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[Home](#) > [CATSI Act](#) > Disqualified persons & officers

## **Disqualified persons and officers** <sup>[1]</sup>

There are many different laws about who can manage a corporation or who can serve as a director of an Indigenous corporation. Those who cannot are called 'disqualified' and the reasons they cannot are mentioned below.

Under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* <sup>[2]</sup> (CATSI Act) some people are not allowed to be directors or manage an Indigenous corporation. These people are called 'disqualified'. A person is automatically disqualified if they:

- are bankrupt
- were sentenced to three months or more in prison for an offence involving dishonesty in the last five years
- are disqualified under the *Corporations Act 2001* <sup>[3]</sup> (Corporations Act).

A person who is bankrupt cannot be the contact person or secretary of an Indigenous corporation. For a small fee you can search lists of people who are bankrupt at the [Australian Financial Security Authority](#) <sup>[4]</sup> website.

You can get more information about people disqualified under the Corporations Act and look at the list of disqualified people on [Australia Securities and Investments Commission](#) <sup>[5]</sup> (ASIC) website.

Individuals can be disqualified by a court if they have contravened a civil penalty of the CATSI Act, have repeatedly contravened provisions of the Act, or if they have been involved with two or more corporations that have experienced corporate failure. This is consistent with the Corporations Act. The Registrar can also disqualify directors and officers in some circumstances.

For more information, see [ORIC's fact sheets](#) <sup>[6]</sup> on duties of directors and officers and disqualification.

## **Register of Disqualified Officers**

The Registrar is required to keep a Register of Disqualified Officers under the CATSI Act. This register contains information about people who have been disqualified from managing corporations either by a court or by the Registrar. It also contains information about disqualified officers who have been granted leave to manage Aboriginal and Torres Strait Islander corporations.

Copies of the relevant notice, order of the court or other document relating to a disqualification or any exemption are maintained as part of the Register of Disqualified Officers and may be obtained by contacting the Registrar's office.

See the [Register of Disqualified Officers](#) <sup>[7]</sup> under the CATSI Act.

## Other registers you can search

**ASIC's Banned and Disqualified registers**—A person who is disqualified under Part 2D.6 of the *Corporations Act 2001* is automatically disqualified from managing Aboriginal and Torres Strait Islander corporations. (section 279-5(5) CATSI Act)

[Read more](#) <sup>[8]</sup> | [Search ASIC's register](#) <sup>[9]</sup>

**Source URL:** <http://www.oric.gov.au/catsi-act/disqualified-persons-and-officers>

### Links

[1] <http://www.oric.gov.au/catsi-act/disqualified-persons-and-officers>

[2] <http://www.comlaw.gov.au/Series/C2006A00124>

[3] <http://www.comlaw.gov.au/Series/C2004A00818>

[4] <https://www.afsa.gov.au/resources/npii>

[5] <http://www.asic.gov.au/asic/asic.nsf/byheadline/Bannings+and+actions?openDocument>

[6] <http://www.oric.gov.au/resources/factsheets>

[7] <http://register.oric.gov.au/DisqualifiedPersonRegister.aspx>

[8] <http://www.asic.gov.au/asic/asic.nsf/byheadline/Bannings+and+actions>

[9] <https://connectonline.asic.gov.au/>