



Complaints involving Aboriginal and Torres Strait Islander corporations

1 July to 31 December 2019

Report prepared April 2021

Introduction

This report provides an overview of complaints submitted to the Registrar between 1 July and 31 December 2019. It also includes comparisons to data from previous periods.

As at 31 December 2019 a total of **3275** Aboriginal and Torres Strait Islander corporations were registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). Of these **222** were registered native title bodies corporate (RNTBCs).

Key findings

For the six months between 1 July and 31 December 2019:

- » **281** complaints were received (90 about RNTBCs)
- » **283** complaints were finalised (89 about RNTBCs)
- » the average number of complaints received each month was **46** (average for RNTBCs was 14.8)
- » the average number of days to finalise complaints by type was:
 - straightforward—**8.9 days** (previous period 23 days) (6.6 days for RNTBC complaints)
 - detailed—**13.1 days** (previous period 18 days) (15.3 days for RNTBC complaints)
 - complex—**62.3 days** (previous period 83 days) (50.3 days for RNTBC complaints)
- » the largest category of complaints received related to the conduct of **directors and officers (69)**. (23 for RNTBCs)

Changes in the number of complaints over recent years

Table 1: Comparison of complaints received and finalised, six-monthly periods

Six-monthly period	Number received	Number finalised
1 January to 30 June 2018	403	395
1 July to 31 December 2018	330	317
1 January to 30 June 2019	258	240
1 July to 31 December 2019	281 (90)	283 (89)

Table 2: Number of complaints received and finalised, 2016–17 to 2019–20

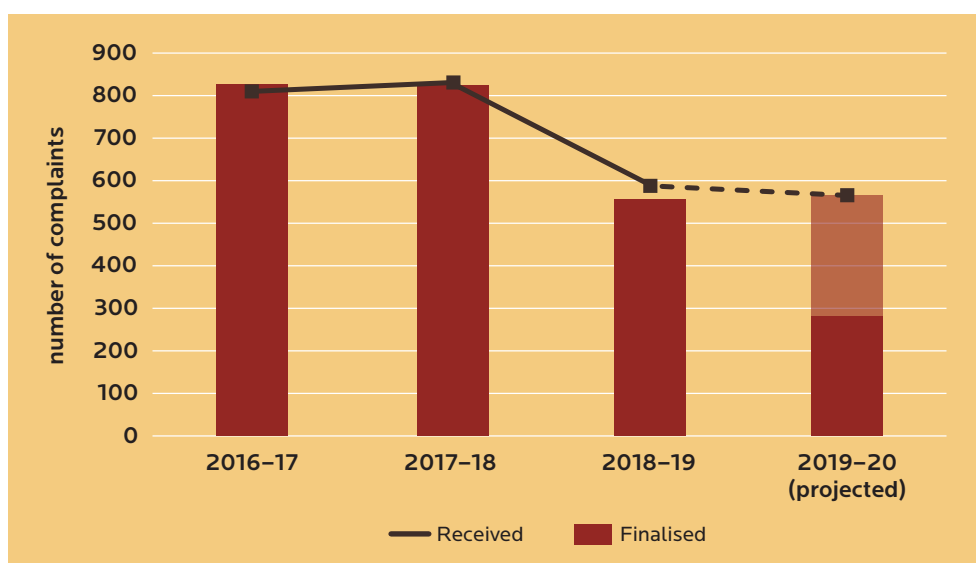
Year	Number received	Number finalised	Number carried over to the next year
2016–17	810	827	8
2017–18	831	823	8
2018–19	588	557	31
2019–20	281 ytd (562)* (90)	283 ytd (566)* (89)	—

Notes:

* Data for 2019–20 is projected based on the number of complaints received in the first half of the financial year. The projections are shown in brackets.

The number carried over to the next year for 2019–20 is not yet calculable.

Figure 1: Number of complaints received and finalised, 2016–17 to 2019–20



Dealing with complaints

Table 3: Average number of days to finalise complaints by complexity, 1 July to 31 December 2019

	Straightforward	Detailed	Complex
July 2019	8.4 (20.0)	9.0 (7.6)	63.2 (22.2)
August 2019	28.1 (13.0)	30.0 (59.6)	57.3 (37.0)
September 2019	3.5 (0.4)	4.3 (1.0)	59.0 (40.0)
October 2019	3.2 (3.3)	8.1 (8.0)	72.4 (86.5)
November 2019	3.1 (1.3)	5.5 (2.1)	81.8 (50)
December 2019	13.0 (17.6)	10.4 (2.8)	58.3 (-)
Average for six-month period (rounded)	8.7 (6.6)	13.2 (15.3)	62.3 (50.3)

Table 4: Number of complaints received by complexity, six-monthly periods

	Jan–Jun 2018	Jul–Dec 2018	Jan–Jun 2019	Jul–Dec 2019
Straightforward	168 (42%)	125 (38%)	97 (38%)	98 (35%) 35 (38.9%)
Detailed	146 (36%)	171 (52%)	128 (49%)	119 (42%) 41 (45.6%)
Complex	80 (20%)	34 (10%)	33 (13%)	64 (23%) 14 (15.6%)
Total	403	317	258*	281 (90)

* At the time of reporting nine complaints received had not been categorised by complexity.

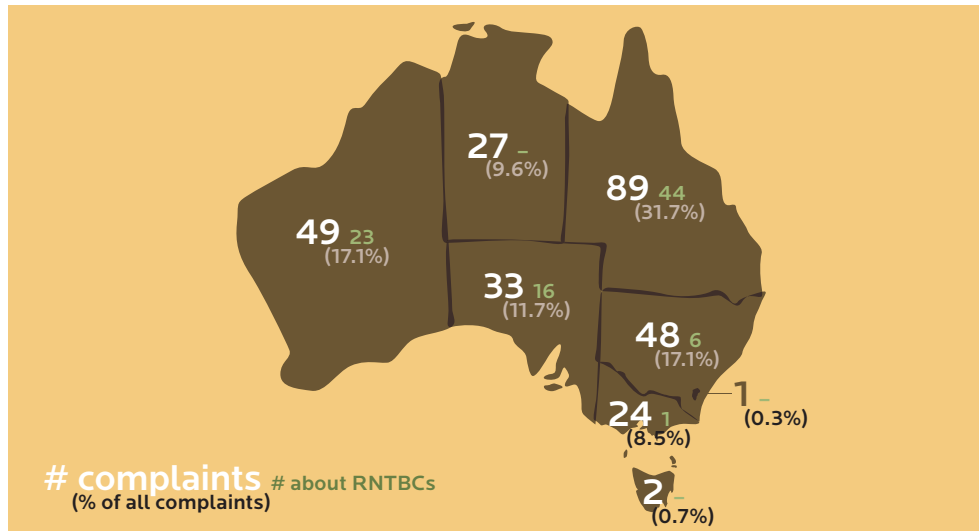
Categories of complaints

Table 5: All complaints received by category, 1 July to 31 December 2019

Rank	Complaint category	Number received
1	Corporation directors and officers Complaints about the conduct of directors or breaches of directors, officers or employees' duties.	69 (23)
2	Other This group of complaints cover a wide range of issues that are within the Registrar's jurisdiction but not easily placed within the other defined complaint categories.	51 (11)
3	Multiple categories Complaints that each cover a number of issues and are not easily placed into a single complaint category.	40 (13)
4	Corporation meetings Complaints that members' or directors' meetings are not being held or meetings are not being held in accordance with the corporation's rules or the CATSI Act.	37 (19)
5	Extreme risk rating Complaints generated by a corporation's audited financial statements showing a loss, inadequate current assets to meet current liabilities, a qualified audit, or other anomaly.	35 (1)
6	Membership issues Complaints about the management of memberships, including incorrect membership details, removal of members, or members not being provided with information about their membership.	31 (16)
7	Out of scope Complaints about matters outside the Registrar's jurisdiction. This includes, but is not limited to, compliance with funding agreements, corporation business decisions and staffing. This category excludes native title matters. Although native title is outside the Registrar's jurisdiction, complaints of this nature are recorded separately in 'native title' to provide data that may inform the Registrar's support services.	5 (1)
8	Native title Complaints about the way that native title matters are managed. This includes, but is not limited to, who can be a member of the claim group, how native title decisions are taken and the boundaries of the native title claim. While the Registrar cannot provide advice on these matters, the office tries where possible, to provide the complainants with information about other complaint-handling bodies that do have jurisdiction in native title matters.	3 (2)
9	Rules Complaints about the corporation's rules.	3 (1)
10	Dispute handling Complaints about how a corporation is managing an internal dispute.	3 (2)
11	Record keeping and financial issues Allegations of financial irregularities or misuse/misappropriation of corporation funds, members are not given information about the corporation's finances, corporation records not accurately kept, or the corporation is trading while insolvent.	2 (1)
12	Annual returns compliance Complaints that a corporation has not met its annual reporting obligations under the CATSI Act.	1 (-)
13	Public register and lodgement of documents Complaints about documents released on the public Register of Aboriginal and Torres Strait Islander Corporations at www.oric.gov.au .	1 (-)

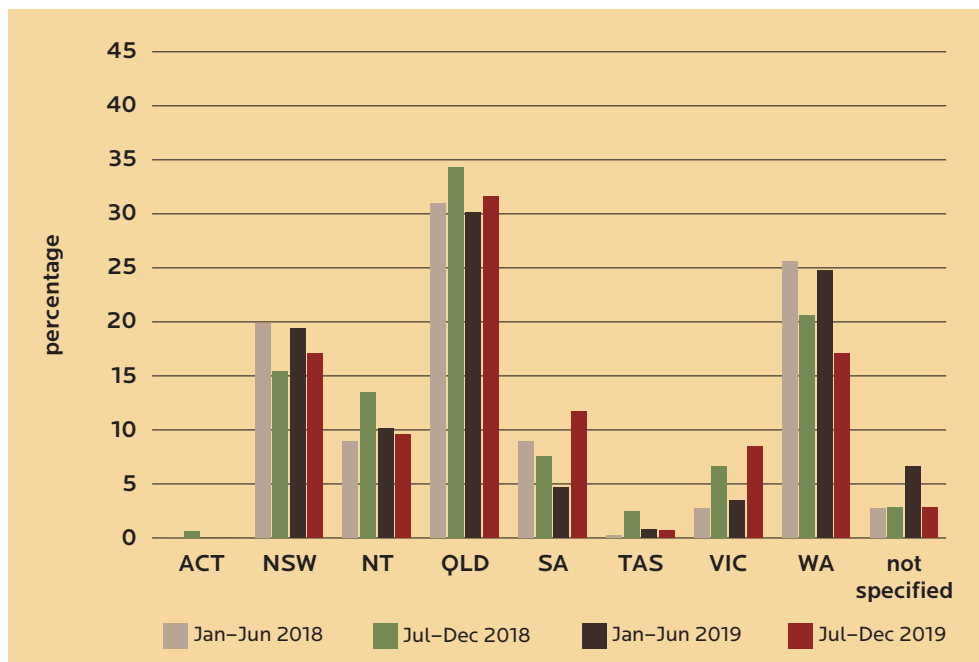
Geographic spread of complaints

Figure 2: Complaints received by state/territory, 1 July to 31 December 2019



Note: Eight complaints (2.8 per cent) were made where the corporation, and therefore the state, was not identified.

Figure 3: Percentage share of complaints received by state/territory, six-monthly periods



Geographic spread of corporations involved in complaints

Figure 4: Corporations involved in complaints received by state/territory, 1 July to 31 December 2019

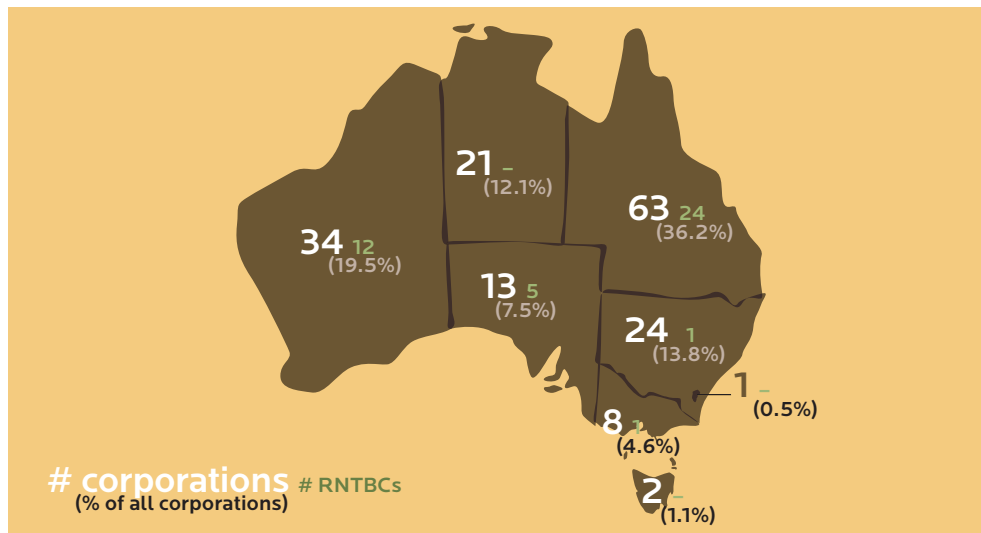
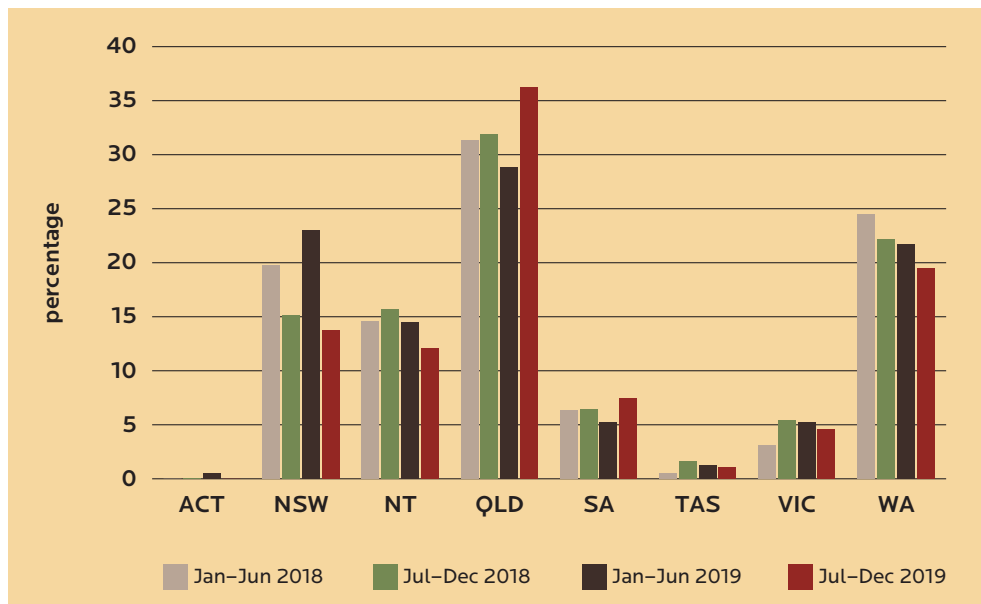


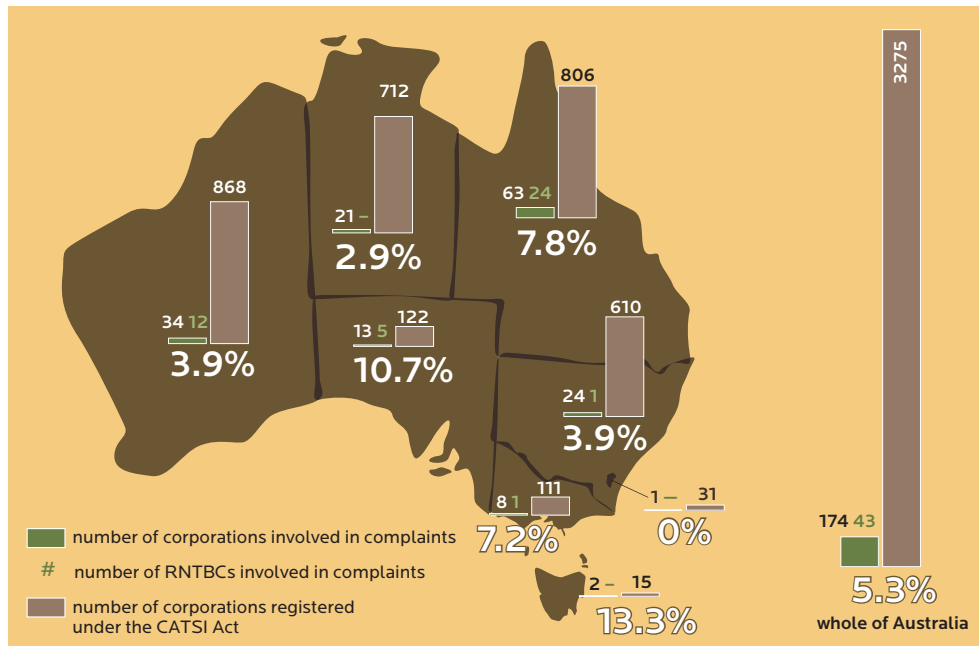
Figure 5: Percentage share of corporations involved in complaints by state/territory, six-monthly periods



Proportional level of corporations involved in complaints

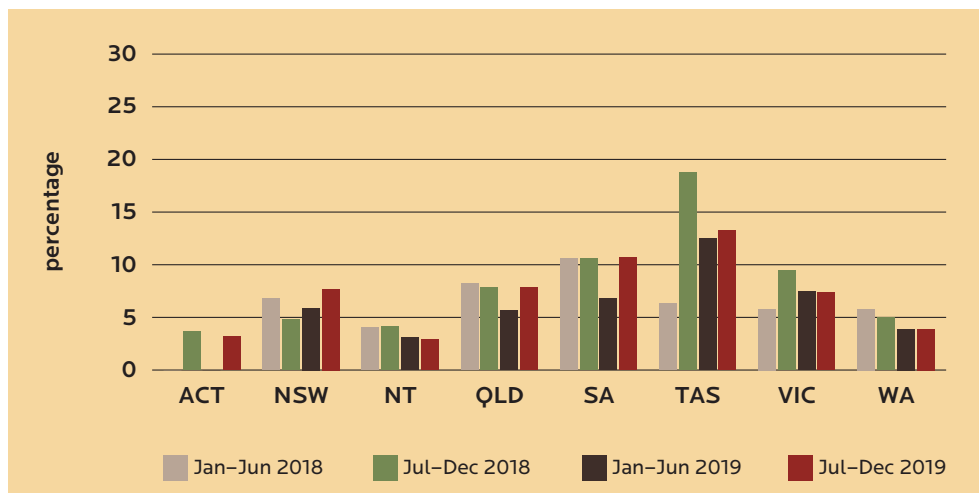
Australia-wide 4.8 per cent of all corporations were involved in complaints.

Figure 6: Proportion of corporations involved in complaints by state/territory, 1 July to 31 December 2019



The map shows the number and percentage of corporations involved in complaints in each state and territory against the number of corporations registered in that state/territory.

Figure 7: Proportion of corporations involved in complaints by state/territory, six-monthly periods



The Registrar publishes a wide range of information to help corporations deal with complaints they receive, and to help people understand what types of complaints the Registrar's office can deal with and the related complaints management process. This includes fact sheets, policy statements and newsletters as well as information available at oric.gov.au.