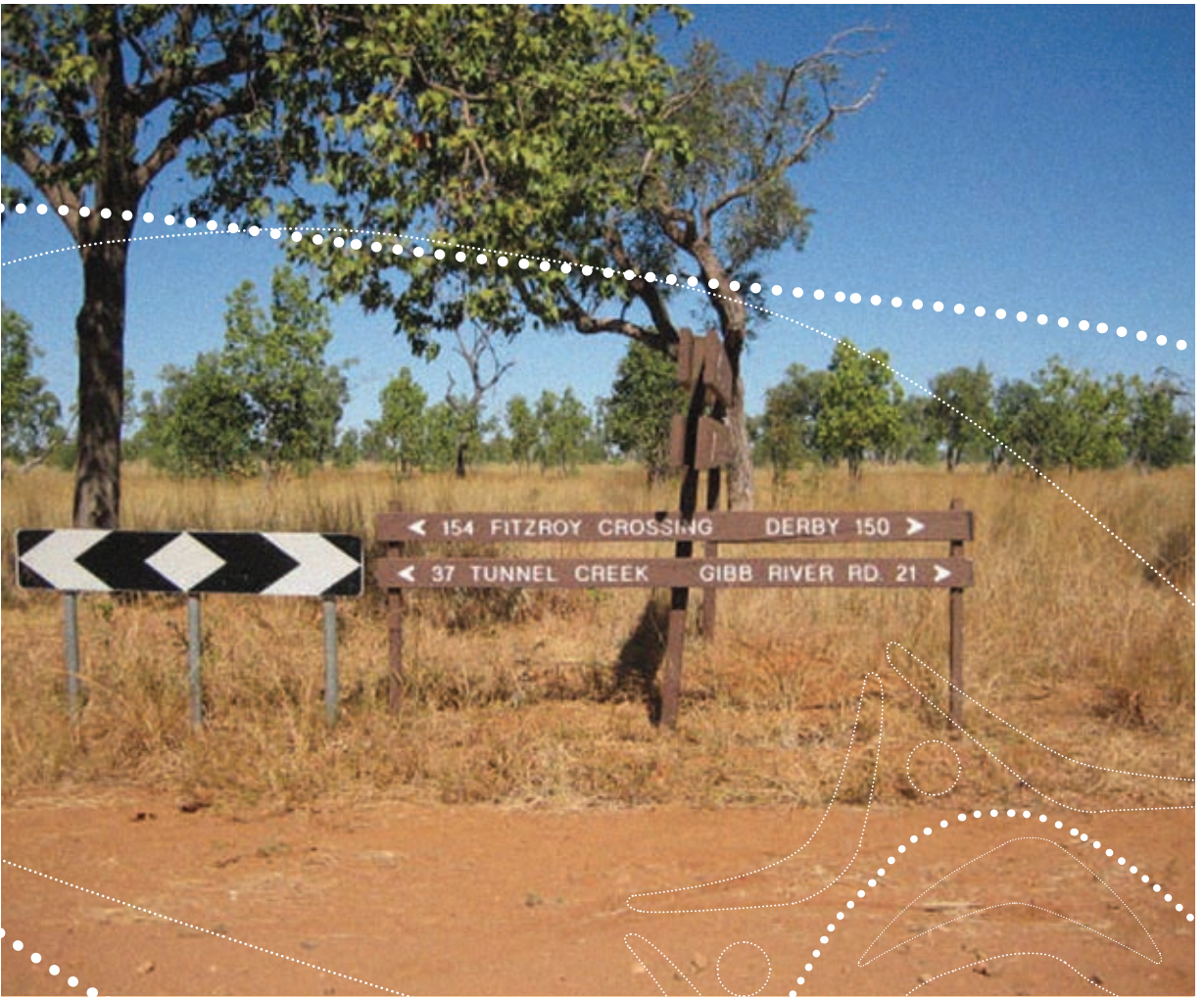
With a strong commitment to service delivery, ORIC is keen to improve its internal business processes—that is, the way we do business. For example, we will be engaging and consulting widely with our corporations to reduce unnecessary reporting. ORIC will also be implementing a stakeholder engagement plan by the end of 2009, including establishing an advisory group. ORIC's detailed business plan for 2009–10 can be found on p. 12 of the yearbook.

Finally, I would like to thank all of ORIC's staff for their dedication and commitment over the last 12 months. They have been asked to deliver more and do it more efficiently, and they have delivered admirably.

I am looking forward to the year ahead. With the support of ORIC's dedicated staff, we will continue to work towards increasing the number of corporations registered under the CATSI Act, increasing reporting compliance, making sure that corporations have sound governance and operational practices in place and resolving problems in corporations. We will uphold our vision, 'Strong corporations, strong people, strong communities'.



Anthony Beven
November 2009



// WHO WE ARE
ABOUT ORIC
ORGANISATION CHART
OUR LEGISLATION

ABOUT ORIC

Our objective

To support the delivery of registration, regulation and related services to Aboriginal and Torres Strait Islander corporations under the CATSI Act.

We aim to deliver our services in a way that takes account of the special needs, requirements and risks of Aboriginal and Torres Strait Islander corporations within the 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 powers and functions according to the CATSI Act, responding to the special needs, requirements and risks of Aboriginal and Torres Strait Islander corporations. Ultimately, the aim is to build the independence and capacity of Aboriginal and Torres Strait Islander individuals, groups and corporations.

Our guiding principles

The following principles guide ORIC's work and are set out in the ORIC publication, *Our client service charter*.

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

Supporting Indigenous economic development—recognising that economic development is a foundation for closing the gap.

Promoting accountability—raising awareness that it is good corporate governance and business practice to be answerable to members, the community and anyone else benefiting from corporations' services. Corporations should meet their legal requirements and other 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 to deal with future challenges. These processes should acknowledge different interests and fit within cultural and community contexts.

Fitting with culture—making sure incorporation models and processes—for example, rule books—fit with the specific culture of the community and locality, and that any dealings with corporations are relevant within that context.

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—equipping corporations with the necessary knowledge and social assets to help build the sustainability of corporations.

business plan

2009-10



Australian Government
Office of the Registrar of
Indigenous Corporations

WHAT WE WANT TO ACHIEVE



greater
regulatory
impact

HOW WE ARE GOING TO ACHIEVE IT

Increase the corporate governance knowledge and skills within corporations.

Increase the efficiency and accountability of corporations.

Reduce dispute related corporate failure.

Start a review of the CATSI Act.

Lead policy development on organisational governance as part of closing the gap.

Develop a recruitment and retention strategy to assist corporations.



improved
internal
efficiency

Enhance ORIC's reputation as an employer of choice.

Increase development opportunities for staff.

Improve how ORIC measures its performance.

Improve corporate performance against key departmental indicators.

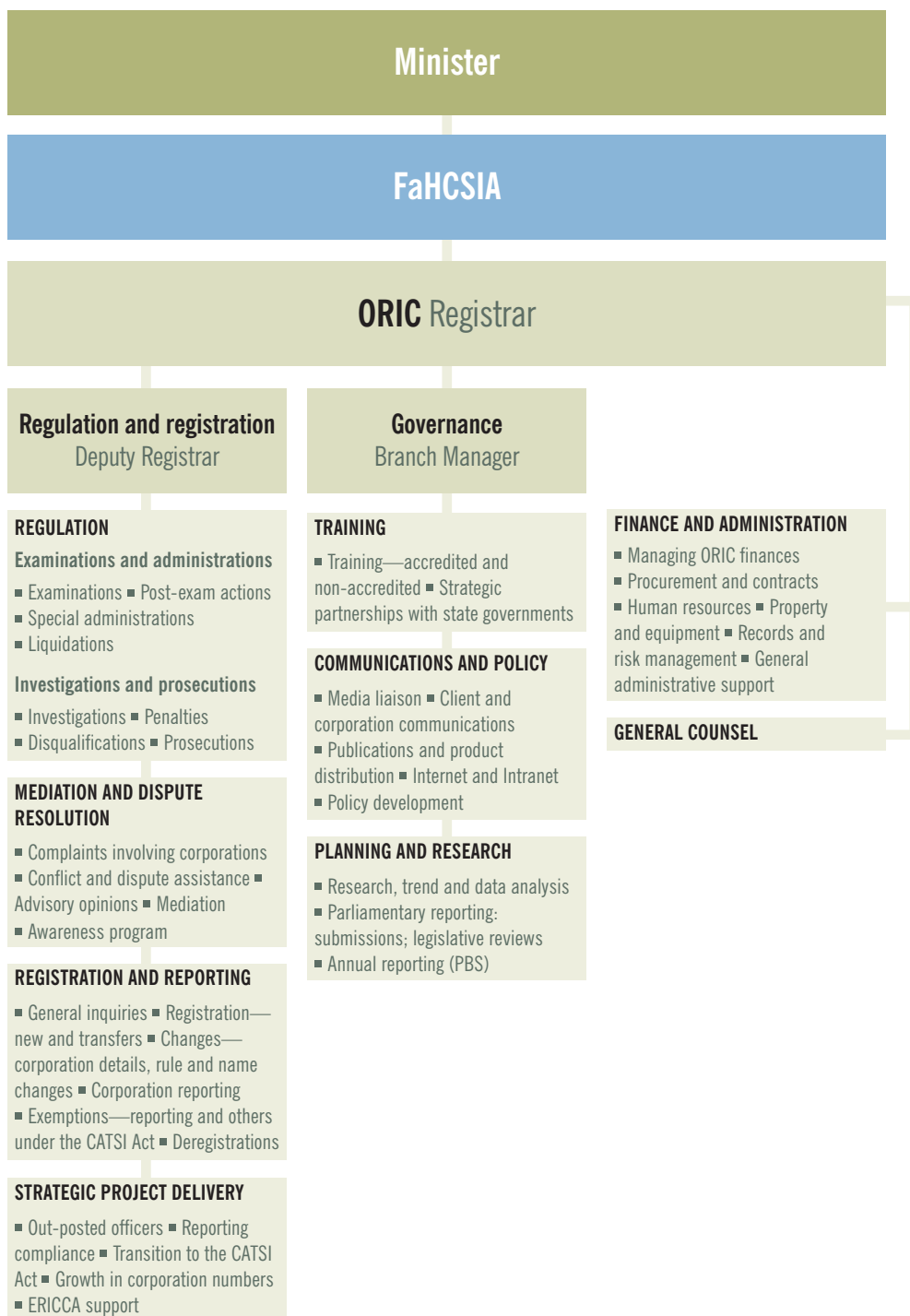
Improve relationships with key Commonwealth agencies.

Reduce compliance costs for corporations and increase online lodgment.

Develop and implement a stakeholder engagement plan.

Establish an ORIC advisory group.

ORGANISATION CHART 2008–09



OUR LEGISLATION

The CATSI Act sets out how to register Aboriginal and Torres Strait Islander corporations and how they should be run. It also sets out the services the Registrar provides, the powers the Registrar has to enforce the law and the Registrar's functions.

The CATSI Act was passed by the Australian Parliament in October 2006. It came into effect on 1 July 2007, replacing the *Aboriginal Councils and Associations Act 1976* (ACA Act). Under the CATSI Act, laws governing Aboriginal and Torres Strait Islander corporations have been modernised while still retaining the special measures to meet the specific needs of Aboriginal and Torres Strait Islander people. Corporations had two years to transition to the CATSI Act. The transition period ended on 30 June 2009.

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.

Unique features of the CATSI Act

Some factors unique to the CATSI Act include:

- Indigeneity—a majority of members and directors must be Aboriginal or Torres Strait Islander.
- 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 made at <https://online.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 that:

- 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
- registering as an Aboriginal and Torres Strait Islander corporation is free—unlike other regimes that may charge a fee
- sometimes a CATSI corporation may be eligible for an exemption from lodging reports*
- profits of the corporation can be distributed to members if the rule book allows for this
- the members can choose, when they register the corporation, not to be liable for the debts of the corporation
- Aboriginal and Torres Strait Islander corporations can access mediation services, client assistance, support and information and training programs offered by ORIC.

* Two current exemption determinations were issued by the Registrar in June 2009. For more information about these see p. 34.

The Registrar recommends incorporation under Commonwealth legislation, such as the CATSI Act or the *Corporations Act 2001*, for those Aboriginal and Torres Strait Islander organisations that:

- have trusteeship of significant or important public funding
- deliver essential services
- represent Aboriginal and Torres Strait Islander people and communities
- hold significant assets, income or expenditure.

// WHAT WE DO

PORTFOLIO BUDGET STATEMENT INDICATORS

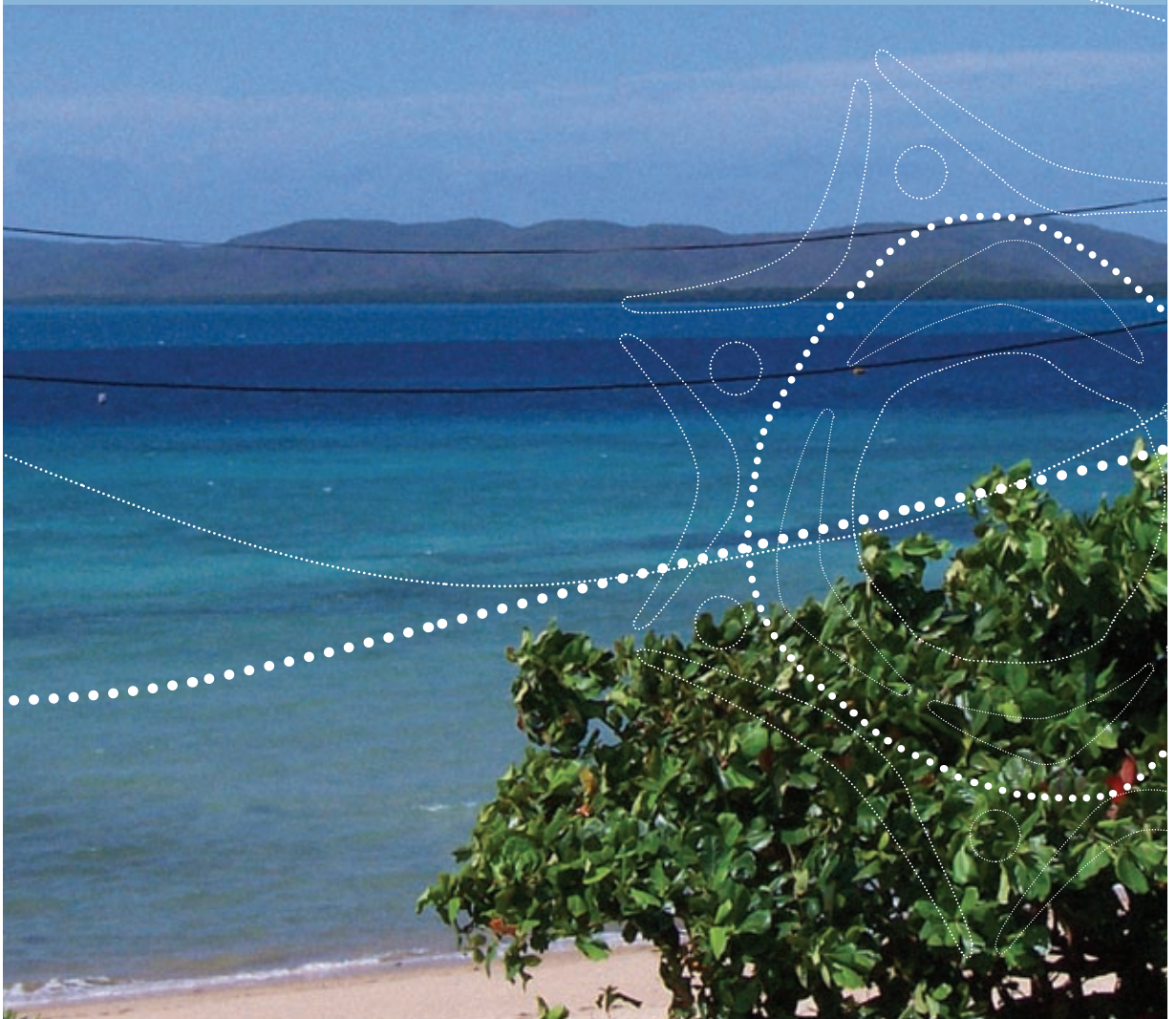
ADMINISTERING THE ACT

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

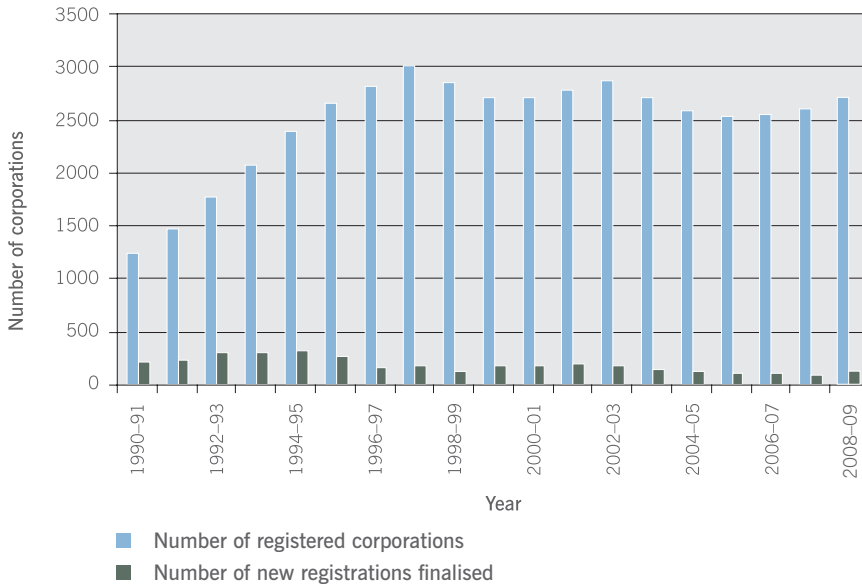
Estimate	90%	The variance is +3.1 per cent.
Actual	93.1%	This reflects the high calibre of materials and presenters.

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.

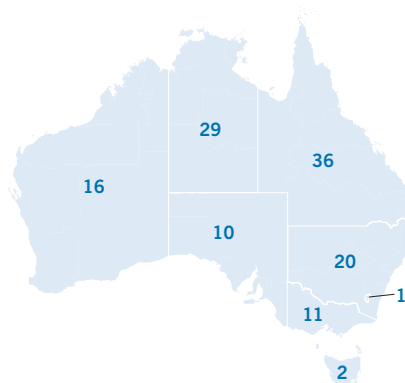
FIGURE 8 NEW REGISTRATIONS BY STATE 2008–09

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

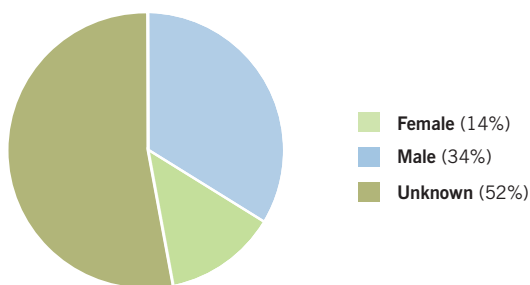
	02–03	03–04	04–05	05–06	06–07	07–08	08–09
REGISTRATION AND SUPPORT SERVICES							
Registrations							
Applications received	211	160	120	110	107	116	148
Total applications actioned during the year	205	143	134	123	143	108	133
Applications approved	183	134	120	102	111	84	125
Applications refused	–	–	–	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

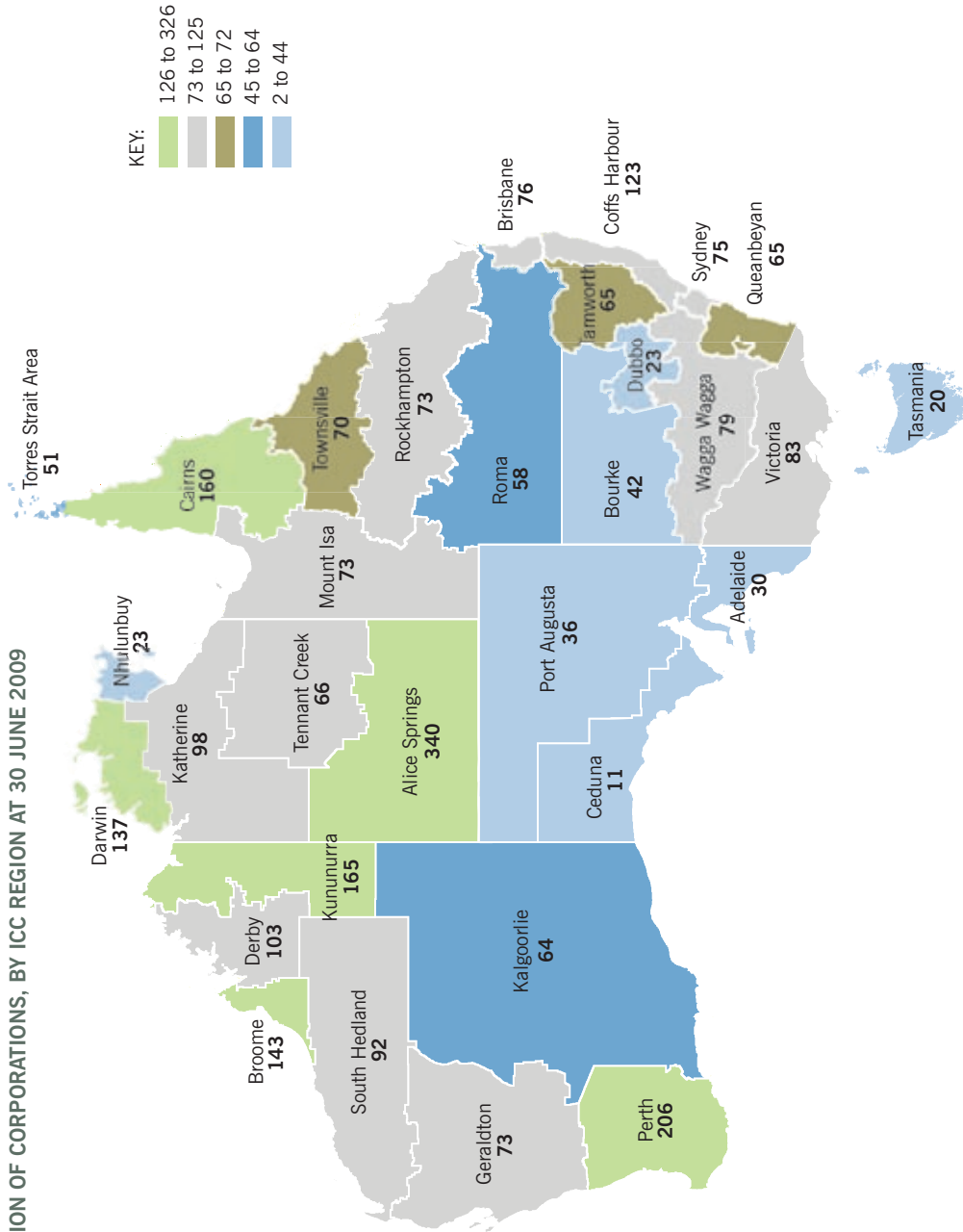


TABLE 3 LOCATION OF REGISTERED CORPORATIONS BY ICC REGION AT 30 JUNE 2009

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

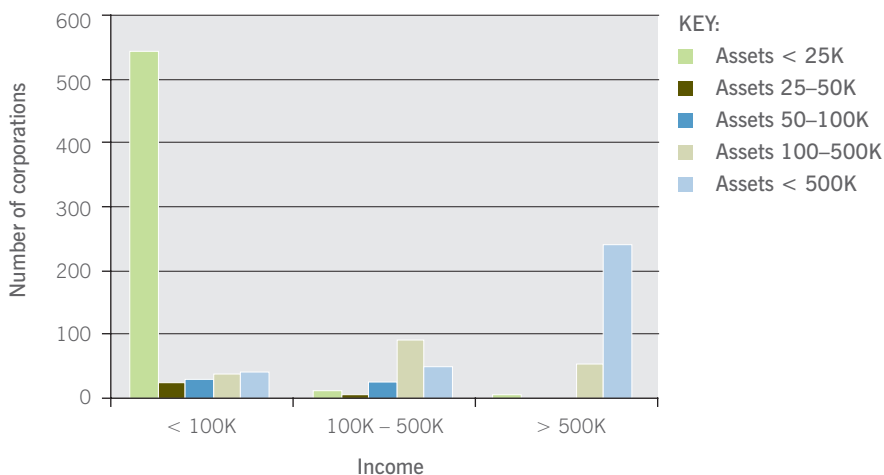
	assets < 25K	assets 25–50K	assets 50–100K	assets 100–500K	assets > 500K	Total
income < 100K	547	25	27	40	44	683
income 100–500K	10	8	24	91	51	184
income > 500K	4	0	1	54	241	300
Total	561	33	52	185	336	1167

Notes: Income = total grant plus other income

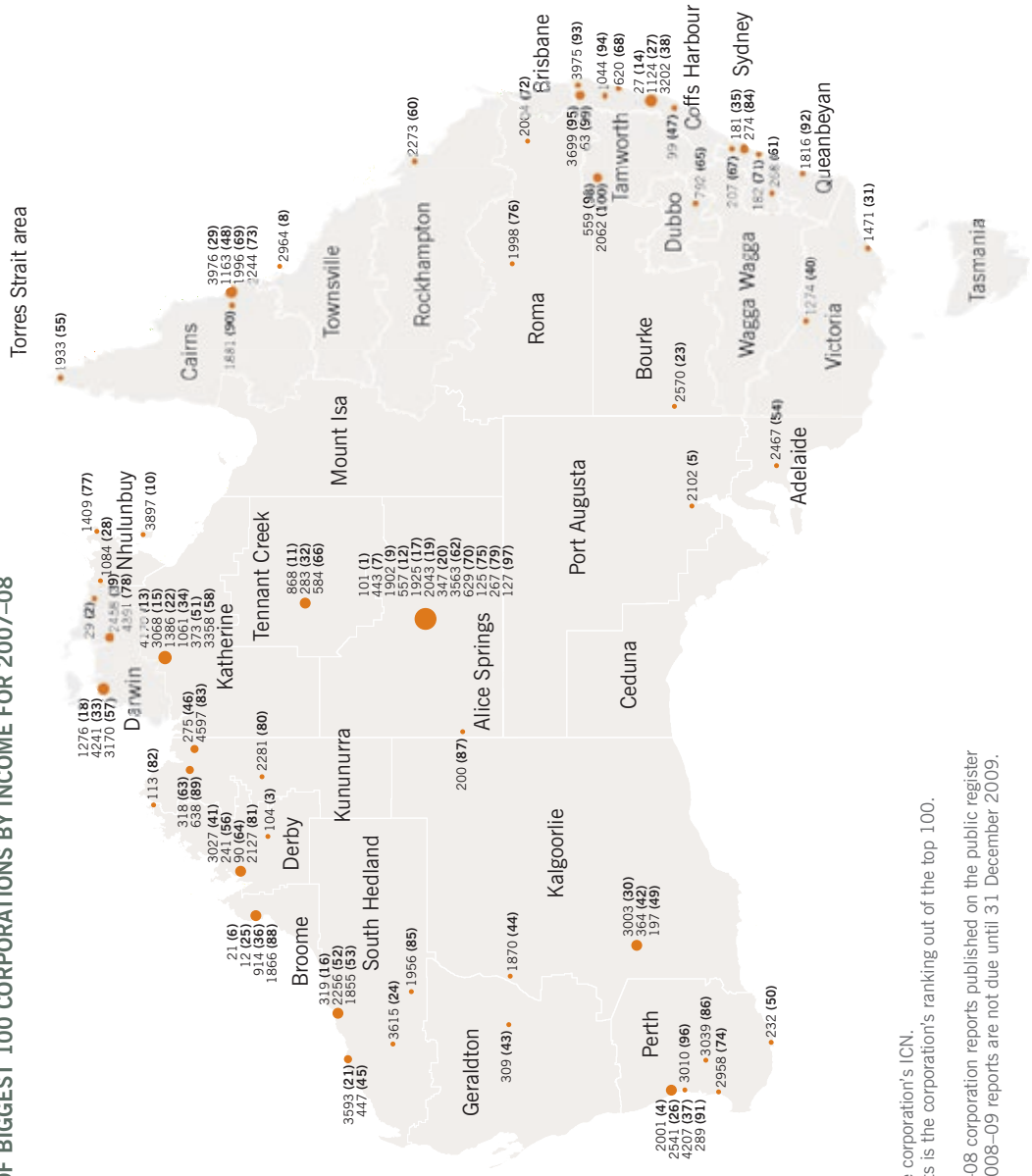
Assets = total of current plus non-current assets

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



MAP 2 LOCATION OF BIGGEST 100 CORPORATIONS BY INCOME FOR 2007-08



Notes: The first figure is the corporation's ICN.
The figure in brackets is the corporation's ranking out of the top 100.
Income is for 2007-08 corporation reports published on the public register at 30 June 2009; 2008-09 reports are not due until 31 December 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

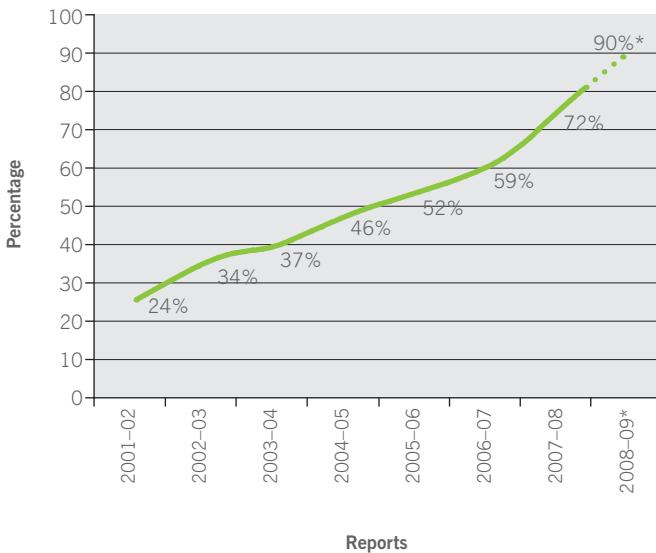
Compliance with the reporting requirements means that members, communities, creditors and government agencies have greater confidence in corporations. It provides interested parties with an important internal and external accountability indicator to rely on regarding the financial viability and governance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

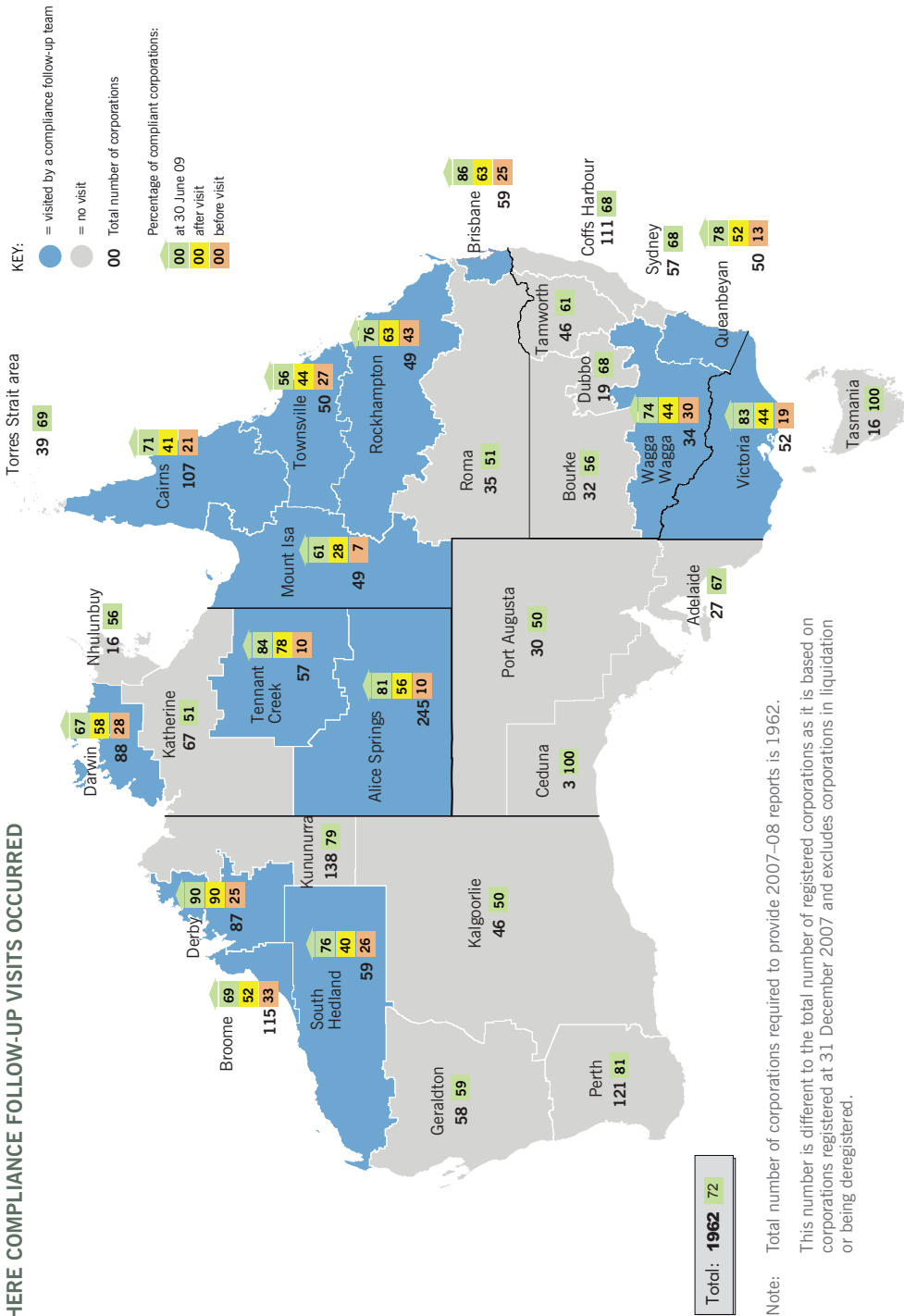
Figure 11 illustrates ORIC's continued efforts at increasing the compliance of corporations. ORIC's focus and intensive efforts in this work during 2008-09 resulted in a 13 per cent increase.

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



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

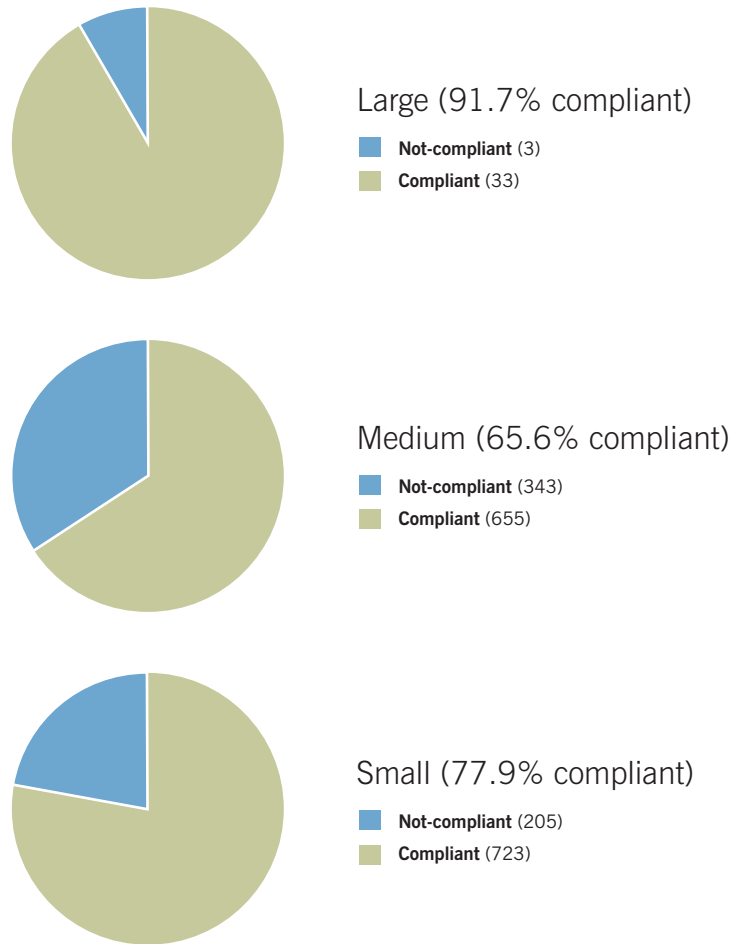


Figure 12 shows that large corporations have the highest reporting compliance followed by small, then medium corporations. There are a lot more corporations classified as medium than the other sizes. This may be because all corporations were classified as medium when the CATSI Act first started and ORIC 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:

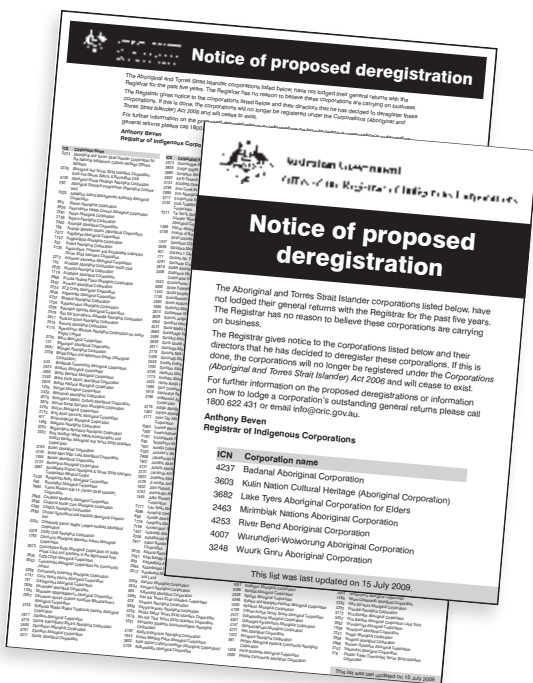
- all corporations have been exempted from providing trust and land information in their general report. This equates to a 30 per cent reduction in general report requirements.
- small and medium sized corporations with a consolidated gross operating income of less than \$5 million have been exempted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

Consequences of not reporting

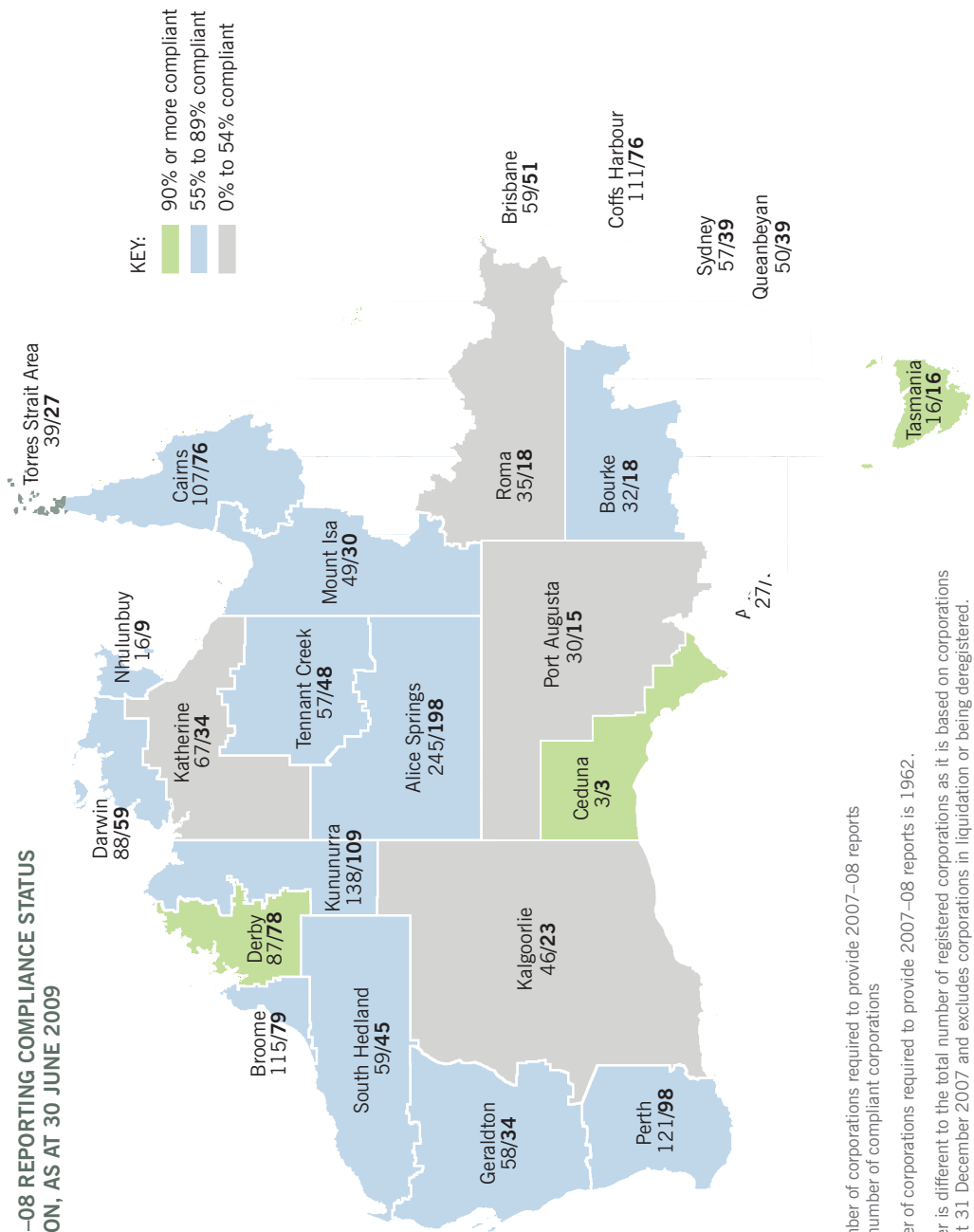
In June 2009 ORIC identified nearly 500 corporations that remain in longstanding breach of the reporting requirements. During the second quarter of the 2009–10 year, the Registrar will use his power under the CATSI Act to deregister those corporations that remain in breach. This will follow public notices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



**MAP 4 2007–08 REPORTING COMPLIANCE STATUS
BY ICC REGION, AS AT 30 JUNE 2009**



First number = number of corporations required to provide 2007–08 reports

Second number = number of compliant corporations

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.

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.

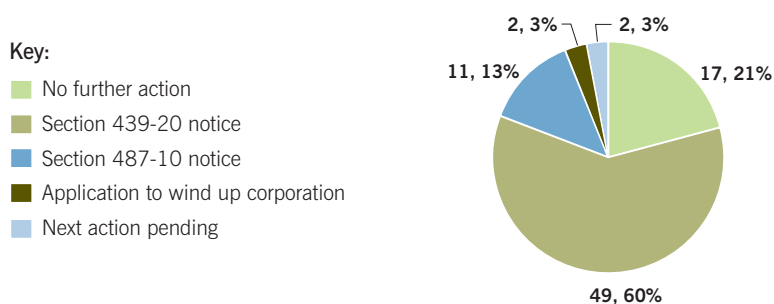
Outcomes of examinations

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 Yirgeb 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:

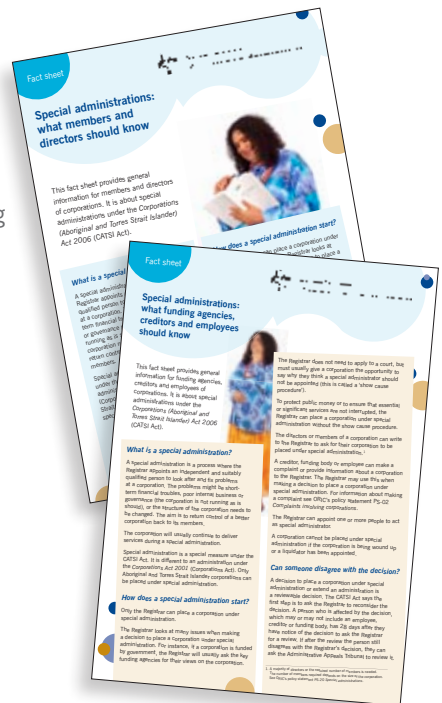
- the corporation has failed to comply with a section 439-20 compliance notice
- the corporation has failed to lodge its annual reports (Part 7-3)
- if there are disputes that interfere with the corporation's operations
- if a majority of directors or a prescribed number of members write to the Registrar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

■ IN PROGRESS ■ FINALISED

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	Maira 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%
---------------------	-------------------

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

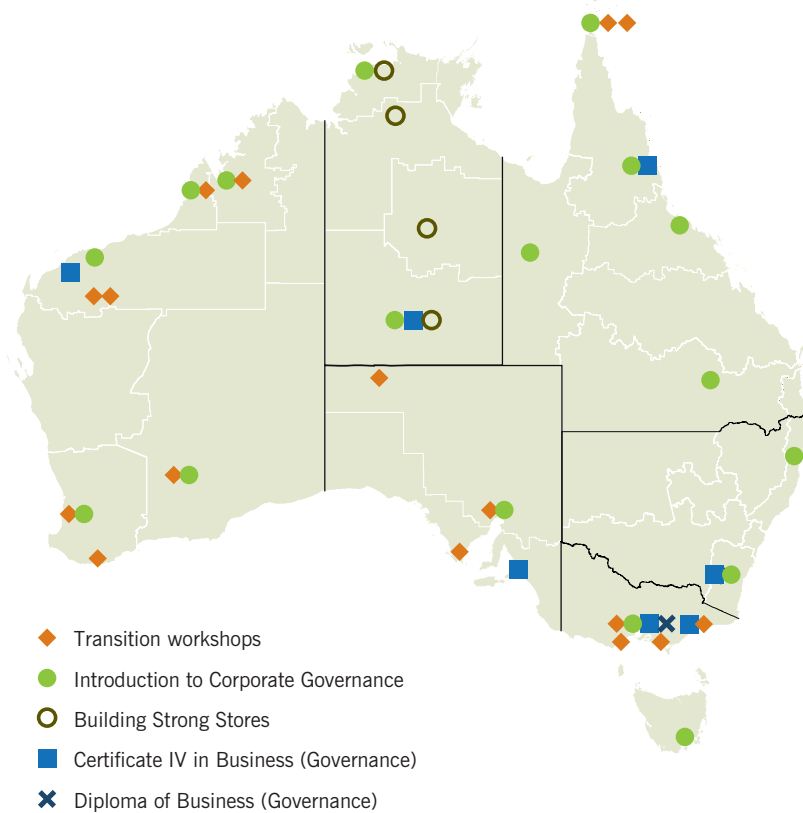
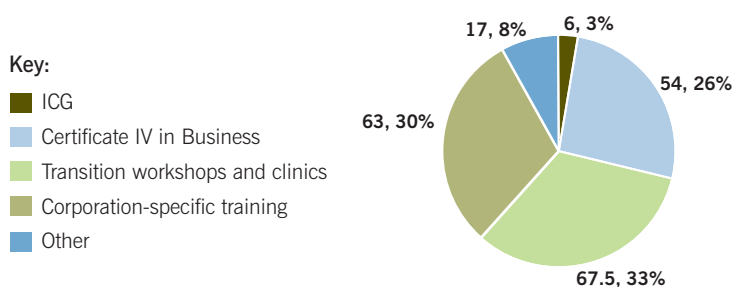


FIGURE 14 TRAINING TYPE AND DAYS, 2008–09



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

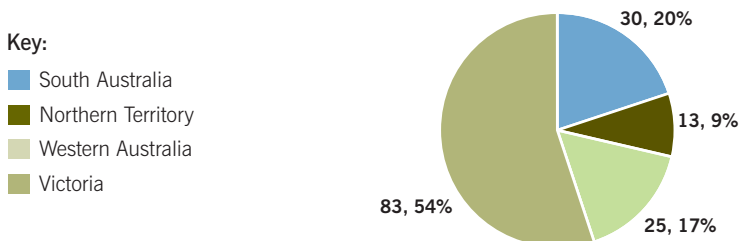
Estimate 150

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

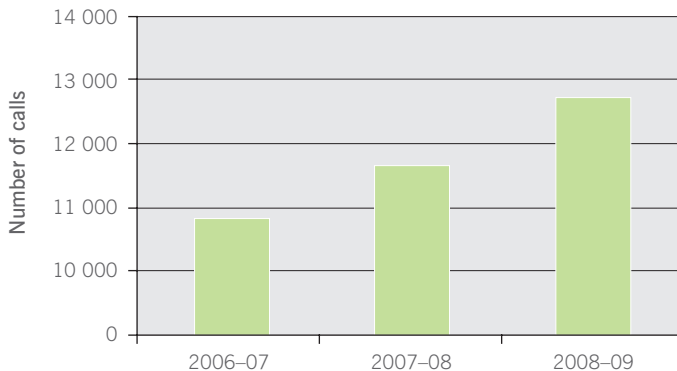
ORIC provides a personal information and advice service to clients. A lot of ORIC's initial contact with corporations is through the freecall telephone service. During the year ORIC made enhancements to this service, including implementing interactive voice recognition messages. This feature allows callers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



// HOW WE DO IT
SUPPORTING OUR BUSINESS
SYSTEMS
ACCOUNTABILITY
ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

Secondment from Papua New Guinea



FROM LEFT TO RIGHT—Harriet Kokiva and Philo Gu'u.

On 2 March 2009 Harriet Kokiva and Philo Gu'u joined ORIC for a three-month secondment from the Investment Promotion Authority (IPA) in Papua New Guinea (PNG).

The IPA is the PNG equivalent of ORIC. The PNG Registrar of Business Groups and the Registrar of Companies are statutory positions within the IPA, similar to the position of the Registrar of Indigenous Corporations.

The purpose of the secondment was to:

- foster a good relationship between ORIC and IPA
- provide a training and development opportunity for PNG citizens and ORIC staff through skills transfer
- collaborate to increase understanding of what is required to deliver effective corporate regulation in remote localities and to incorporate traditional custom and lore in governance structures and regulatory practices.

Harriet and Philo worked in the Registration and Reporting Section.

SUPPORTING OUR BUSINESS

The Registrar and senior management

Anthony Beven

REGISTRAR

Anthony Beven was appointed as Registrar on 1 October 2007 for a three-year term.



Michael Cullen

GENERAL COUNSEL



Joe Mastrolembo

DEPUTY REGISTRAR
Regulation and
Registration Branch



Nathan Boyle

BRANCH MANAGER
Governance Branch



Maureen Colley

DIRECTOR
Training Section



Lisa Donnelly

DIRECTOR
Communications
and Policy Section



Peter Armstrong

DIRECTOR
Regulation Section



Jodie Goddard

DIRECTOR
Investigations and
Prosecutions Section



Caroline Joske

DIRECTOR
Mediation and
Dispute Resolution
Section



Justin Toohey

PRINCIPAL MEDIATOR
Mediation and
Dispute Resolution
Section





ORIC staff going about their business.

FROM LEFT TO RIGHT—Simon Gately, Glenn Nott, Christa de Jager, Sayuri Piper and Anthony Ives.

Our staff

The Registrar was supported by 70 staff at 30 June 2009 (27 male and 43 female).

ORIC is committed to building staff skills and aligning systems and processes with the new CATSI Act.

ORIC's staff and contractors continued to work professionally and in flexible ways to suit our Aboriginal and Torres Strait Islander clients and support the office in the CATSI Act transition period. ORIC has an in-house training program to develop the skills of ORIC staff.

ORIC has a service charter which provides detailed standards to guide staff and contractors.

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

As at 30 June 2009 ORIC employed 20 Aboriginal and Torres Strait Islander staff (29 per cent), up from the 11 (16 per cent) staff last year. We have two staff with a disability and four staff from a non-English speaking background. ORIC has also developed an Indigenous workforce strategy designed to improve recruitment, development and retention of Aboriginal and Torres Strait Islander staff.

Our administration

In 2008–09 ORIC's finance and administration staff supported the Registrar by managing ORIC's finances, human resources, property and equipment, records and risk management and other general administrative support to the office.

Our consultants

In June 2008 ORIC advertised a request for tender for an Australia-wide register of consultants with demonstrated regulatory expertise relevant to the functions of the Registrar under the CATSI Act. The areas in which the Registrar sought assistance with regulatory functions under the CATSI Act are as follows.

Regulatory panel:

- sub-panel A: examinations—negotiated with Aboriginal and Torres Strait Islander corporations or imposed under sections 453-1 and 453-5 of the CATSI Act
- sub-panel B: special administrations—for example, under section 487-1 of the CATSI Act.

Following a rigorous tender evaluation process conducted in line with the Commonwealth procurement guidelines, ORIC registered consultants on its regulatory panel in October 2008 for a three-year term with two further one-year option periods.

In July 2008—under clause 2.1 of the deeds of standing offer—ORIC exercised its first option to extend panel arrangements for an additional one-year period for the following panels:

- panel 1—corporation-specific training (formerly known as 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.

Panel 3 will expire in September 2009. From October to December ORIC will select a new training panel. The new panel will have the following sub-panels:

- sub-panel A: accredited training program
- sub-panel B: non-accredited training program (corporate governance)
- sub-panel C: non-accredited training program (corporation-specific training)
- sub-panel D: corporate coaching and mentoring program.

The tender process should be completed in December 2009.

Our clients

Our clients include:

- Aboriginal and Torres Strait Islander individuals, groups, corporations and their members
- the Minister for Families, Housing, Community Services and Indigenous Affairs and agencies supporting the minister
- people accessing the public Register of Aboriginal and Torres Strait Islander Corporations and Register of Disqualified Officers
- Australian, state and territory governments and funding agencies
- Indigenous peak bodies in critical sectors such as medical, housing, land holding and legal.

Our services

ORIC works with Aboriginal and Torres Strait Islander groups that want to register as a corporation. ORIC looks at:

- whether incorporation is required
- the costs involved
- how to develop good corporation rules
- how to register under the CATSI Act
- what the legal requirements are
- other options for incorporating under state, territory or Commonwealth law.

ORIC also gives information and support to corporations and their members to improve their corporate governance, including:

- helping directors better understand their roles, duties and responsibilities under the CATSI Act and their rule book
- helping corporations make changes to their rule book and name
- helping corporations to understand and lodge their reports
- advising members of their rights and obligations under the CATSI Act
- helping corporations manage problems, disputes and complaints
- closing corporations that are no longer operating
- making information and documents available on the public Register of Aboriginal and Torres Strait Islander Corporations.

ORIC is responsible for making sure that corporations are properly run by:

- regularly assessing governance standards
- investigating corporations that do not follow the CATSI Act or their rule book
- stepping in if a corporation can't solve its problems—but only if nothing else works
- investigating and referring alleged breaches of the CATSI Act to the appropriate people.

Our relationships

Minister

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

The Registrar reports directly to the minister and through FaHCSIA's annual report, briefings and submissions.

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.

Relationship to FaHCSIA

ORIC and its staff are part of FaHCSIA. The staff report to the Registrar of Indigenous Corporations—an independent statutory office holder.

Funding for ORIC was \$10.153 million for 2008–09 with actual expenditure of \$10.297 million.

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 Aboriginal and Torres Strait Islander 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.

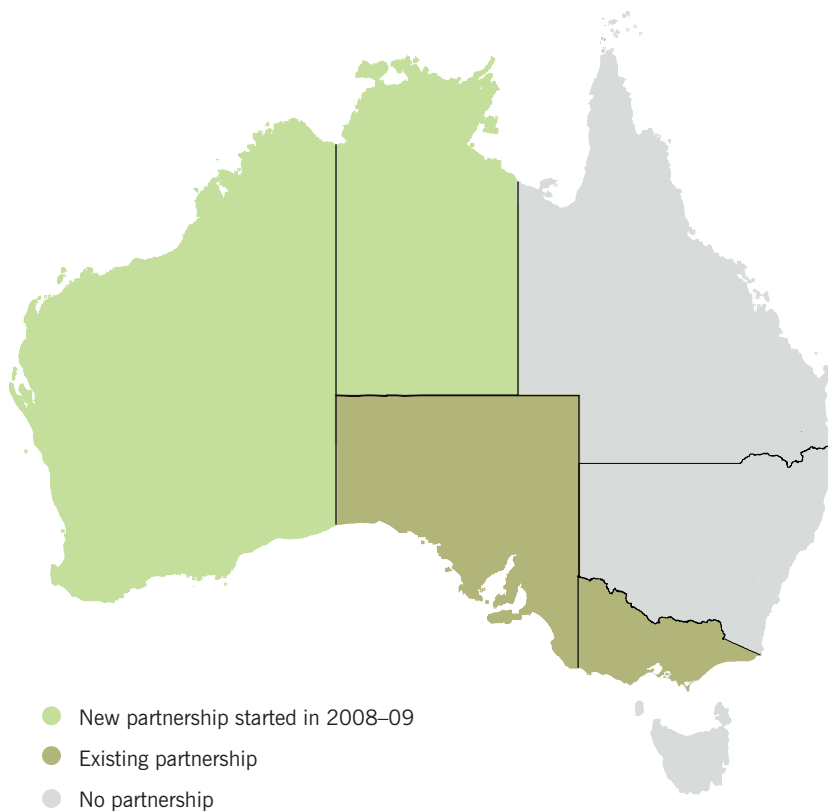
Relationship to other agencies

ORIC's primary clients are individuals, groups and corporations linked to the CATSI Act and also users of the public Register of Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander people across Australia—for example, ORIC has formal partnerships to enhance training outcomes (see map 6).

In recent years ORIC has developed a relationship with the Australian Securities and Investments Commission (ASIC) and the state and territory incorporation and regulation agencies to foster better coordination nationally. An ASIC officer was seconded to assist with the Perth out-posting project during January and February 2009.

ORIC and ASIC have agreed in principle to an MOU, which is yet to be finalised.

MAP 6 ORIC'S TRAINING PARTNERSHIPS



Commitment to reconciliation

In July 2008 ORIC launched its RAP as an expression of its ongoing commitment to reconciliation between Indigenous and non-Indigenous people of Australia.

Under the themes of relationships, respect and opportunities ORIC recorded many achievements. Some of these included:

- As at 30 June 2009, 47 of 74 staff had attended a cultural awareness training program delivered by FaHCSIA.
- As at 30 June 2009 there were 20 staff—or 29 per cent of the total workforce—who identified as Aboriginal and/or Torres Strait Islander people.
- ORIC has created designated positions for Aboriginal and Torres Strait Islander people across the agency to increase employment opportunities.
- Traditional owners were acknowledged at ORIC events, training workshops and meetings. Welcome to country was performed by a traditional owner at the launch of ORIC's RAP and at key training activities.
- Throughout the year many cultural activities were well attended by ORIC staff such as NAIDOC and Reconciliation Week events.

The full report can be seen on ORIC's website.



SYSTEMS

ERICCA

ORIC released into production the Electronic Register of Indigenous Corporations under the CATSI Act (ERICCA) on 19 July 2008. ERICCA allows ORIC to meet its CATSI Act registration and recording obligations and its strategic objectives, such as improving services and the accuracy and reliability of information on the public database.

Improving key processes

The ERICCA system facilitates and supports effective administration of the CATSI Act by the Registrar. This includes improving key processes undertaken by ORIC staff in relation to CATSI corporations, maintaining the online public registers—the Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers—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.

In 2008 ORIC added an electronic extract to its online public register of current information about a corporation registered under the CATSI Act. Information contained in this corporation extract includes current corporation details, such as:

- current and previous name
- 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 of this information is now contained in one document. Extracts can be downloaded quickly and at no cost from the ORIC website. Corporations are encouraged to check the public register to make sure their information is accurate and up to date.

To access an extract report, use the 'Search for a corporation' function on the website and simply click on the 'Extract' button in the search results table.

Online lodgment of forms

In July 2008 ORIC launched its secure online lodgment website, <https://online.oric.gov.au>, to make lodging forms easier and more convenient for corporations.

Corporations can complete their general report by using the online lodgment facility on ORIC's website. Corporations can still lodge their reports in hard copy but, by introducing new technology to existing services, corporations can improve the time it takes to update information on the public register.

ACCOUNTABILITY

Freedom of information

Freedom of information (FOI) requests are administered by the Registrar in accordance with the *Freedom of Information Act 1982*. Supplementary material may be used to support the handling of FOI requests. This includes the Registrar's policy statement, *PS-13: Freedom of Information*, and FOI guidelines that are available from www.pmc.gov.au. Six FOI requests were made between 1 July 2008 and 30 June 2009. Three requests were finalised and three requests were in progress on 30 June 2009.

Complaints about ORIC staff and contractors

ORIC responds to complaints about its staff and contractors in accordance with *Policy statement 3: Complaints about the Registrar's staff and contractors*. It endeavours to respond promptly, thoroughly and with sensitivity. During 2008–09, two complaints about staff and contractors were received. The complaints have been resolved.

Commonwealth Ombudsman

In 2008–09 ORIC received two section 8 letters from the Commonwealth Ombudsman under the *Ombudsman Act 1976* in which the Ombudsman requested information to assist in the investigation of the complaints. The issues raised in the letters were responded to within agreed timeframes and the Commonwealth Ombudsman advised that further investigation was not warranted.

Australian Human Rights Commission

In 2008–09 ORIC received a communication from the Australian Human Rights Commission in which the commission sought information about two complaints against ORIC. ORIC responded to the issues raised in the complaints within agreed timeframes. The complaints were withdrawn. The commission considers the complaints to have been finalised under section 46PG of the *Human Rights and Equal Opportunity Commission Act 1986* and has closed its files.

Litigation

In August 2008 Waanyi Advancement Ltd applied to the Supreme Court of Queensland—under section 80 of the *Trusts Act 1973* (Qld)—to be appointed trustee of the Waanyi Land Infrastructure Trust. The former trustee was United Gulf Region Aboriginal Corporation, which had been deregistered. The Registrar appeared as respondent and did not oppose the application. The court made the orders sought.

In September 2008 five members of the Dunghutti Elders Council (Aboriginal Corporation) applied to the Administrative Appeals Tribunal to review ORIC's registration decisions regarding several documents, including a refusal to register their list of directors. In October 2008 the tribunal determined that its jurisdiction was limited to the review of ORIC's refusal to register the applicants' list of directors. Conciliation of the matter was conducted in May 2009 by the tribunal. The substantive matter had not been heard by 30 June 2009.

In June 2009 three members and former directors of Anangu Pitjantjatjara Services Aboriginal Corporation (AP Services) applied to the Administrative Appeals Tribunal to review ORIC's decision to place AP Services under special administration. The matter is yet to be heard.

In 2008–09 the Registrar applied to the Federal Court under section 526-15 of the CATSI Act to wind up three corporations—Mooniemia Aboriginal Corporation, Narrama Multi Services Aboriginal Corporation and North Stradbroke Island Community Development Employment Programme Aboriginal Corporation. In each case the court appointed a liquidator and ordered the corporation to be wound up.

Legal services expenditure

Table 21 is a statement of legal services expenditure by ORIC for 2008–09. This statement is published in compliance with paragraph 11.1(ba) of the Commonwealth's Legal Services Directions 2005.

TABLE 21 ORIC'S LEGAL SERVICES EXPENDITURE, 2008–09

Total legal services expenditure (GST inclusive)	\$474 885
Salaries	\$249 206
Overheads (includes administrative support and accommodation costs)	\$55 206
Total internal legal services expenditure (GST inclusive)	\$304 412
Australian Government Solicitor	\$110 818
Minter Ellison	\$22 885
DLA Phillips Fox	\$17 372
Finlaysons	\$8 434
Total professional fees paid	\$159 510
Other disbursements on external legal services	\$10 963
Total external legal services expenditure (GST inclusive)	\$170 473
Number of male counsel briefed	0
Value of briefs to male counsel	0
Number of female counsel briefed	0
Value of briefs to female counsel	0

ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

ORIC subscribes to an environmental management system in its office. 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. A more detailed account of FaHCSIA's environmental performance can be found at <http://www.fahcsia.gov.au/about/publicationsarticles/corp/sustainability/Documents/2008/default.htm>.

// APPENDIXES

APPENDIX 1

APPENDIX 2

GLOSSARY

SHORTENED FORMS



APPENDIX 1: ORIC PUBLICATIONS, POLICY STATEMENTS AND MEDIA RELEASES

ORIC produces a range of publications to help corporations. For an updated list of publications check out our website, www.oric.gov.au.

Publications

Corporate

ORIC's reconciliation action plan

ORIC yearbook 2007–08

ORIC yearbook 2006–07

ORIC yearbook 2005–06

ORIC service charter

ORIC strategic plan

Flyers

Who am I? (name change flyer)

Fact sheets

Fact sheet: The CATSI Act and the Corporations Act

Fact sheet: Native title

Fact sheet: Duties of directors and other officers

Fact sheet: What the Act means for funding bodies

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

Fact sheet: Meetings

Fact sheet: Related party financial benefits

Fact sheet: Corporation size and financial reporting

Fact sheet: Secretaries and contact persons

Fact sheet: Disqualifications from managing corporations under the CATSI Act

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

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

Fact sheet: Amalgamation—information for existing corporations

Fact sheet: Mediation and dispute resolution

Guides

How to transfer to CATSI from OCBA

Corporation reporting for 2008–09

Corporation reporting for 2007–08

Get in on the Act

Rule book tools

Rule book—info kit

Rule book—etool (CD Rom)

Rule book—condensed

Rule book—short

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

Newsletters—The ORIC Oracle

May 2009—Time fast running out

March 2009—Are you there yet?

November 2008—One year on

August 2008—ORIC's first RAP

July 2008—Go online

Policy statements

PS-01: Providing information and advice

PS-02: Complaints involving corporations

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

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

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

PS-06: Change of corporation size

PS-07: Exemptions

PS-08: Corporation names

PS-09: Member approval for related party benefit

PS-10: Corporations' native title status

PS-11: The Indigeneity requirement

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

Media releases

ORIC's reconciliation action plan launched
10 July 2008

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

Gap Youth Centre getting ready to resume operations
5 August 2008

Liquidator appointed to NSW Aboriginal health service
14 August 2008

WA Aboriginal corporation placed into liquidation
25 August 2008

Wirrimanu Aboriginal Corporation special administration ends
27 August 2008

Aboriginal college in the Northern Territory handed back
1 September 2008

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

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

Application made for review of Registrar decision
29 September 2008

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

Successful Aboriginal retailer transfers to the CATSI Act
7 November 2008

QLD Aboriginal housing corporation handed back to members
14 November 2008

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

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

Special administrator appointed to NT Aboriginal corporation
11 December 2008

Special administrator appointed to NSW Aboriginal housing corporation
13 February 2009

Special administrator appointed to APY lands Aboriginal corporation
16 February 2009

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

Native title corporation handed back to members
31 March 2009

Special administration of Walmbaar Aboriginal Corporation extended
1 April 2009

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

Registrar paints rosy picture for NT arts centre
27 May 2009

Queensland native title corporation back on track
29 May 2009

Mimili store returned to community control
1 June 2009

APPENDIX 2: SUMMARY OF THE REGISTRAR'S REGULATORY POWERS UNDER THE CATSI ACT

Meetings

The Registrar may if the need arises:

- convene meetings of interested parties (section 439-5)
- call a general meeting (section 439-10)
- call an annual general meeting (section 439-15).

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

Compliance notices

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

Examinations

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

Production of books or attendance to answer questions

Under section 453-5 the Registrar may give notice to a person who has some knowledge of the examinable affairs of the corporation to:

- provide the Registrar with information about the corporation or its examinable affairs
- produce any books and records about the corporation
- appear before the Registrar to answer questions about the corporation.

Issue warrants

Division 456 gives the Registrar the power to apply to the court to issue warrants to obtain information about a corporation if the information can't be obtained via sections 453-1 or 453-5.

Protection for whistleblowers

There is protection for whistleblowers in the CATSI Act (Division 466).

External administration

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

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

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

Grounds for special administration

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

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

Disqualifying people from managing corporation

The CATSI Act has provisions to disqualify people from managing corporations (i.e. from being a director or a chief executive officer or chief financial officer). There are three ways this can happen:

- automatic disqualification (section 279-5)
- the court may disqualify a person (section 279-15)
- the Registrar has a power to disqualify a person (section 279-30).

Winding up

The CATSI Act has provisions for the winding up of corporations (Division 526).

Deregistrations

The CATSI Act has provisions for the deregistration of corporations (Division 546).

Reviewable decisions

- Internal reviews
- Administrative Appeals Tribunal reviews.

GLOSSARY

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

regulation	The Registrar has a number of regulatory powers under the CATSI Act to intervene to solve problems within corporations. Some of these include the power to examine the records and documents of a corporation and to appoint a special administrator.
rule book	See corporation's rule book.
size	Under the CATSI Act, corporations are classified as small, medium or large, depending on their income, assets and number of employees.
special administration	The Registrar can appoint a special administrator to govern and manage the affairs of a corporation. They offer an alternative to winding up and aim to return an improved corporation to its members.

SHORTENED FORMS

ACA Act	<i>Aboriginal Councils and Associations Act 1976</i>
ASIC	Australian Securities and Investments Commission
BSC	Building Strong Corporations
BSS	Building Strong Stores
CATSI Act	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
CDEP	Community Development Employment Projects
ERICCA	Electronic Register of Indigenous Corporations under the CATSI Act
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FOI Act	<i>Freedom of Information Act 1982</i>
ICCs	Indigenous Coordination Centres
ICG	Introduction to Corporate Governance
ICN	Indigenous Corporation Number
MOU	memorandum of understanding
ORIC	Office of the Registrar of Indigenous Corporations
the Registrar	the Registrar of Indigenous Corporations
the public registers	the public Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers

