



Australian Government  
Office of the Registrar of  
Indigenous Corporations



# YEARBOOK

2017-18



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Office of the Registrar of  
Indigenous Corporations

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## 2017–18

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Please be aware that this publication may contain names and images of deceased people.

The Registrar strives to treat Aboriginal and Torres Strait Islander culture and beliefs with respect. We acknowledge that for some communities, it is distressing to show images of people who have passed away.

**Cover image: Ininti seeds**

courtesy of Iria Kuen and Waltja Tjutangku Palyapayi (Aboriginal Corporation)

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STRONG  
**CORPORATIONS**

STRONG  
**PEOPLE**

STRONG  
**COMMUNITIES**



## ABOUT THE REGISTRAR

The Registrar of Indigenous Corporations is an independent statutory office holder who administers the Corporations (*Aboriginal and Torres Strait Islander*) Act 2006 (CATSI Act). The CATSI Act has some unique features:

- Registered corporations must be **owned and controlled by Aboriginal or Torres Strait Islander people**—a majority of both members and directors must be Aboriginal or Torres Strait Islander people.
- The Registrar has **special powers**, for example to appoint examiners and special administrators.
- The Office of the Registrar of Indigenous Corporations (ORIC) provides **support** to corporations to strengthen their corporate governance and conducts **research**.

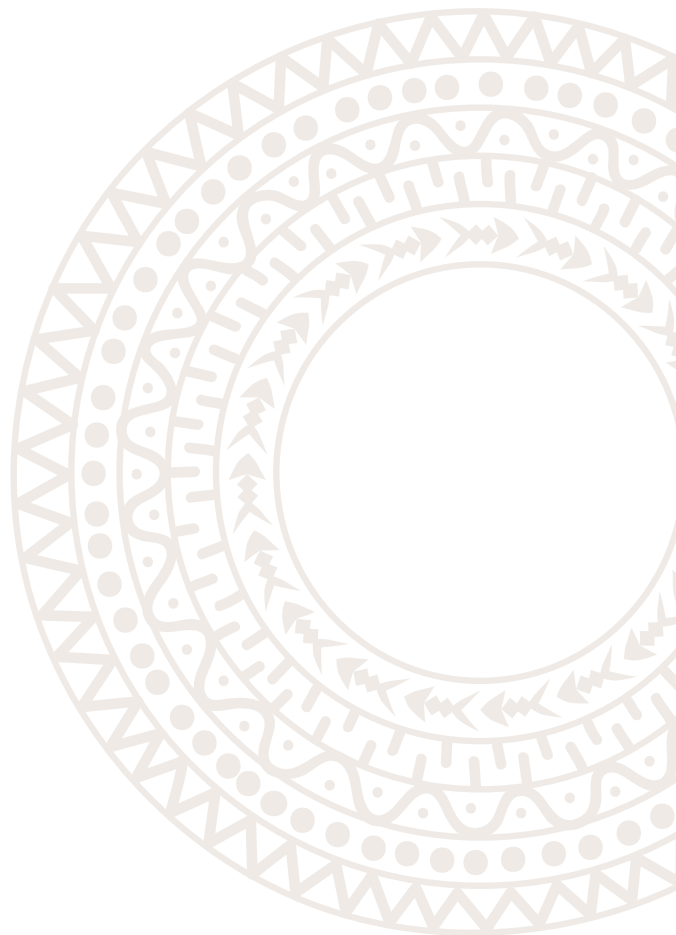
ORIC supports corporations by:

- **advising** on how to incorporate
- **training** directors, members and key staff in good corporate governance
- **ensuring compliance** with the law
- **intervening** when needed.

## ABOUT THE YEARBOOK

Although not required by legislation to produce an annual report, the Registrar believes it is appropriate and good practice to publish a yearbook to inform all clients and stakeholders about the work of ORIC.

ORIC has also contributed to the 2017-18 annual report of the Department of the Prime Minister and Cabinet (PMC), available at [pmc.gov.au](http://pmc.gov.au).



## HIGHLIGHTS



As at 30 June 2018 there were

**3046** REGISTERED  
CORPORATIONS

↑ 4.9% from last year

**186**



corporations are recognised  
**NATIVE TITLE BODIES**  
known as **registered native title  
bodies corporate (RNTBCs)**



97.4% of training participants said  
their **KNOWLEDGE** of corporate  
governance significantly **INCREASED**  
as a result of ORIC training programs



**QUEENSLAND** had the highest  
concentration of **TRAINING**  
this year with:

**35**  
courses

**88**  
corporations

**328**  
participants



Queensland corporations continue to be subject to a relatively high number of complaints (31.3%), and Northern Territory corporations continue to be subject to a relatively low number of complaints—but the gap is narrowing.

## HIGHLIGHTS



The average number of  
**DAYS TO RESOLVE  
A DISPUTE**  
dropped from **63** to **36**



This year, the number of  
**SEARCHES OF THE  
PUBLIC REGISTER**  
surpassed 100,000

**25** **REQUESTS TO CHANGE  
THE NAME** of the corporation  
were processed—22 were approved



**563** Requests were made for  
**EXEMPTIONS** from various  
provisions of the **CATSI Act**  
—507 were granted

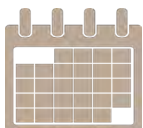


2 out of the 6 **SPECIAL  
ADMINISTRATIONS** started  
were **REQUESTED BY DIRECTORS**



**88**

The number of corporation  
**JOB ADVERTISED** on the  
**ORIC website more than doubled**,  
from 40 to 88



Special administrations **completed**  
ran for an average of

**6** + **10**  
**months**      **days**

**3** Major criminal prosecutions were  
finalised, two resulting in prison  
sentences and the other in **\$3000**  
worth of fines. Courts also ordered  
nine corporations to pay fines  
amounting to **\$6300** for failing to  
lodge reports with the Registrar.



## REGISTRAR'S YEAR IN REVIEW

It has been a tumultuous year at the Office of the Registrar of Indigenous Corporations. After 10 years as Registrar, Anthony Beven departed in November 2017. In December, Joe Mastrolembro, the deputy registrar, was appointed Acting Registrar. Then in April 2018, Joe retired and on 1 May, Mike Fordham stepped in as (again, Acting) Registrar of Indigenous Corporations. Yes, three Registrars in one year! But that's not the only major change in progress, as Mike explains...

On 5 July 2017 Senator the Hon Nigel Scullion, Minister for Aboriginal Affairs, announced a review of the legislation that underlies ORIC and stipulates how it should regulate and support registered Aboriginal and Torres Strait Islander corporations. In September, corporation members and directors and other stakeholders were invited to a series of roundtable discussions in Cairns, Alice Springs, Perth, Melbourne and Canberra. The idea was to give the independent reviewers (DLA Piper) the most current and comprehensive information possible about how the legislation works in practice, and how it could be improved. Completed in October, the review identified a range of measures that would strengthen and otherwise enhance the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.



**Mike Fordham**  
*Gibb River Road, Kimberley*



Since assessing the recommendations from the technical review, the Australian Government has decided to pursue legislative changes and at the time of writing (August 2018), a second round of consultations with corporations and stakeholders is in full swing, with discussions scheduled in Coffs Harbour, Darwin, Broome, Kununurra, Alice Springs, Perth, Adelaide, Cairns, Dubbo, Sydney, Thursday Island, Melbourne, Brisbane and Canberra. The purpose of these consultations is to identify any issues with implementation of the proposed changes and what support corporations may require. It's a long and involved process to amend legislation, so we are determined to get it right. I want to thank everyone who has spent time sharing their views and experiences of the regulatory framework. We're hopeful that the bill to amend the legislation will pass smoothly through the parliamentary process, and that the improvements will start from 1 July 2019.

In May 2018 the government announced that as part of its decentralisation agenda, 10 staff from the Canberra office of ORIC would move to Darwin by June 2019. As at 30 June 2018 ORIC had 47 employees, and 15 were already working out of regional offices in Coffs Harbour, Brisbane, Cairns, Thursday Island, Darwin, Broome, Perth, Alice Springs and the APY Lands. So this is a significant shift for us: essentially, around one third of all Canberra-based staff will move to Darwin.

I don't know who said that the more things change, the more they stay the same. On the contrary, change seems to trigger more change. To keep up with changes to both our legislation and our workforce, we need to adapt ORIC's business systems, policies and procedures. We need to maintain our regulatory and service standards while learning to work differently, across vast distances, in a flatter, more dynamic and collaborative structure. And we need to make sure that the Register of Aboriginal and Torres Strait Islander Corporations is well fitted to its purpose, of regulating and supporting a sector that we know is crucial to Australia's economy and culture alike.

For many people, change can be daunting, but it also clearly presents amazing opportunities to explore how we can work more effectively. I'm honoured to occupy the position of Registrar at this watershed moment; I'm confident that we can leverage the opportunities it presents; and I trust that you will bear with us through any temporary hiccups.

**Mike Fordham**  
*August 2018*

## VISION

### **STRONG CORPORATIONS, STRONG PEOPLE, STRONG COMMUNITIES**

Aboriginal and Torres Strait Islander corporations play an important role in the lives of Aboriginal and Torres Strait Islander people and their communities, as well as in the broader Australian society. Our vision is of well-governed corporations that inspire trust in the sector and provide high-value services and benefits to members and communities.

To achieve that vision, ORIC staff operate within a framework that covers:

- our regulatory approach
- the risks we identify
- how we categorise and prioritise cases
- how we measure our performance.

Our work is also directed by our strategic plan and corporate plan. The current versions cover the period 2017–20. Our corporate documents are available online at [oric.gov.au/about-us](http://oric.gov.au/about-us).

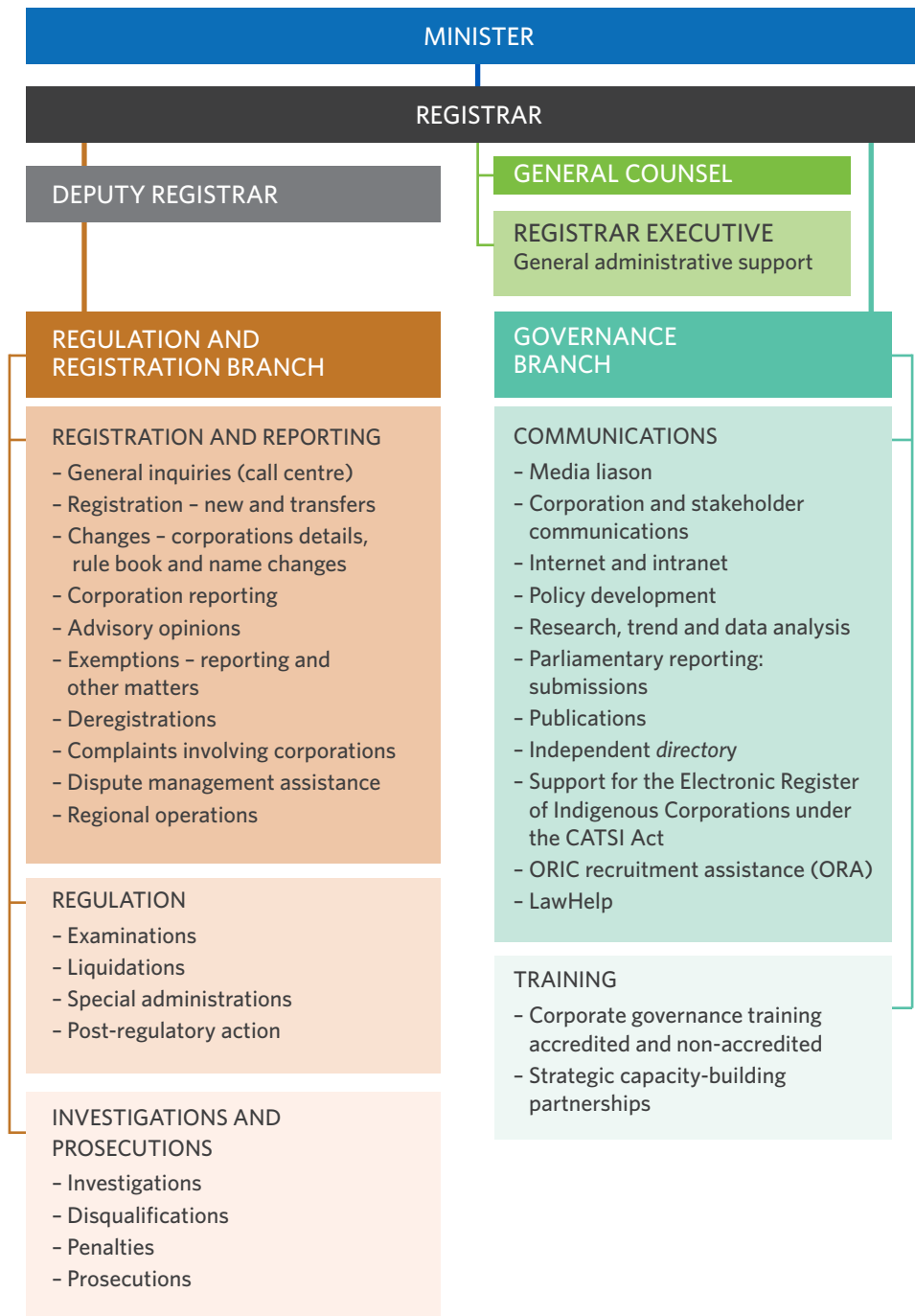
## BUDGET

The Registrar's budget allocation for 2017–18 was \$8.508 million, which was \$130,000 more than the previous year's allocation of \$8.378 million.

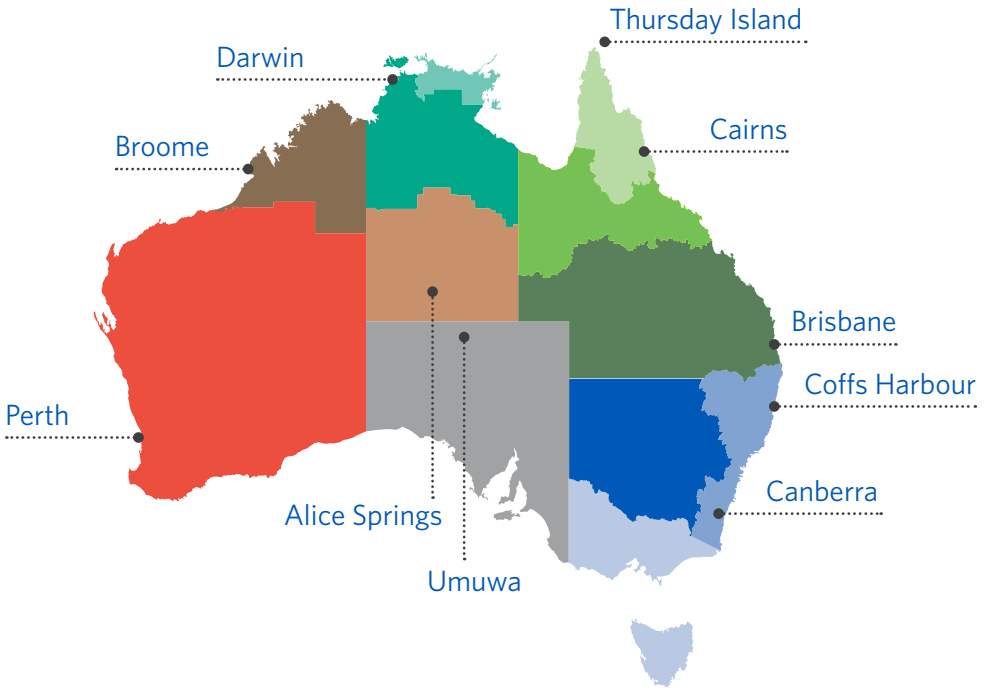
On 5 July 2017 Minister Nigel Scullion announced additional funding of \$4 million over four years for ORIC for additional training, examinations and investigations.

Effectively, in 2017–18 ORIC received an additional \$985,000, bringing our total budget for the year to \$9.493 million.

## ORGANISATIONAL STRUCTURE



## OFFICE LOCATIONS



## STAFF



As at 30 June 2017, ORIC had 47 staff (44.9 full-time equivalents), but three of those were on long-term leave or secondment.

**In effect:**

- 32 were working from the Canberra office
- 15 were working from a regional office
- 49 per cent identified as Aboriginal and/or Torres Strait Islander
- 49 per cent were women
- four staff, or 8.5 per cent were part-time or casual.

## SENIOR MANAGEMENT

Senior managers as at 30 June 2017:



**Mike Fordham**  
*Acting Registrar*



**Gerrit Wanganeen**  
*Acting Deputy Registrar*



**Lisa Hugg**  
*Manager, Communications*



**Helen Wright**  
*Manager, Registration and Reporting*



**Catherine Turtle**  
*Manager, Training*



**Trish Mu**  
*Manager, Investigations and Prosecutions*



**Angus Hudson**  
*General Counsel*



**Benjamin Murray**  
*Manager, Regulation*

# PERFORMANCE

## REPORTING

Currently, ORIC measures its performance by output, which helps us to understand the efficiency of our operations. Over the next five years we want to build capability to measure our impact on good governance and trust in the Aboriginal and Torres Strait Islander sector—our outcomes. For example, we might look at the long-term impact of directors' training on corporations' performance.





# ESTABLISHING

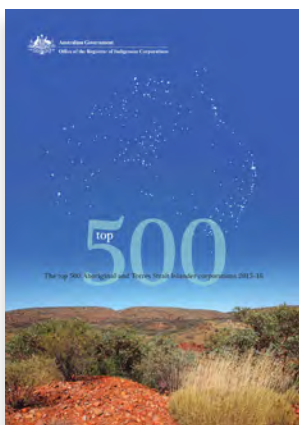
The Registrar is responsible for administering the CATSI Act. This involves creating a sustainable regulatory framework to give effect to the legislation.

## CONDUCT RESEARCH

This yearbook presents data on the full range of functions of the Registrar. ORIC also publishes reports on the following research:

- the activities and growth of the 500 highest-earning corporations—the Top 500 report (annual)
- the number and types of external administrations (annual)
- the number and types of complaints about corporations (twice-yearly).

### TOP 500 REPORT, 2015–16



*Top 500 report for 2015–16*

In November 2017 ORIC published its ninth report on the 500 highest earning Aboriginal and Torres Strait Islander corporations. Some of the key findings of the top 500 report for 2015–16 were as follows:

- The **combined income** of the top 500 Aboriginal and Torres Strait Islander corporations for 2015–16 was \$1.92 billion (compared to \$1.88 billion in 2014–15, an increase of 1.9 per cent).
- Corporations in the **Northern Territory** represent 34 per cent of the top 500 and earned 47.1 per cent of the combined total national income.

The Northern Territory had the highest total income (\$903 million) of all the states and territories, with an average of \$5.31 million per corporation. It has maintained this lead since 2004–05.

- The ten-year average **annual growth** rate of total income for corporations was 8.3 per cent.
- The top 500 had 12,981 FTE employees. This is 1886 more employees than 2014–15 (an increase of exactly 17 per cent).
- The combined value of **assets** held by the top 500 corporations was \$2.4 billion (compared to \$2.2 billion in 2014–15, an increase of 8.1 per cent).
- The overall representation of **women on boards** of directors decreased slightly to 51.6 per cent (a decrease of 1.2 per cent from 2014–15). However, 80 per cent of boards have more than 30 per cent female representation.
- There were **59 new entries** in the top 500 for 2015–16. Sixteen of these were transfers of existing entities from other legislation.
- In 2015–16 the greatest **source of revenue** for the top 20 corporations came from self-generated income (46.5 per cent of total income). However, government funding to the top 20 increased by 5.0 per cent—from 39.3 per cent to 44.3 per cent.
- As at 30 June 2016 there were **159 registered native title bodies corporate (RNTBCs)**, also known as prescribed bodies corporate (PBCs). Only 30 RNTBCs (18.8 per cent of all RNTBCs) appeared in the top 500.

The latest top 500 report featured a case study of Danila Dilba Health Service Aboriginal Corporation, which for a quarter-century has provided culturally-appropriate health care and community services to Biluru (Aboriginal and Torres Strait Islander) people in the Yilli Reung (greater Darwin) region of the Northern Territory. Danila Dilba has ranked in the top 500 for the nine years, and has very high satisfaction ratings among both clients and staff.

## STATISTICAL REPORTS

In 2017-18 the Registrar published the following statistical reports:

- an annual report on corporations entering external administration in 2016-17—including special administrations, voluntary administrations and creditors' voluntary wind-ups
- bi-annual reports on complaints involving corporations, their nature (by category), their frequency and complexity, and their concentration within each state and territory.

In 2017-18 the majority of the external administration appointments occurred in the Northern Territory, and the sector with the most corporations entering external administration was land management. The main reason for the appointment of an external administrator was poor management of the business. This reason was closely followed by poor financial management and thirdly, the interests of the public, members or creditors.

Most external administrations were special administrations under the CATSI Act, which restructured corporations and returned them to member control.

Consistent with the last few years, in 2017-18 Queensland corporations were the subject of a proportionally high number of complaints—31.3 per cent, though they represent only 24 per cent of all corporations. Conversely, Northern Territory corporations were the subject of only 8.9 per cent of complaints, though they represent 22.9 per cent of all corporations.

**Table 1: External administrations by type, for the past five years**

APPOINTMENT TYPE	2013-14	2014-15	2015-16	2016-17	2017-18
Special administration	11	9	10	8	6
Receiver	0	0	0	0	0
Deed of corporation arrangement	0	1	0	0	0
Voluntary administration	1	0	1	0	0
Provisional wind-up	0	0	0	0	0
Members' voluntary wind-up	0	1	0	0	1
Creditors' wind-up	1	2	2	0	1
Court wind-up	2	1	0	0	1
<b>Total</b>	<b>15</b>	<b>14</b>	<b>13</b>	<b>8</b>	<b>9</b>

## DEVELOP POLICY

As a stakeholder in Aboriginal and Torres Strait Islander affairs, ORIC is consulted in relation to policy reform or new initiatives. Requests for input may come from ministers, government departments or agencies or parliamentary committees, and may be informal or formal. In 2017-18 the main focus of ORIC's policy work was overseeing the technical review of the CATSI Act and then coordinating the project to amend the legislation. For more details, see the section 'Amend legislation and regulations'.

## UNDERSTAND SECTOR RISKS AND ISSUES

In 2017 ORIC formalised its internal process for identifying and mitigating the risks associated with Aboriginal and Torres Strait Islander corporations. In accordance with our strategic risk framework, we established a risk working group to collect information that staff receive in the course of their daily work and—periodically—to plan a response. The risk working group met three times during 2017-18, in October, January and May.

The issues identified by the risk working group are referred to our annual planning process where we plan responses to address those risks. This guides regulatory activities, training, prioritisation of disputes and complaints assistance, general information and communication activities. Examples of responses initiated through this process include an issue of the *ORIC Oracle* dedicated to CEO accountability, and a series of staff seminars on native title efforts to build the capacity of and support to RNTBCs.

## ENGAGE STAKEHOLDERS

As part of ongoing business we engage and consult with government and industry stakeholders. For example, we hold quarterly meetings with the Department of Health, the Commonwealth Director of Public Prosecutions, and fortnightly meetings with our portfolio department, the Department of the Prime Minister and Cabinet (PMC). We also engage with other national, state and territory regulators and enforcement bodies. We use the opportunity to gather their feedback on our services and regulatory activities, as well as issues relevant to the sector and regulation. This information is also used to inform our annual planning.

ORIC helps to inform the broader community about Aboriginal and Torres Strait Islander corporations and ORIC's regulatory activity through a wide range of communication activities and consultation. Following on from the 5 July event celebrating 10 years of the CATSI Act, and the Minister's announcement of the technical review of the legislation (as reported in the last yearbook), in September 2017 ORIC hosted a series of roundtable discussions in Cairns, Alice Springs, Perth, Melbourne and Canberra to consult with stakeholders about possible reforms to the CATSI Act.



### CATSI review discussions

*Cairns and Alice Springs*

### ORIC.GOV.AU

The ORIC website at [oric.gov.au](http://oric.gov.au) has a range of information and resources for and about Aboriginal and Torres Strait Islander corporations. Interested people can:

- download corporations' public documents
- access statistical reports
- find a list of prosecution outcomes
- sign up for news and media releases.

It's also a portal through which, for example, corporations can:

- lodge their documents
- advertise job vacancies
- register for training.

In 2017-18 there were 180,806 sessions on the website by 85,543 users. On average users viewed 2.8 pages per session.

### MEDIA RELEASES

The Registrar issues regular media releases on significant developments or events affecting Aboriginal and Torres Strait Islander corporations. This year we improved our subscription service to make it more accessible and relevant for media professionals and other interested people who receive ORIC media releases by email.

In 2017-18 the Registrar issued 27 media releases, all of which are available on the ORIC website.

### SOCIAL MEDIA

Since 2016-17 ORIC has shared occasional news and stories through the [indigenous.gov.au](http://indigenous.gov.au) social media accounts on Facebook and Twitter. This year we started posting to Instagram and LinkedIn as well. In 2017-18 our:

- ten posts on Facebook prompted 369 likes, comments and shares
- 11 posts on Twitter prompted 117 equivalent responses
- six posts to Instagram prompted 425 responses
- two posts to LinkedIn prompted 62 reactions.

SPOTLIGHT ON...

Each month we publish a good news story about an Aboriginal or Torres Strait Islander corporation working to benefit its members and Aboriginal and Torres Strait Islander people and communities.

For the featured corporation, it's an affirmation of their efforts and achievements. For the broader public it's a way to learn more about this vibrant, diverse sector.



**July 2017: A significant place**  
*Biripi Aboriginal Corporation Medical Centre*



**August 2017: Fighting today for a better tomorrow**  
*Streets Movement Indigenous Corporation*



**September 2017: Indigenous station owners grow their business skills**  
*Twin Hill Aboriginal Corporation*



**October 2017: Ms Jemma's leadership keeps on trucking**  
*Top End Aboriginal Bush Broadcasting Association (Aboriginal Corporation)*



**November 2017: Leaders in law, business and community**  
*Rirratjingu Aboriginal Corporation*

SPOTLIGHT ON...



**December 2017: Building bridges every which way**  
*The Arnhem Land Progress Aboriginal Corporation*



**January 2018: Good health for Biluru people and communities**  
*Danila Dilba Biluru Butji Binnilutlum Health Service Aboriginal Corporation*



**February 2018: Looking up (dhupuma)**  
*Gumatj Aboriginal Corporation*



**March 2018: Aboriginal health in Aboriginal hands**  
*Marr Mooditj Training Aboriginal Corporation*



**April 2018: Revitalise the language, sustain the soul**  
*Bularri Muurlay Nyanggan Aboriginal Corporation*



**May 2018: Waking up to Wadjemup**  
*Rottneest Island Deaths Group Aboriginal Corporation*



**June 2018: Fierce determination for 20 years**  
*Larrakia Nation Aboriginal Corporation*



## EVENTS AND COMMUNITY ACTIVITIES

ORIC participates in and organises a range of events and community activities to engage with the general community and improve our understanding of their interests and concerns. We also use these opportunities to share information about the CATSI Act and good governance, data on the sector and news about corporation achievements.

### NATIONAL NATIVE TITLE CONFERENCE 2018

Registered native title bodies corporate (RNTBCs) are Aboriginal and Torres Strait Islander corporations that have obligations under the *Native Title Act 1993*. By law these corporations must register under the CATSI Act, and cannot be deregistered as long as they remain a RNTBC and manage or hold native title rights. The annual National Native Title Conference is the principal gathering for the sector with over 800 delegates attending. It provides a valuable opportunity to engage face-to-face with native title corporations, representative bodies and other stakeholders in the sector. In 2018 the conference was held in Broome, Western Australia, from 5 to 7 June.

Gerrit Wanganeen, Acting Deputy Registrar, presented key findings of the review of the CATSI Act, focusing on the provisions pertaining to RNTBCs, and describing proposed amendments that would improve consistency with native title legislation.

## NAIDOC WEEK AND FAMILY DAY

NAIDOC week is held in the first full week of July each year. It is a time to celebrate Aboriginal and Torres Strait Islander history, culture and achievements and is an opportunity to recognise the contributions that Indigenous Australians make to our country and our society.

ORIC encourages all staff to participate in local celebrations and activities that take place across the country. In Canberra, staff hosted an information stall at the ACT NAIDOC family day on Sunday, 2 July 2018 at the University of Canberra.



### National Native Title Conference 2018

*Broome, Western Australia.*



## COMMUNITY AND CULTURE

On 13 February 2018 staff attended an evening event to mark a decade since the National Apology to the Stolen Generations.

On 18 March 2018 staff participated in a one-day festival 'Awakening Ancient Futures'. A highlight of the day was a walk with Ngarigo elder and traditional land manager Rod Mason who talked about cool burning to regenerate native flora and fauna.

ORIC staff may take up to three days' paid leave per year to participate in cultural or ceremonial activities and/or two months' leave without pay for cultural activities. In 2017-18, ORIC staff together used seven of these.

## PARTNERSHIPS

ORIC maintains partnerships with a range of organisations for different purposes. As at 30 June 2017 we had current memorandums of understanding (available on our website) with the following organisations:

- Australian Securities and Investments Commission
- Australian Charities and Not-for-profits Commission
- National Native Title Tribunal and Torres Strait Regional Authority - to support a regional officer based on Thursday Island, so that registered native title bodies corporate in the Torres Strait could be assisted to review their rule books and bed down processes for dispute resolution
- Australian Taxation Office.

To provide our pro bono legal assistance service, LawHelp, in 2017-18 we worked with 13 of Australia's leading law firms:

- Allens
- Ashurst
- Australian Government Solicitor (AGS)
- Baker & McKenzie
- Bradley Allen Love Lawyers
- Castledine Gregory Law & Mediation
- Clayton Utz
- DLA Piper Australia
- Herbert Smith Freehills
- HWL Ebsworth Lawyers
- Jackson McDonald Lawyers
- Minter Ellison
- Taylor David Lawyers.

Other partnerships active in 2017-18 were with:

- state governments of New South Wales and Western Australia—for corporate governance training programs
- state government of South Australia—to support the operation of a regional officer based in the APY Lands
- Torres Strait Regional Authority—to support the operation of a regional officer based on Thursday Island
- Business Council of Australia—for *Independent* directory



**Rod Mason**

*Ngarigo elder and traditional land manager, at the Awakening Ancient Futures festival*



**10th anniversary of the National Apology**

## AMEND LEGISLATION AND REGULATIONS

To operate effectively and efficiently as a regulator, the Registrar and ORIC need the driving legislation—the CATSI Act—to be clear, robust and appropriate to meet the needs of Aboriginal and Torres Strait Islander corporations, people and communities.

On 5 July 2017 the Minister for Indigenous Affairs, Nigel Scullion, announced that ORIC would lead a technical review of the legislation in 2017-18. A private law firm, DLA Piper, was engaged to conduct the review. Consultations with corporations and other stakeholders were undertaken from September and the final report, with 69 recommendations, was delivered on 31 October 2017.

Some of the review recommendations relate specifically to registered native title bodies corporate (RNTBCs) and were considered by PMC and the Attorney-General's Department to be better addressed as part of pending reforms to native title legislation. Many of the remaining recommendations were taken up as part of a suite of proposed amendments to the CATSI Act and Regulations. Overall, the proposed amendments are designed to reduce the regulatory burden for small corporations, and increase transparency for members and the general public. Details of the proposed reforms are available at [oric.gov.au/catsi-review](http://oric.gov.au/catsi-review).

The proposed reforms have been widely circulated among Aboriginal and Torres Strait Islander corporations, and a second round of consultations occurred in August–September 2018. ORIC continues to work closely with the Department on the draft amendments. It is anticipated an amendment bill will be introduced to Parliament during the spring sittings of 2018. Subject to passage through Parliament, ORIC anticipates the amendments will commence on 1 July 2019.

Because the Regulations were due to sunset on 1 October 2017, ORIC dedicated part of its efforts in 2017-18 to revising the Regulations. After extensive consultations with the Office of Parliamentary Counsel (OPC) a final draft of the new Regulations was approved by the Minister for Indigenous Affairs on 4 September 2017 and the Governor-General on 18 September. Those approvals enabled the Regulations to be entered onto the Federal Register of Legislation on 29 September 2017. The Corporations (Aboriginal and Torres Strait Islander) Regulations 2017 came into effect on 1 October 2017, ensuring there was no gap between the old and the new.

# REGISTERING



## PROVIDE PRE-REGISTRATION SERVICE

### PRE-REGISTRATION MEETINGS WITH GROUPS

ORIC staff often field queries from groups of Aboriginal and Torres Strait Islander people who are thinking about incorporating, and wanting more information about their options. Some conversations occur over the phone; in other cases, an ORIC officer will meet with the group to discuss options and determine whether registering under the CATSI Act is appropriate in their circumstances. This pre-registration service is also available to groups that are already incorporated under alternative legislation, and considering transferring their registration to the CATSI Act.

### PRE-REGISTRATION WORKSHOPS WITH GROUPS

A portion of the corporation-specific training that we run is to assist groups who are planning to incorporate for the first time, transfer their existing registration or amalgamate with another organisation. We provide information on the requirements and process, and help develop a constitution (rule book) that is consistent with the CATSI Act.

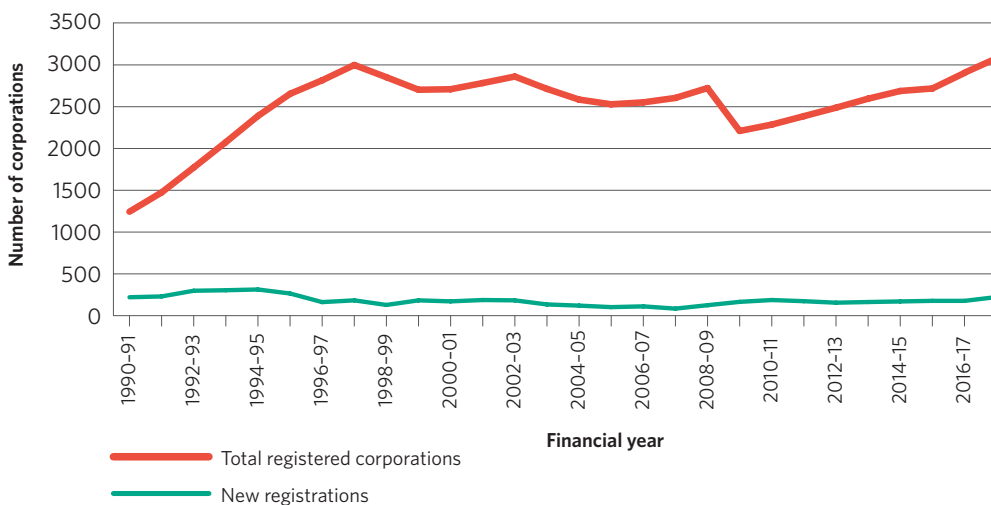
## DRAFT RULE BOOKS

ORIC recommends that corporations regularly review their rules to make sure directors and members can understand them, and the rules work well for their corporation's changing circumstances. ORIC provides a number of model rule books on its website, and offers assistance to corporations to create or revise their rule book. In many cases this service is combined with a pre registration workshop mentioned above.

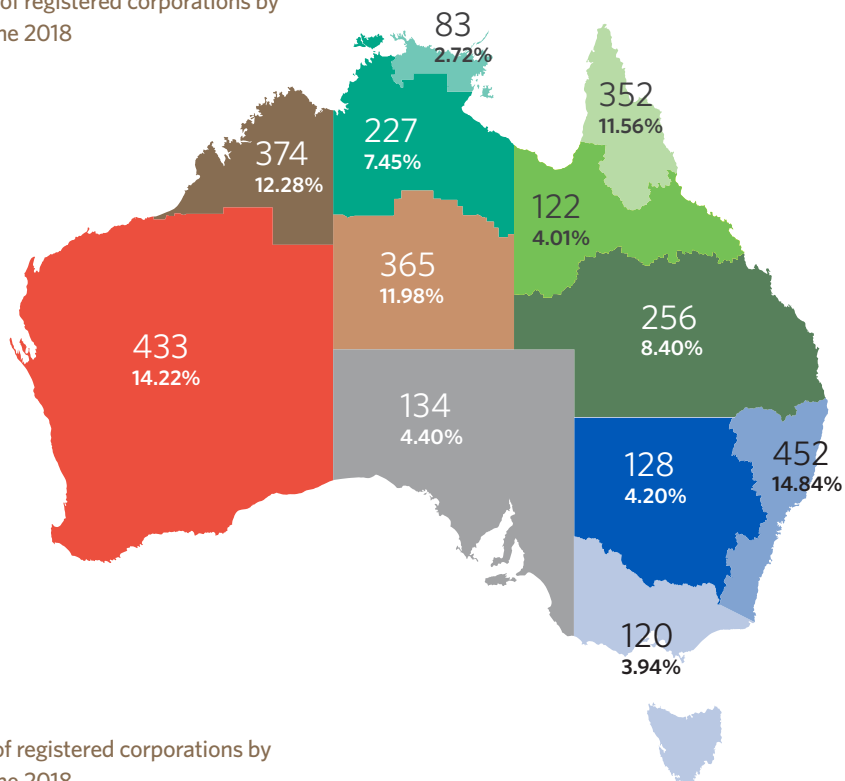
## REGISTER CORPORATIONS

At 30 June 2018 there were 3046 corporations registered under the CATSI Act. The year before there were 2904. That's a net increase of 142 corporations (taking into account new incorporations, reinstatements and deregistrations); a growth of 4.9 per cent. Of those 3046, 186 (6.1 per cent) were registered native title bodies corporate (RNTBCs).

**Figure 1:** Registered and new corporations from 1990-91 to 2017-18



**Figure 2:** Number of registered corporations by region as at 30 June 2018



**Table 2:** Number of registered corporations by region as at 30 June 2018

REGION	NO. OF CORPS	% OF TOTAL
Eastern New South Wales	452	14.84%
Greater Western Australia	433	14.22%
Kimberley	374	12.28%
Central Australia	365	11.98%
Far North Queensland	352	11.56%
South Queensland	256	8.40%
Top End and Tiwi Islands	227	7.45%
South Australia	134	4.40%
Western New South Wales	128	4.20%
Gulf and North Queensland	122	4.01%
Victoria and Tasmania	120	3.94%
Arnhem Land and Groote Eylandt	83	2.72%
<b>Total</b>	<b>3046</b>	<b>100%</b>

## NEW REGISTRATIONS

During 2017-18 there were 183 new registrations—six more than the previous year. This includes eight transfers of incorporation to the CATSI Act from other incorporation legislation and four reinstatements. The year before, 13 of the 177 registrations were transfers and five were reinstatements.

*Note:* the figures below include applications for reinstatement. In 2017-18 six applications for reinstatement were received, and four corporations were reinstated.

Requests to register a corporation were processed in an average of 13.8 days.

**Table 3:** Requests to incorporate

REQUESTS TO INCORPORATE	13-14	14-15	15-16	16-17	17-18
Received	166	187	184	210	211
Finalised:	175	182	186	215	216
▪ approved	163	170	177	177	189
▪ refused	10	9	8	27	12
▪ lapsed/withdrawn	2	3	1	11	15

## DEREGISTRATIONS

There were 41 deregistrations this year, compared with 54 corporations that were deregistered in 2016-17—a decrease of 24.1 per cent.

## REGISTER DOCUMENTS AND CHANGES

ORIC receives a range of information, forms and reports that need to be added to or update information on the Register of Aboriginal and Torres Strait Islander Corporations. In 2017-18 ORIC processed 5967 registration jobs (6224 including Registrar-initiated jobs).

The range of jobs requiring changes to the register includes:

- change corporation name
- change corporation address and/or other contact details
- change directors, contact persons or secretaries
- change rule book
- lodge updated membership list
- change native title status
- lodge general, financial and directors' reports.



**Table 4:** Sample of registration activity from 2013-14 to 2017-18

REQUESTS TO CHANGE RULE BOOK	13-14	14-15	15-16	16-17	17-18
Received	213	200	207	268	235
Finalised:	226	198	209	264	237
▪ approved	216	182	190	249	218
▪ refused	10	16	19	15	19
<i>Average processing time</i>	<i>16.96 days</i>				
REQUESTS TO CHANGE NAME					
Received	22	10	12	17	24
Finalised:	23	12	13	16	25
▪ approved	23	12	12	16	22
▪ refused	0	0	1	0	3
<i>Average processing time</i>	<i>12.24 days</i>				
REQUESTS TO CHANGE A CORPORATION'S CONTACT DETAILS OR DETAILS OF DIRECTORS, CONTACT PERSON OR SECRETARY					
Received	852	860	1036	1308	1328
Finalised:			1044	1317	1325
▪ changes applied to the public register	852	852	1031	1284	1289
<i>Average processing time</i>	<i>1.8 days</i>				

**Notes:**

- Some requests received during 2017-18 were carried over into the next year.
- Where a request to change details for a contact person or other officer is not approved, usually the reason is that the person making the request is not authorised to change those details.

Figure 3: Requests to change rule book

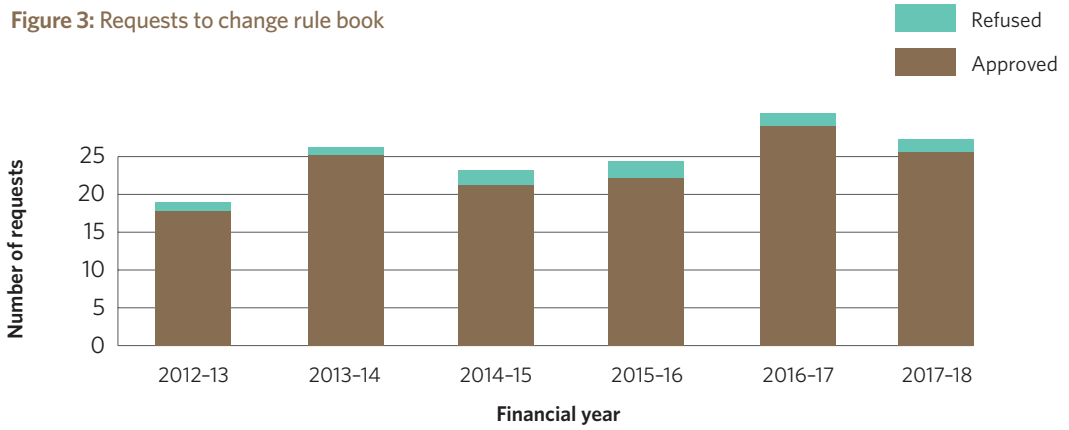


Figure 4: Requests to change name

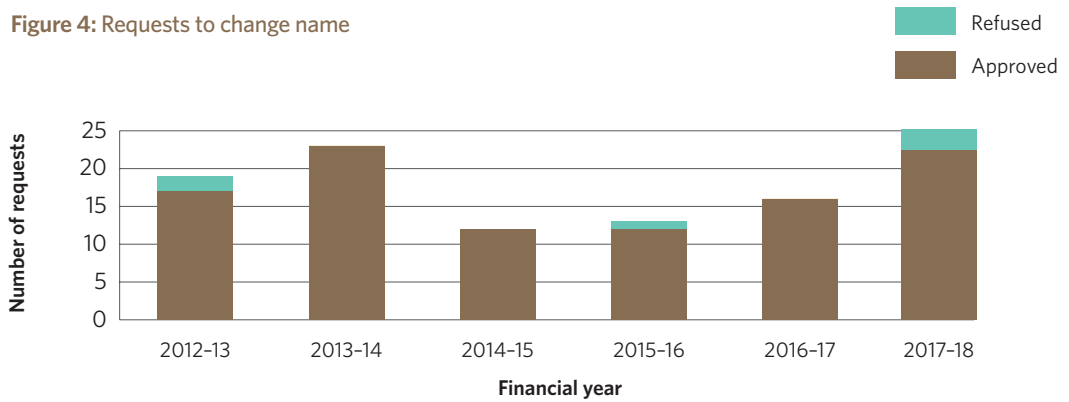
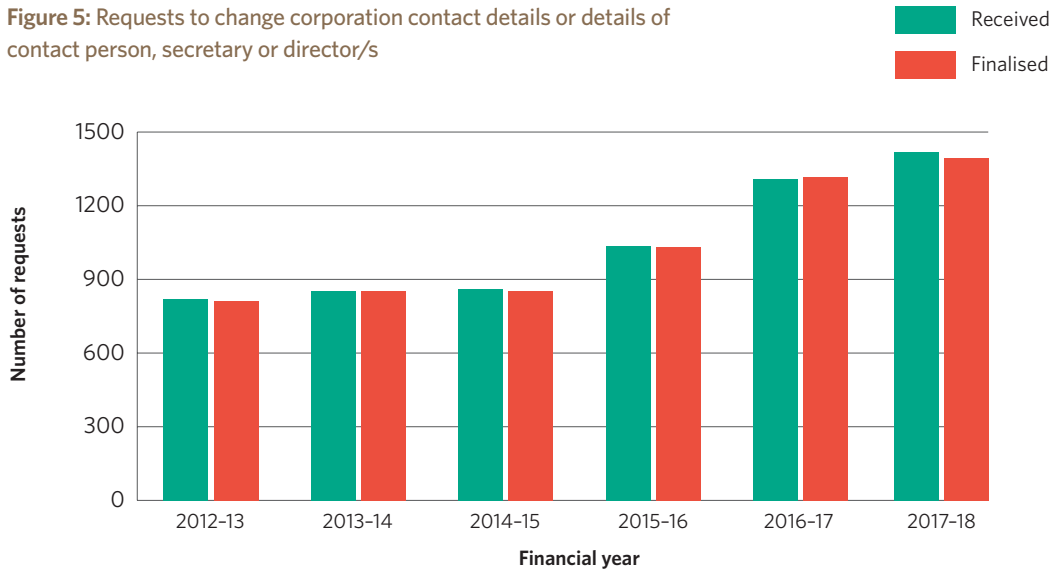


Figure 5: Requests to change corporation contact details or details of contact person, secretary or director/s



Depending on the type of changes required to the register, the time to process them varies.

**Table 5:** Average processing time for each kind of change request, 2017-18

TYPE OF CHANGE REQUEST	AVERAGE PROCESSING TIME IN DAYS
Rule book	20.97
Corporation name	34.8
Contact details for corporation or officers	1.8
Member list	1.9
Native title status	2.0

## EXEMPTIONS

The Registrar has the power to grant exemptions in relation to particular sections of the CATSI Act. The power enables the Registrar to adapt the legislation to meet the individual circumstances of Aboriginal and Torres Strait Islander corporations. The Registrar's policy statement *PS-07: Exemptions* provides more detail.

In 2017-18 ORIC processed 562 applications for exemptions from various provisions of the CATSI Act. On average, applications for exemptions were processed in 8.3 days.

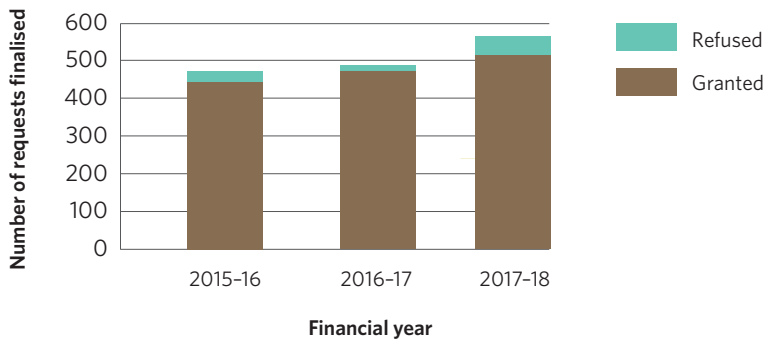
**Table 6:** Requests by exemption type, 2017-18

EXEMPTION TYPE	RECEIVED	GRANTED	REFUSED
Extension of time to hold AGM	258	236	22
Exemption in relation to record keeping and reporting requirement	231	206	25
Exemption in relation to meetings	33	28	5
Exemption in relation to directors	26	24	2
Exemption in relation to members	14	13	1
Exemption in relation to member approval for related party benefit	1	0	1
<b>TOTAL</b>	<b>563</b>	<b>507</b>	<b>56</b>

**Table 7:** Exemptions requested, granted and refused in the last three years

EXEMPTIONS	2015-16	2016-17	2017-18
Received	469	485	563
Finalised:	468	488	562
•granted	438	467	506
•refused	30	21	56

**Figure 6:** Exemptions finalised in the last three years



## LODGEMENT OF FORMS AND REPORTS ONLINE

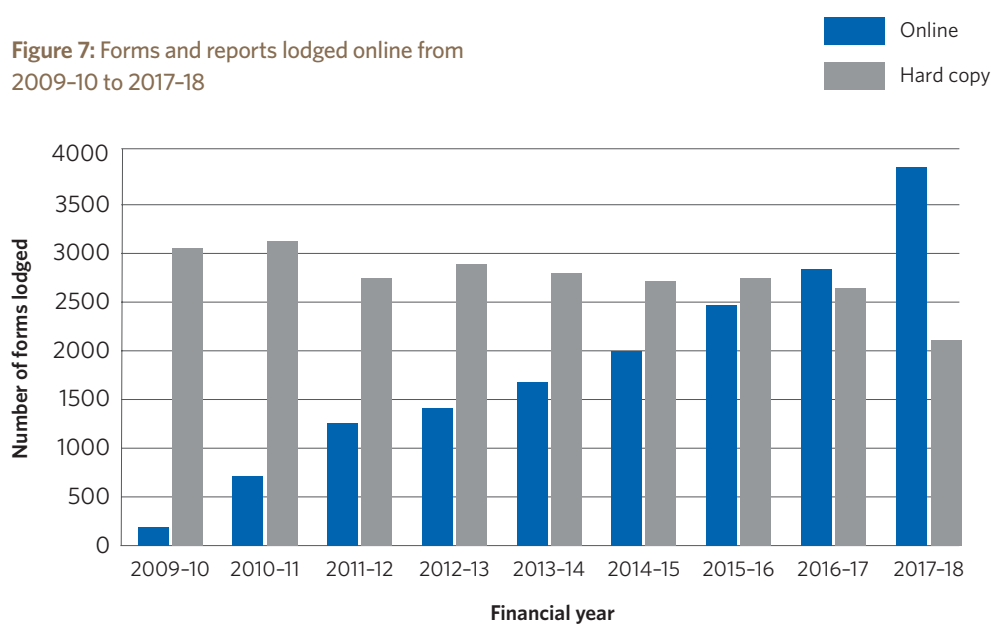
ORIC provides forms for corporations to register and meet their reporting and other obligations under the CATSI Act. To optimise accuracy of the information and efficiency of the process, we encourage corporations to use ORIC’s secure system for online lodgement at **online.oric.gov.au**. When a corporation needs to lodge a report or update their details, they can log in and their corporation’s registered information will pre-populate the relevant form. In that way they can easily revise their information and instantly lodge it with the Registrar. To ensure access for all, we still provide PDF versions of our forms, which corporations can download, print, complete, scan and return.

Each year we see a steady increase in the percentage of forms and reports submitted through the Registrar’s online lodgement system. This year:

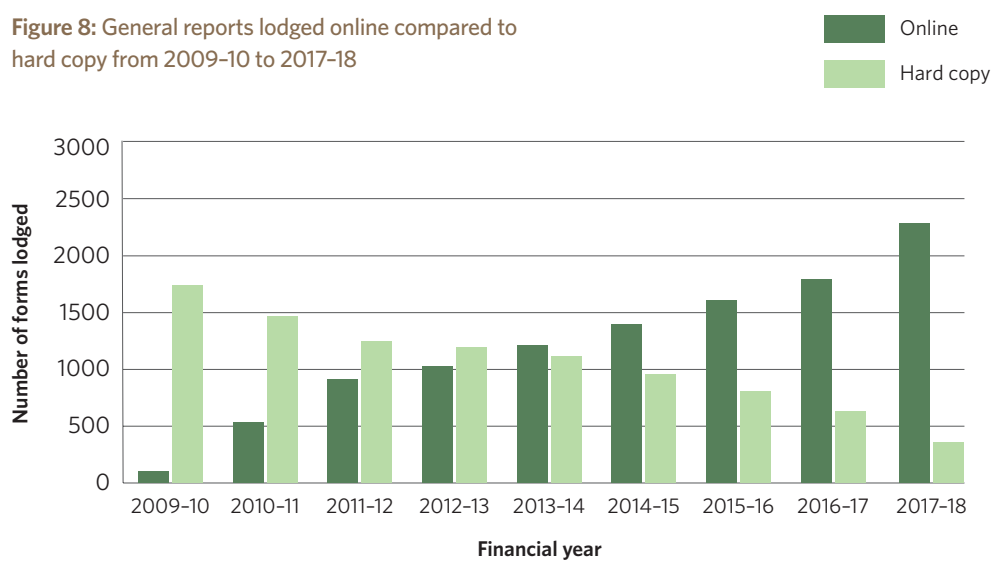
- 66 per cent of all forms were submitted online. That’s a 14 per cent increase from last year.
- 87 per cent of general reports were submitted online—13.1 per cent more than last year.

The rate of corporations’ compliance with their annual reporting obligations will be addressed later in this document. See ‘Promote timely lodgement of annual reports’.

**Figure 7: Forms and reports lodged online from 2009-10 to 2017-18**



**Figure 8: General reports lodged online compared to hard copy from 2009-10 to 2017-18**



## PROVIDE ACCESS TO PUBLIC REGISTERERS

ORIC manages the Register of Aboriginal and Torres Strait Islander Corporations, and makes part of it—contact details and certain documents about each corporation such as financial reports and regulatory actions by ORIC—publicly accessible on the web. We also manage and publish online the Register of Disqualified Officers. Maintaining and providing access to these information resources is a highly valued service provided by ORIC.

In 2017–18 there were:

- 103,588 website visits to search the public register—which is 13.58 per cent more than the previous year (91,180 sessions). Around half of all visitors to the ORIC website end up on a corporation search result page.
- 436 visits to the Register of Disqualified Officers.

	15-16	16-17	17-18
Public Register	87,271	91,180	103,588
Register of Disqualified Officers		599	436

# SUPPORTING



The Registrar's functions include supporting Aboriginal and Torres Strait Islander corporations to succeed and promoting good governance.

## PROVIDE CORPORATE GOVERNANCE TRAINING

ORIC delivers corporate governance training to corporations that are either registered under the CATSI Act or planning to be. The training supports good governance and works to:

- build knowledge and skills among the directors, staff and members who participate in the programs
- increase the efficiency and accountability of the directors and staff of corporations
- ultimately, strengthen Aboriginal and Torres Strait Islander communities.

Training is delivered by ORIC staff and external contractors, who are predominately Aboriginal and Torres Strait Islander people.

Scheduled courses are listed on the ORIC website at [oric.gov.au/training](http://oric.gov.au/training) with an online form to apply to participate. Customised training, that is adapted to the individual needs of corporations, is also available on request. The Registrar encourages directors, members and staff of corporations to apply for corporate governance training.

The range of courses on offer in 2017-18 was:

- Introduction to Corporate Governance (ICG) —a three-day workshop
- Two-day Governance Workshop —a compressed form of the ICG
- Building Strong Stores—delivered in two two-day blocks for corporations that govern community stores
- Certificate IV in Business (Governance) —delivered in four one-week blocks
- Diploma of Business (Governance) —delivered in five one-week blocks
- corporation-specific training (CST) —tailored to the particular needs and circumstances of corporations that request training.

ORIC also offers a Diploma of Business (Governance) but it was not delivered this year.

In 2017-18, ORIC delivered training to **1058 participants** from **254 corporations**, continuing the steady increase since 2014-15. There were **106 workshops** in total (one diploma; one certificate IV; **seven** Introduction to Corporate Governance workshops; **seven** Two-day Governance Workshops; **one** Building Strong Stores workshop; and **89** corporation-specific workshops). Ninety-seven per cent of participants reported they increased their understanding of corporate governance. Ninety-seven per cent of participants reported a significant increase in their understanding of corporate governance—the highest satisfaction rate ever.

**Table 8:** Participation in training from 2012-13 to 2017-18

	TARGET	2013-14	2014-15	2015-16	2016-17	2017-18
Number of participants	1000	1015	886	865	943	1058
Number of corporations	162	194	169	208	260	254
Participants that reported a significant or very significant increase in corporate governance knowledge	90%	91.10%	90%	88.15%	92.1%	97.42%



Figure 9: Participation in all training, for the last five years

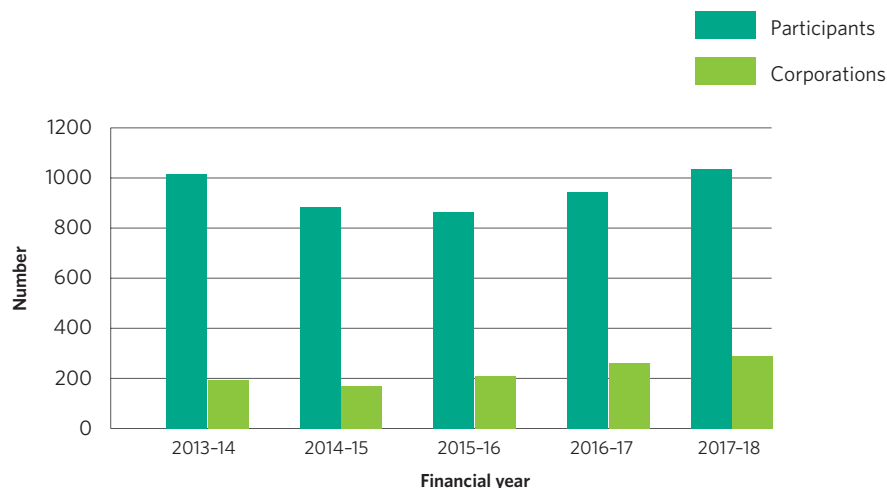
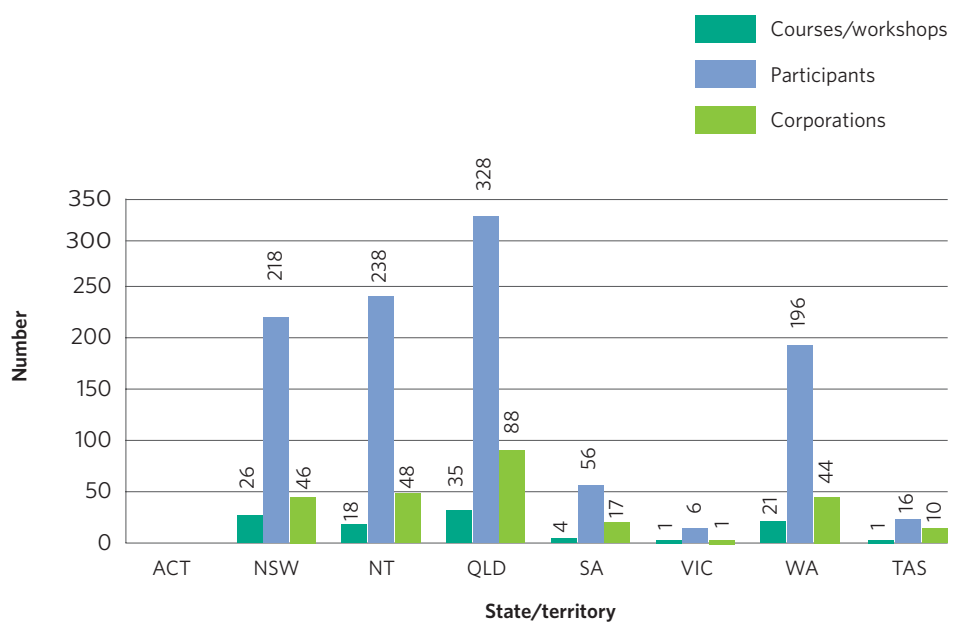


Figure 10: All training courses by state and territory, 2017-18



## TRAINING LOCATIONS

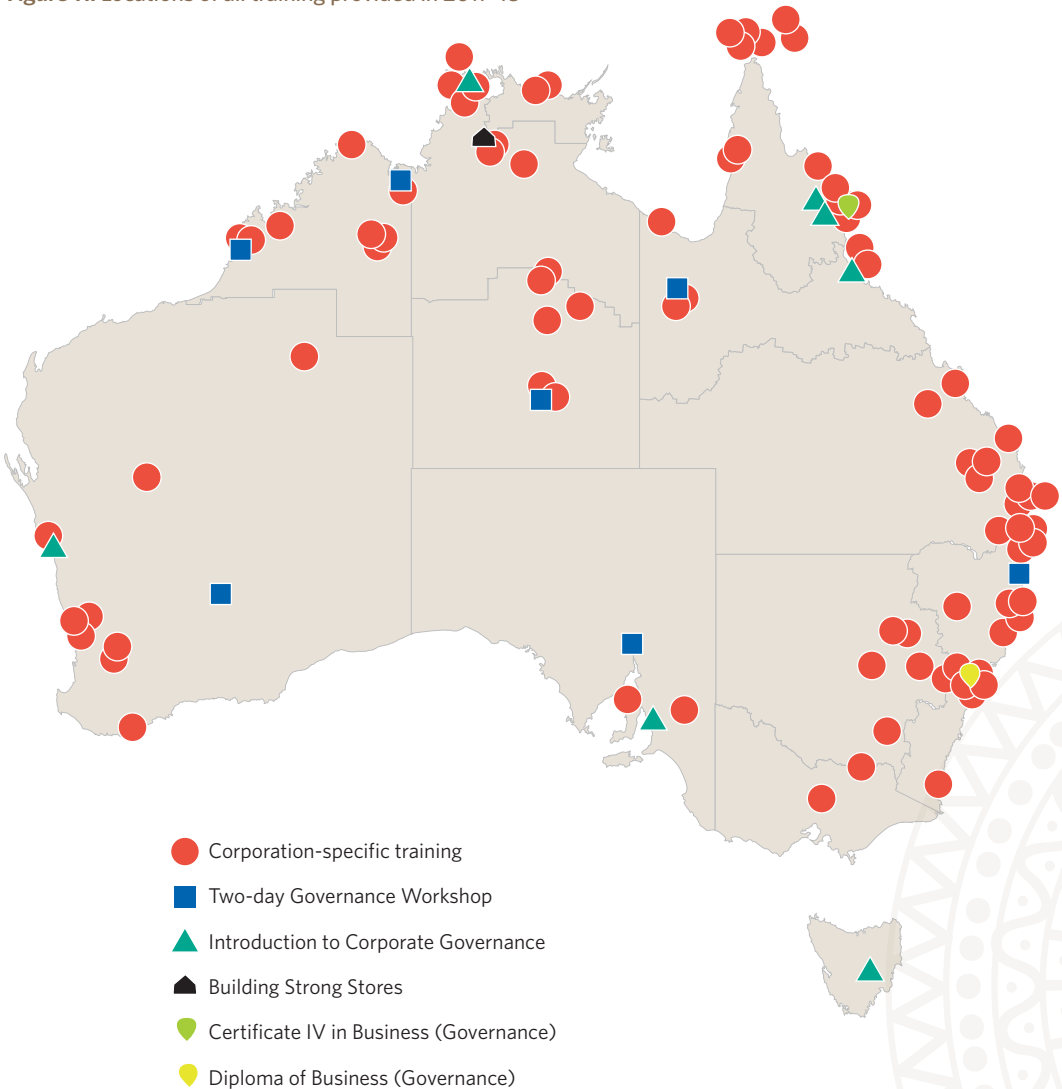
Every year as part of our annual planning for training activities we analyse a range of factors including:

- attendance and retention rates for previous training workshops
- cost-effectiveness
- demand/requests for training
- emerging regulatory risks, priorities and issues.

This year, ORIC continued its focused delivery of Introduction to Corporate Governance workshops in major urban locations and Two-day Governance workshops in regional and remote locations.

A lot of training was concentrated in Queensland. It had the most workshops, the most corporations involved in training and the most participants.

**Figure 11:** Locations of all training provided in 2017-18



## INTRODUCTION TO CORPORATE GOVERNANCE

The Introduction to Corporate Governance (ICG) workshop opens a clear pathway to best-practice corporate governance. It introduces key concepts and principles and invites participants to apply the ideas and practices to their own corporations.

The ICG is the pre-requisite for the Certificate IV in Business (Governance).

ORIC delivered seven ICG workshops across Australia in 2017-18. A total of 162 people, representing 74 corporations, participated.

**Table 9:** ICG workshops 2017-18

DATE	LOCATION	STATE/ TERRITORY	NO. OF CORPORATIONS	NO. OF PARTICIPANTS
25-27 July	Townsville	QLD	9	17
26-28 September	Darwin	NT	11	25
6-8 February	Hobart	TAS	10	16
6-8 February	Geraldton	WA	10	30
6-8 March	Cairns	QLD	14	30
15-17 May	Adelaide	SA	11	24
19-21 June	Cairns	QLD	9	20
		<b>TOTAL</b>	<b>74</b>	<b>162</b>

## TWO-DAY GOVERNANCE WORKSHOP

We developed the Two-day Governance Workshop for corporations in remote regions, as well as members who are unable to leave home for an extended period. The program is a condensed form of the ICG. Generally, the workshops take place in community locations and are run by ORIC's regional officers, with sensitivity to cultural

protocols and ways of learning. The two-day workshop was first offered on a trial basis in the 2015-16 year and has proved to be a successful format. In 2017-18 ORIC delivered Two-day Governance Workshops in seven regional and remote locations, as listed in the table below.

**Table 10:** Two-day Governance Workshops in 2017-18

DATE	LOCATION	STATE	CORPS	PPL
19-20 July	Kununurra	WA	3	14
9-10 August	Broome	WA	7	25
10-11 October	Mount Isa	QLD	4	10
20-21 February	Port Augusta	SA	4	14
20-21 March	Coffs Harbour	NSW	9	24
15-16 May	Alice Springs	NT	15	25
13-14 June	Kalgoorlie	WA	6	16
		<b>TOTAL</b>	<b>48</b>	<b>128</b>

## BUILDING STRONG STORES

In 2017-18 ORIC reintroduced the Building Strong Stores program. The updated program was delivered in two two-day blocks in Katherine in December 2017 and February 2018. The program was attended by 25 directors and/or members of eight corporations that operate community stores.

## ACCREDITED TRAINING

To cater for Aboriginal and Torres Strait Islander people who want to extend their corporate governance knowledge and management skills, in 2017-18 ORIC ran two accredited training courses in business governance: the Certificate IV and the Diploma.

For the certificate IV course, students from two states (Western Australia and central and far north Queensland) travelled to Cairns for the four blocks of training and in November, 13 were awarded a Certificate IV in Business (Governance).

The more in-depth and high-level diploma course ran in Sydney in five blocks. In early July 2018, eight people from four states and territories (Queensland, Northern Territory, South Australia and New South Wales) were awarded a Diploma of Business (Governance) in a ceremony at Tranby College.

## CORPORATION-SPECIFIC TRAINING

Corporation-specific training (CST) workshops are usually held at a corporation's premises or a central venue within a community. The training is conducted over one or two days and is adapted to meet a corporation's needs. The standard workshops are:

- rule design and re-design
- corporation/post-administration governance training
- corporation support and mentoring.

In 2017-18 ORIC delivered 89 CST workshops for:

- 101 corporations
- 715 participants.

**Graduation Ceremony**  
*Tranby College, Sydney*



**Table 11: CST workshops, 2017-18**

DATE	LOCATION	STATE	CORPORATIONS	PARTICIPANTS
1/07/2017	Port Macquarie	NSW	1	8
17/07/2017	Ballina	NSW	1	4
24/07/2017	Sydney	NSW	1	7
26/07/2017	Orange	NSW	1	9
9/08/2017	Tabulam	NSW	1	8
23/08/2017	Dubbo	NSW	1	5
14/09/2017	Walhallow	NSW	1	7
15/09/2017	Ropes Crossing	NSW	1	6
19/09/2017	Albury	NSW	1	9
11/10/2017	Kempsey	NSW	1	9
24/10/2017	Mt Druitt	NSW	1	8
26/10/2017	Katoomba	NSW	1	6
2/11/2017	Lismore	NSW	1	9
16/11/2017	Condobolin	NSW	1	5
29/11/2017	Albury	NSW	1	6
6/02/2018	Maclean	NSW	1	9
7/02/2018	Kyogle	NSW	1	6
11/02/2018	Port Macquarie	NSW	1	10
20/02/2018	Dubbo	NSW	1	8
21/02/2018	Taree	NSW	1	8
26/02/2018	Tumut	NSW	1	10
16/03/2018	Sydney	NSW	1	7
20/03/2018	Eden	NSW	1	9
29/06/2018	Redfern	NSW	1	6
19/07/2017	Alice Springs	NT	1	12
16/08/2017	Darwin	NT	1	6
22/08/2017	Arnhem Land	NT	1	33
22/08/2017	Katherine	NT	1	8
23/08/2017	Darwin	NT	1	5
24/08/2017	Maningrida	NT	1	18
26/09/2017	Canteen Creek	NT	1	7
18/10/2017	Alice Springs	NT	1	7
25/10/2017	Ali Curung Community	NT	1	16
31/10/2017	Jilkminggan Community	NT	1	3

**Table 11: CST workshops, 2017-18 *continued*.**

DATE	LOCATION	STATE	CORPORATIONS	PARTICIPANTS
10/11/2017	Tiwi Island	NT	1	8
13/03/2018	Katherine	NT	1	15
10/04/2018	Batchelor	NT	1	8
29/05/2018	Tennant Creek	NT	1	9
30/05/2018	Tennant Creek	NT	1	8
11/07/2017	Woorabinda	QLD	1	10
8/08/2017	Brisbane	QLD	1	9
21/08/2017	Stradbroke Island	QLD	1	5
30/08/2017	Cairns	QLD	1	7
31/08/2017	Cherbourg	QLD	1	6
4/10/2017	Thursday Island	QLD	1	13
24/10/2017	Logan	QLD	1	9
26/10/2017	Stradbroke Island	QLD	1	8
31/10/2017	Cherbourg	QLD	1	7
2/11/2017	Cherbourg	QLD	1	5
13/11/2017	Townsville	QLD	1	7
20/11/2017	Manoora	QLD	1	6
1/12/2017	Yarrabah	QLD	1	5
2/03/2018	Albany Creek	QLD	1	7
2/03/2018	Mt Isa	QLD	1	10
12/03/2018	Rockhampton	QLD	1	6
12/03/2018	Palm Island	QLD	2	8
23/03/2018	Murray Island	QLD	1	12
27/03/2018	Darnley Island	QLD	4	13
27/03/2018	Maryborough	QLD	1	7
10/04/2018	Pormpurraaw	QLD	1	6
11/04/2018	Pormpurraaw	QLD	1	5
16/05/2018	Doomadgee	QLD	1	4
29/05/2018	Badu Island	QLD	2	9
1/06/2018	Yarrabah	QLD	1	10
1/06/2018	Moa Island	QLD	2	6
12/06/2018	Warraber Island	QLD	2	8
14/06/2018	Mt Isa	QLD	1	10
15/06/2018	Mabuiag Island	QLD	2	6
27/06/2018	Hopevale	QLD	4	14
13/09/2017	Manunka Homelands	SA	1	8
6/03/2018	Point Pearce	SA	1	10

**Table 11: CST workshops, 2017-18 continued.**

DATE	LOCATION	STATE	CORPORATIONS	PARTICIPANTS
20/09/2017	Shepparton	VIC	1	6
28/07/2017	Kununurra	WA	1	3
28/07/2017	Perth	WA	1	5
1/08/2017	Geraldton	WA	1	4
3/08/2017	Halls Creek	WA	1	6
30/08/2017	Kunawarrtji Community	WA	1	12
2/10/2017	Kalumburu	WA	1	7
24/10/2017	Perth	WA	2	6
29/11/2017	Perth	WA	1	4
25/01/2018	Halls Creek	WA	1	6
16/02/2018	Halls Creek	WA	1	4
20/02/2018	Albany	WA	1	5
7/03/2018	Derby	WA	1	18
1/05/2018	Narrogin	WA	1	12
8/05/2018	Bidyadanga	WA	1	4
17/05/2018	Broome	WA	1	5
29/05/2018	Meekatharra	WA	1	4
20/06/2018	Brookton	WA	1	6
			<b>101</b>	<b>715</b>

## AVERAGE COSTS TO DELIVER TRAINING

**Table 12: Average costs to deliver training, 2017-18**

TRAINING TYPE	AVERAGE COST PER PARTICIPANT
CST	\$129
Two-day	\$214
ICG	\$1354
BSS	\$1322
Certificate IV	\$10,135
Diploma	\$12,153

## THE VALUE OF TRAINING IN CORPORATE GOVERNANCE

At the end of each training session we seek feedback from the participants, which we then use to improve the program and maintain its relevance to the needs of Aboriginal and Torres Strait Islander people. One of the questions we ask is: ***What did you like best?***

Here's a selection of the responses from 2017-18.

### Two-day Governance Workshop:

Information was clear, delivered in a natural, comfortable manner.

*Participant in Kalgoorlie*

The resources—work book was easy to work through with lots of information.

*Participant in Alice Springs*

### Introduction to Corporate Governance:

Having a person of culture deliver the training in a culturally safe place. Nicely done.

*Participant in Cairns*

Listening and hearing from other participants on their business models and how they operate. Very good discussion and ideas.

*Participant in Townsville*

### Certificate IV in Business (Governance):

Training was very good, learnt heaps and have started implementing into our corporation.

Understanding and supportive, great examples that made us think about how we could do things in our own corporations. Trainer gave good examples and scenarios.

### Corporation-specific training:

I learned about procedures and practices that will help our corporation grow and thrive .

The care from our trainer, very clear and easy to understand .

### Building Strong Stores:

As a director it has helped me to know more about building strong stores and the other things I learnt were finances, good faith and following the rule book to help guide me.

Roles and responsibilities and what I need to know more about being a director.

As a director we have to pull together and be strong and have strong voices.



## PUBLISH GUIDANCE

ORIC provides corporations and other interested people with a wealth of guidance on the CATSI Act and good governance, including:

- information on starting and running a corporation
- fact sheets
- guides to legislation and reporting
- newsletters
- templates for:
  - rule books
  - a membership register
  - application forms for members and directors
  - meeting notices, minutes and resolutions.

The guidance offers practical advice and tips on various topics. Materials are developed or revised throughout the year in response to trends and issues in the sector identified through complaints about corporations, inquiries, examinations, training activities, local officer engagement, and common issues with lodgement of forms and other information. Guidance is provided in both digital and printed formats.

As a general indicator of demand for general information and guidance, during 2017-18 there were 180,806 sessions on the website (up 7.5 per cent from last year) by 85,543 users (up 10.1 per cent). On average users viewed 2.85 pages per session (up 9.6 per cent).

### FACT SHEETS

ORIC has 20 titles in its core fact sheet series. We also provide a range of other information sheets that offer guidance on specific matters such as rules required for gift funds. Consistent with the previous year, the two most downloaded fact sheets were 'A corporation's rule book: what you need to know' and 'Duties of directors and other officers'. Membership-related fact sheets were also popular this year—not surprising given the February 2018 *Oracle* theme of 'Managing your membership'.

**Table 13: Most downloaded factsheets from [oric.gov.au](http://oric.gov.au)**

FACT SHEET TITLE	TOTAL DOWNLOADS	UNIQUE DOWNLOADS
A corporation's rule book: what you need to know	835	757
Duties of directors and other officers	825	763
The CATSI Act and the Corporations Act—some differences	404	367
Becoming a corporation member	372	334
Meetings for directors	371	321
Members' rights	361	320
Complaints involving corporations	353	323
Meetings for members	317	290
Minutes of meetings	246	223
Corporation size and reporting	244	226
Registers of members and former members	234	205

*Note:* the overall reduction in downloads of fact sheets may be a consequence of a higher number of fact sheets being available in HTML form, and a shift in preference for reading on screen rather than downloading to print.

## POLICY STATEMENTS

ORIC publishes policy statements to provide guidance on the Registrar's interpretation of or clarity on certain aspects of the CATSI Act.

In 2017-18 ORIC revised the following policy statements:

- PS-01: Providing information, advice and public comment
- PS-04: Registration under the CATSI Act
- PS-29: Disqualified persons and the Register of Disqualified Officers

## ORIC ORACLE

We produce the *ORIC Oracle* newsletter for registered corporations as well as others interested in their work. Each newsletter provides guidance on running an effective corporation and shares knowledge about the sector. It's published quarterly, online and in print.

In 2017-18 the themes were as follows:

- Making **decisions** (August 2017)
- Planning and holding **directors' meetings** (November 2017)
- Managing your **membership** (February 2018)
- **CEO accountability** (May 2018).

You can see back issues—and subscribe to forthcoming issues—at [oric.gov.au/oracle](http://oric.gov.au/oracle).

## PRESENTATIONS

As part of contributing to public discussion and education about the CATSI Act, Aboriginal and Torres Strait Islander corporations and the role of the Registrar and ORIC, staff and the Registrar make presentations and speak at relevant forums. For example, ORIC participated in a series of regional forums for prescribed bodies corporate, led by the Department of the Prime Minister and Cabinet and the National Native Title Tribunal. We also presented at the Australian Institute of Company Directors' update in the Northern Territory.



**ORIC Oracle Newsletter**  
February 2018 issue



**ORIC Oracle Newsletter**  
May 2018 issue

## PROVIDE INFORMATION AND ADVICE

### CALL CENTRE AND OTHER INQUIRIES

ORIC operates a call centre offering information and advice to corporations and others interested in the governance and regulation of Aboriginal and Torres Strait Islander corporations. Calls are free from fixed line phones. ORIC aims to immediately answer all calls recognising that many callers in remote or very remote regions have limited

telephone access or mobile phone coverage and long wait times or a call back are not viable options. In 2017-18, 185 calls from 7901 calls received (2.3 per cent) that were presented during business hours were diverted to voice mail.

In 2017-18, **7901 unique calls** were made to the ORIC's freecall number, 1800 622 431.

**Table 14:** Calls to 1800 622 431

MEASURE	2016-17	2017-18
Total calls presented	8702	8497
Less calls re-presented to a more active phone line	274	596
<b>Total unique calls presented</b>	<b>8428</b>	<b>7901</b>
▪ Calls answered by an ORIC officer	8261	7605
▪ Calls referred to voice mail during business hours	38	185
▪ Calls presented but caller hung up before speaking	67	52
▪ Calls received after hours	62	59

In 2017-18, ORIC finalised 4253 inquiries from corporations and the public including requests for information, support and referrals.

**Table 15:** Inquiries finalised by method of inquiry, 2015-16 to 2017-18

INQUIRY METHOD	2015-16	2016-17	2017-18
By phone	3051	3364	3224
In writing	1797	1892	989
In person	26	105	40
<b>TOTAL</b>	<b>4874</b>	<b>5361</b>	<b>4253</b>

## PROVIDE SUPPORT SERVICES

### LOCAL SUPPORT

ORIC's regional officers spend a significant portion of their time visiting corporations in person, attending and supporting meetings, and delivering governance training workshops. In 2017-18 ORIC expanded its regional office network to include new temporary offices in the Anangu Pitjantjatjara Yankunytjatjara lands in South Australia and Thursday Island in the Torres Strait.

### COFFS HARBOUR

Staff of the **Coffs Harbour** office, Christian Lugnan and Blanche Saunders, look after corporations in New South Wales. (Christian also manages ORIC's Brisbane and Cairns offices.)

#### **A native title win for Gumbaynggirr people**

On Friday 8 December 2017, on country at Urunga, New South Wales, the Federal Court formally recognised a significant native title consent determination covering 48.5 hectares of land for the Gumbaynggirr people. The Gumbaynggirr native title claim commenced 20 years ago, with a number of significant amendments before the first determination in 2014. The corporation established to hold the native title on trust for the Gumbaynggirr people is the Gumbaynggirr Wenonah Head Aboriginal Corporation. Christian Lugnan worked extensively with the group and the native title representative body (NTS Corp) in the areas of good corporate governance to ensure the corporation was well prepared for the

outcome. Christian is a traditional owner of the Gumbaynggirr people and also a director of the corporation.

#### **A significant milestone for Coota Girls**

A highlight of the year for Christian Lugnan and Blanche Saunders of Coffs Harbour office was working with the Coota Girls Aboriginal Corporation to bed down their governance practices. Its members and directors are all former residents of the Cootamundra Domestic Training Home For Aboriginal Girls 1912-68. The corporation looks after the social, emotional and spiritual wellbeing of all former residents, as well as their families and descendants. One long-held goal for the corporation was to establish an office in Sydney. Sydney Central train station is an iconic place for the Coota ladies—they all passed through there before being taken to Cootamundra. After partnering with the State Rail Authority of New South Wales, the corporation has celebrated the opening of a new office at Central station. A place that once represented their removal has become a place of reunion and care. The opening of the new office was a very special event; Blanche attended along with one of ORIC's senior managers, Helen Wright. ORIC will continue to support and assist this corporation.



**Christian Lugnan, regional manager,  
Coffs Harbour Gumbaynggirr man**



**Blanche Saunders, regional officer,  
Coffs Harbour Gomerai woman, holding  
a certificate of appreciation from the  
Coota Girls**

## BRISBANE

Viaella Aldridge looks after the Southern Queensland and Gulf & North Queensland regions from the **Brisbane** office.

Viaella continues to assist corporations to remain compliant and to build capacity through governance training as well as support and guidance to directors at board meetings and annual general meetings. This year she also worked with the Queensland government and corporations to make necessary changes to their rulebooks to allow for the transfer of land under the *Aboriginal Land Act 1991*. Before land can be transferred to a corporation, their rule book must be amended to reflect the corporation's purpose and role as the trustee of the land. Among other things, the rule book must stipulate the corporation represents Aboriginal interested parties in all matters related to the ownership, use, occupation of and access to land it holds. Transfers of land under that Act enable the corporations to manage the land according to local tradition or custom. It can also open up opportunity for economic prosperity through enterprise development initiatives. From the *'Agreements, treaties and negotiated settlements'* website at [atns.net.au](http://atns.net.au):

*The Aboriginal Land Act 1991 (Qld) was passed along with the Torres Strait Islander Land Act 1991 (Qld) in order to provide mechanisms for land to be granted to groups of Indigenous people in Queensland. The Act acknowledges the dispossession of Indigenous people and the effects of past injustices. It expresses parliament's recognition of the spiritual,*

*social, historical, cultural and economic importance of land to Indigenous people and that these interests have not been adequately recognised by the law.*

## CAIRNS

Ray Lennox looks after corporations in north Queensland from the **Cairns** office.

### Meeting the challenges of RNTBCs

During the year, Ray assisted with two registered native title bodies corporate (RNTBCs) under special administration, and experienced first-hand some challenges that directors of RNTBCs face in order to keep their money story on track, manage disputes and ensure proper consultation processes in accordance with the *Native Title Act 1993*. Ray is also working with native title representative bodies in north Queensland to ensure a coordinated approach to meeting the governance challenges of RNTBCs.

### Celebrating achievements and connections

In November 2017, Cairns also hosted the graduation ceremony for students in the Certificate IV in Business (Governance) course at Tjapukai Cultural Centre. For Ray, it was good to see the strong bond that directors of corporations from across the country had built, as they celebrated their achievement with dancers from different areas. Participants also commented that it was good to mix with directors from other corporations and hear about the work they are doing.



**Viaella Aldridge, regional officer, Brisbane, Northern Kaanju woman**



**Ray Lennox, regional officer, Cairns, Erub (Darnley Island) man**

## ALICE SPRINGS

Dayna Lister looks after corporations in the southern half of the Northern Territory and all of South Australia, working from the **Alice Springs** office.

### Special administrator for a day

This year, Dayna reports on the unusual circumstances that led to her appointment as a special administrator for just one day.

Anyungyumba Aboriginal Corporation incorporated on 4 July 1988 as a landholding entity, and a couple of years later, the title to a small parcel of land was transferred to the corporation. Fast forward to 2015 and after lodging its 2015 general report, it emerged that the last surviving member of the corporation had passed away. At that point, the corporation's viability was compromised. Without directors, membership applications could not be processed; and without members, new directors could not be elected. Deregistration was looming for Anyungyumba, which would have meant losing the title to the land.

Descendants of the original members were determined to keep the corporation going, and the only way for the corporation to admit new members and appoint directors was through a special administration. That's how it came to pass that the Registrar appointed Alice Springs regional manager, Dayna Lister, as special administrator for one day.

The Central Land Council and ORIC worked with the family of the original members of the corporation to identify proposed new members and directors, and Dayna was appointed special administrator on 21 September 2017. As well as admitting new members and appointing directors, the special administration enabled another problem of the corporation to be resolved. Previously, the corporation's rule book stipulated that only people who came from a particular place were entitled to use or occupy the land. That clause was no longer appropriate, so the rule was revised to recognise entitlement by Aboriginal tradition.

Having admitted new members, appointed new directors and amended the rule book, Dayna returned the corporation to members on the same day, at a meeting in Laramba community.

Dayna Lister is not the first ORIC officer to be appointed as a special administrator—Peter Armstrong, a former manager of the regulation team was the first—but she is the first regional officer to perform that role.



**Dayna Lister, regional manager,  
Alice Springs** *Arrente/Luritja woman*



**Hannah Roe, regional manager,  
Darwin** *Yawuru woman*



## DARWIN

Staff of the Darwin office, Hannah Roe and Margetta Avlonitis, look after corporations in the Top End and Tiwi Islands, and Arnhem Land and Groote Eylandt. Hannah also manages the Broome office.

For Hannah and Margetta, 2017-18 began and ended with a celebration, and the year will be remembered as that in which Darwin consolidated its status as a hub of activity for Aboriginal and Torres Strait Islander corporations.

### Celebrating the decade

On 5 July we hosted a special and very well-attended celebration of the 10th anniversary of the CATSI Act—and all the work that Aboriginal and Torres Strait Islander corporations have done during that decade to strengthen communities and culture.

### A northern hub

During the above event, the Minister for Indigenous Affairs announced a technical review of the CATSI Act, which inspired the current process of legislative revision. Notably, of the 14 consultation sessions ORIC orchestrated with corporation representatives around the country, the Darwin session involved the most people. We have a very active community of Aboriginal and Torres Strait Islander corporations in the Top End, including most of the highest-earning.



**Margetta Avlonitis, regional officer, Darwin**  
*Kungarakana and Warramungu (Northern Territory) descent*

On 8 May, the federal Budget brought with it the announcement that as part of the government's agenda to decentralise non-policy entities, 10 Canberra-based staff of ORIC will move to Darwin by June 2019. Ultimately, this decision means we will be better positioned to serve the 1169 corporations based in northern Australia.

The formation of an ORIC northern hub has been welcomed, with positive feedback received from corporations and key stakeholders across the region. The hubs model will provide northern corporations greater access to ORIC support services. Further, the move aligns with the government's agenda to develop the north and build governance capacity in corporations looking to take up economic development opportunities in their communities.

### Celebrating women's leadership

The last part of the year was taken up with preparations for a NAIDOC Week event in collaboration with Australian Securities and Investments Commission (ASIC) and the Australian Institute of Company Directors (AICD). The theme for NAIDOC this year, 'because of her we can', was a great opportunity to celebrate the strong contribution of Aboriginal and Torres Strait Islander women on boards and in business in the Northern Territory.

Aboriginal and Torres Strait Islander women perform active and significant roles in their local communities. For as long as ORIC has tracked the gender split among directors in our top 500 report, women have outnumbered men. The NAIDOC Week event was held to honour women and to encourage the next generation. With the assistance of Aboriginal Broadcasting Australia two videos were produced to showcase Aboriginal women's leadership at the event. The first video had directors from The Arnhem Land Progress Aboriginal Corporation—the largest corporation registered with ORIC—covering the important role women play on the board. The second video was a powerful compilation of interviews with significant and influential Aboriginal women from the NT who are directors on boards and in business.

## BROOME

Working from the **Broome** office, Sid Michels and Jill Rudeforth look after corporations in the Kimberley region.

### Pride, commitment and inspiration

Yakanarra Aboriginal Corporation is the governing body for the Yakanarra community, which is 129 kilometres from Fitzroy Crossing in Western Australia's Kimberley region. Access to the community is along a badly corrugated dirt road riddled with washouts, which in the wet season is often cut off.

In March 2018 Sid Michels was invited to the corporation's delayed AGM. After the arduous drive he was greeted by a well-maintained community consisting of houses, a small store and what the community is most proud of: a community school. Owned by the corporation, the school is the main employer in Yakanarra.

The corporation's AGM was held on an undercover basketball court and attended by members and visiting service providers. Sid was on hand to provide guidance to the directors and members on how to run the meeting, and advice on the rules governing the AGM and election of directors. The meeting was well run and successful. Afterward, Sid met with the directors, provided guidance on their roles and responsibilities, and offered to return to deliver governance training.

ORIC staff are privileged to travel to locations such as this and to meet people like the members of Yakanarra Aboriginal Corporation. The pride and commitment they have for their community and school is inspirational.

### Assets of a deregistered corporation

Formerly operating in the town of Yalgoo in Western Australia, Marddu Council Aboriginal Corporation was deregistered for failing to comply with its reporting requirements and because the Registrar had no reason to believe that the corporation was carrying on a business.

At the time of deregistration, the corporation held two properties in Yalgoo. Under section 546-20(2) of the CATSI Act, any property of a deregistered corporation is vested in the Registrar, and unless a property is held on trust, the Registrar may sell it. After weighing up the costs of doing so—given Yalgoo's remoteness; fees for conveyancing and a real estate agent; the condition of the properties; and the amount for which they might be sold—the Registrar decided to sell. Expenses incurred from the sale will be covered by the purchase price, and the remaining funds will be transferred to the Commonwealth. At the time of writing, one of the properties is listed for sale and awaiting a buyer; the other will soon be.

Disposing of property vested in the Registrar can be complex and expensive. It is always the Registrar's preference that corporations remain operational and make full use of their assets.



**Jill Rudeforth,**  
regional officer,  
**Broome**

*Yawuru descent*



**Sid Michels,**  
regional officer,  
**Broome**

*Alawa and Ngalakan  
(Northern Territory)  
descent*



## PERTH

Arthur Hyde looked after the Greater Western Australia region from the Perth office and recently retired after six years service.

### A wheatbelt corporation steadily strengthening

Seabrook Aboriginal Corporation in Brookton, Western Australia (a rural town 140km south-east of Perth) was registered in 1992. In 2000, after amendments to its rule book, the Indigenous Land Council (ILC) recognised Seabrook as representing the traditional owners from the Brookton Noongar community, and purchased Glenroy Farm for the corporation. A few years later the Aboriginal Lands Trust transferred management responsibility to Seabrook for a parcel of land previously known as Brookton Aboriginal Reserve. In addition, Seabrook owns its own community centre, administration centre and other assets in the community.

The corporation leases Glenroy Farm for cropping, which provides a steady income stream for community development programs focused primarily on the local Aboriginal community. Programs include:

- a playgroup
- a youth club
- a sewing and mosaic club
- payment for parent helpers at the local school
- a housing assistance program
- family bereavement assistance
- yearly Christmas coupons for member families.



**Arthur Hyde,**  
regional manager,  
Perth

The lease has also enabled Seabrook to construct a state-of-the-art playground next to their community centre, as well as ablution facilities at the reserve.

Seabrook operates as a sustainable business. A key strategic focus for the corporation is to provide opportunities for skills training and employment for local Aboriginal people. Seabrook see huge potential in cultural tourism in the region and is currently developing a blueprint to focus on this area of opportunity.

In recent times, the Perth regional office has lent support to the corporation, attending meetings, hosting a rule book redesign workshop so the corporation could better align its rules to its objectives; broaden the board's representation of the member families; and make other improvements to the corporation's governance processes. The corporation is now very well-positioned to support the town of Brookton, and looking to the future to seize more opportunities for the town and its people.

## APY LANDS

From October 2017 ORIC deployed a governance support officer, Carolyn Joske, to work on the APY Lands to identify needs and strategies for improving the governance and sustainability of Aboriginal corporations in the region, and to train and mentor their board members as well as the APY Executive Board. From her base in Umuwa, Carolyn Joske worked collaboratively with directors and their source communities for nine months, until June 2018.



**Carolyn Joske,**  
regional officer,  
APY Lands

## TORRES STRAIT ISLANDS

Working from Thursday Island, Kerry Lui supports corporations throughout the Torres Strait.

### A new focus

This year, ORIC introduced a new focus on the Torres Strait, which includes over 100 islands. There are 79 registered corporations in the Torres Strait, including 22 RNTBCs, many of which have rights and interests in islands that are uninhabited.

In August 2017 ORIC signed a memorandum of understanding with the National Native Title Tribunal (NNTT) and the Torres Strait Regional Authority (TSRA). The three parties agreed to work together to assist Torres Strait RNTBCs to review their rule books and bed down processes for dispute resolution. TSRA also agreed to provide office space for an ORIC regional officer on Thursday Island.

As a result of the agreement, every RNTBC in the Torres Strait has had a rule book workshop. They have also each received support to strengthen their process for consulting with traditional owners, and for identifying and resolving disputes.

One of the leading RNTBCs in the Torres Strait is Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC. Located on Murray Island (Mer), Mer Gedkem Le holds native title to the land that was the subject of Eddie Mabo's case, which succeeded at the High Court of Australia in overturning the longstanding legal fiction of terra nullius. The chairperson and other directors welcomed ORIC's support and guidance, and they are on track to present the revised rule book to members at the AGM.

Another highlight from the Torres Strait is that seven new corporations have registered, focusing on issues such as health and religion, activities such as sport and fishing, and services catering specifically for women and men. This figure represents 3.82 per cent of all new registrations, and translates to a 9.75 per cent growth in the number of corporations in the Torres Strait.



**Kerry Lui**  
*Meriam (Murray Island) and Butchulla (Fraser Island) woman.*

## LAWHELP

ORIC created LawHelp to provide access to pro bono legal assistance to:

- not-for-profit Aboriginal and Torres Strait Islander corporations
- other entities seeking to transfer their registration to the CATSI Act.

Corporations can access a wide variety of legal assistance, such as tax issues, employment contracts and intellectual property rights.

When we receive an application for LawHelp, we review it for eligibility, then forward it to the independent LawHelp assessment panel for action. In 2017-18, ORIC received 18 LawHelp applications, in comparison to the 20 applications received the previous year. Of the 18 applications:

- one was withdrawn or rejected by the assessment panel
- one was accepted but ultimately not referred to a law firm
- 15 were successfully referred to a law firm.

Baniyala Nimbarrki Land Authority Aboriginal Corporation used the LawHelp service to ensure rulebook and structure is aligned with the corporation's objectives and proposal (to the Northern Land Council) to their own leasing arrangements.

**ORIC has walked with us to build stronger futures on our own lands, our seas, our homelands.**

**With support from LawHelp to improve our rulebooks Baniyala Nimbarrki Land Authority sought a landmark delegation of leasing powers from the Northern Land Council; and Baniyala Garrangali Aboriginal Corporation is expanding local employment and local delivery of services in our remote homelands.**

*Djambawa Marawili AM, senior Madarrpa leader, Chair of Baniyala Nimbarrki Land Authority Aboriginal Corporation*



Figure 12: Number of LawHelp applications received by state/territory 2013-14 to 2017-18

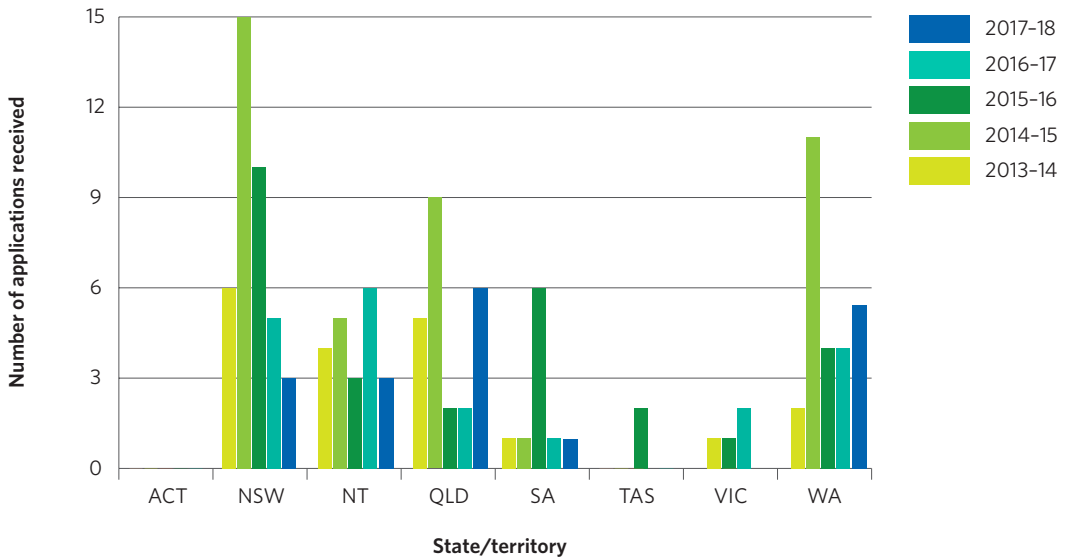
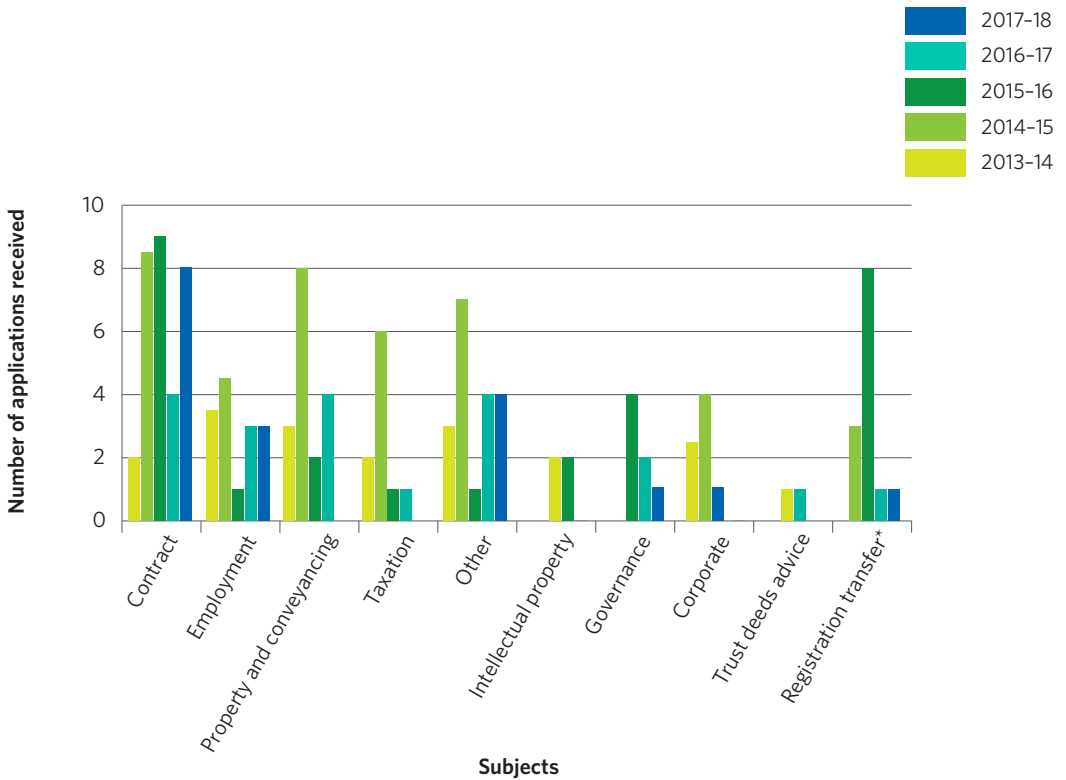


Figure 13: Number of LawHelp applications received by subject 2013-14 to 2017-18





## ORIC RECRUITMENT ASSISTANCE

ORIC recruitment assistance (ORA) provides help and guidance through the process of recruiting to corporations to fill their senior positions. It encourages best practice—and helps build capacity—by supporting corporations to follow a clearly defined process with established guidelines.

The service is free to corporations (although they must meet their own advertising costs). Corporations also remain responsible for all decisions, including selecting the successful candidate and negotiating a suitable salary package.

In 2017-18 ORIC received 10 requests through ORA, and six senior staff positions were filled in this period. Note that:

- in the case of three of the six positions filled, the recruitment assistance was requested in the previous year
- four of this year's requests were withdrawn
- one request was closed due to funding not being approved.
- two recruitment processes remained in progress at 30 June.



**Shaun Pearce,  
CEO**  
*Ironbark Aboriginal  
Corporation*

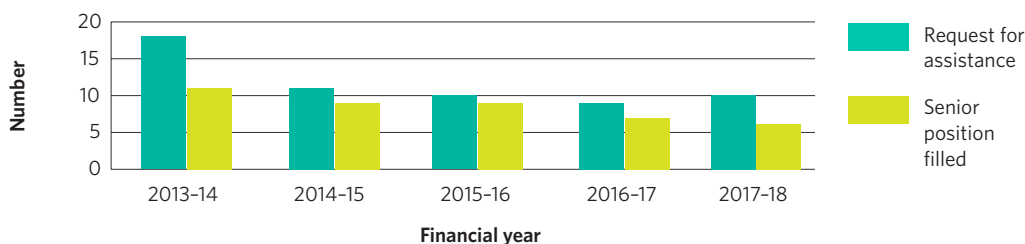
Having been appointed as CEO of Ironbark Aboriginal Corporation through an ORA process, I have ensured that as an organisation we use the service for all our senior management recruitment.

In the past two years we have appointed five extremely high calibre people in this way. I find the process and available recourses of great benefit to our organisation, and appreciate the complete transparency.

ORA takes the time-consuming vetting process out of our hands and allows our HR team (of one) to focus on other priorities while ORA handles the information and application packs, ensuring the selection criteria are aligned to the position description.

I would highly recommend this stress-free process to any organisation.

**Figure 14:** Number of job assistance requests accepted through ORA and senior positions filled from 2013-14 to 2017-18



*Note:* The outcome of requests for recruitment activities is not always the position being filled—for example, some corporations withdraw from the recruitment activity part way through and some determine that there were no suitable applicants.

### CORPORATION JOBS

From 2009 ORIC has offered corporations the chance to advertise their employment vacancies free of charge on the ORIC website. Since then, 407 corporation jobs have been advertised.

In 2017-18, Corporation jobs advertised 88 job vacancies, which is more than double the previous year's figure of 40 advertisements.

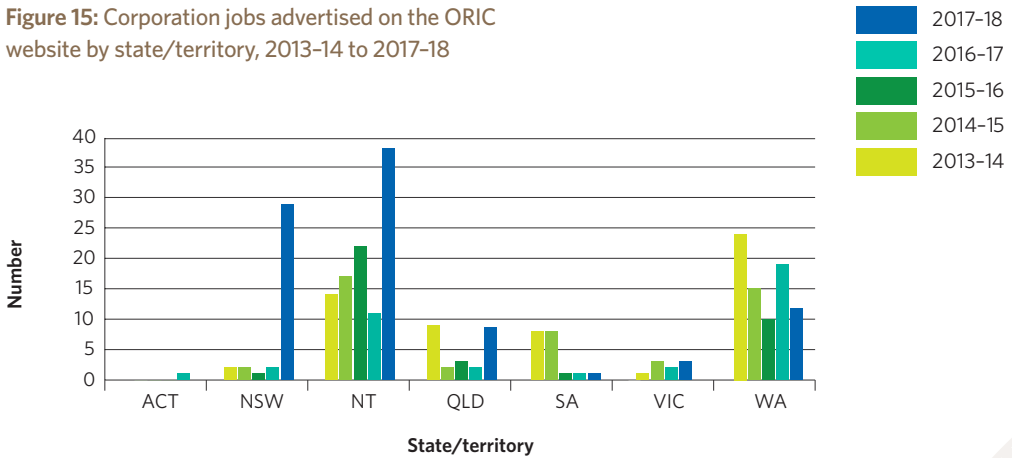
### INDEPENDENT DIRECTORY

Independent *directory* continues to have modest uptake:

- nine individuals registered as candidates for directorship positions
- six more corporations set up an account to advertise a directorship or other position
- 21 directorships have been advertised through the site to 30 June 2018.

Because the website is designed to match candidates to corporation without ORIC's intervention, we do not monitor the number of appointments made as a result of the service.

**Figure 15:** Corporation jobs advertised on the ORIC website by state/territory, 2013-14 to 2017-18



In recognition that not all corporations take up the offer to advertise on the ORIC website, and to add value to our web page, the Corporation jobs page includes a link to 'related vacancies' (in Aboriginal and Torres Strait Islander corporations) on the EthicalJobs website.

# MONITORING



## PROMOTE TIMELY LODGEMENT OF ANNUAL REPORTS

The CATSI Act emphasises the importance of compliance and reporting as a mechanism to improve transparency and accountability. Not only is access to corporation information important, that information needs to be timely so that members, communities, creditors and government agencies are confident that the public Register of Aboriginal and Torres Strait Islander Corporations is accurate and up-to-date. This is why ORIC has a strong focus on maintaining high compliance rates with reporting obligations.

Reporting requirements vary according to the registered size of a corporation—large, medium or small—and its income. Unless they are granted an exemption (either from reporting at all or for an extension of time), corporations are required under the CATSI Act to lodge their annual reports with the Registrar within six months of the end of the financial year; 2016–17 reports were due on 31 December 2016.

## REPORTING COMPLIANCE, NATIONAL

For the financial year 2016–17, 2602 of the 2746 corporations required to report were compliant. More corporations than ever before were compliant: 2594 is 81 more than the previous year (when 2513 of the 2604 corporations required to lodge reports complied). In percentage terms, the reporting compliance rate decreased slightly, from 96.5 to 94.46 per cent. Note, however, that all 142 large corporations (100 per cent) were compliant.

The number of corporations required to provide 2016–17 reports (2746) is different to the total number of registered corporations (3046 as at 30 June 2017) as it's based on corporations registered at 31 December 2016 and excludes corporations under liquidation or being deregistered.

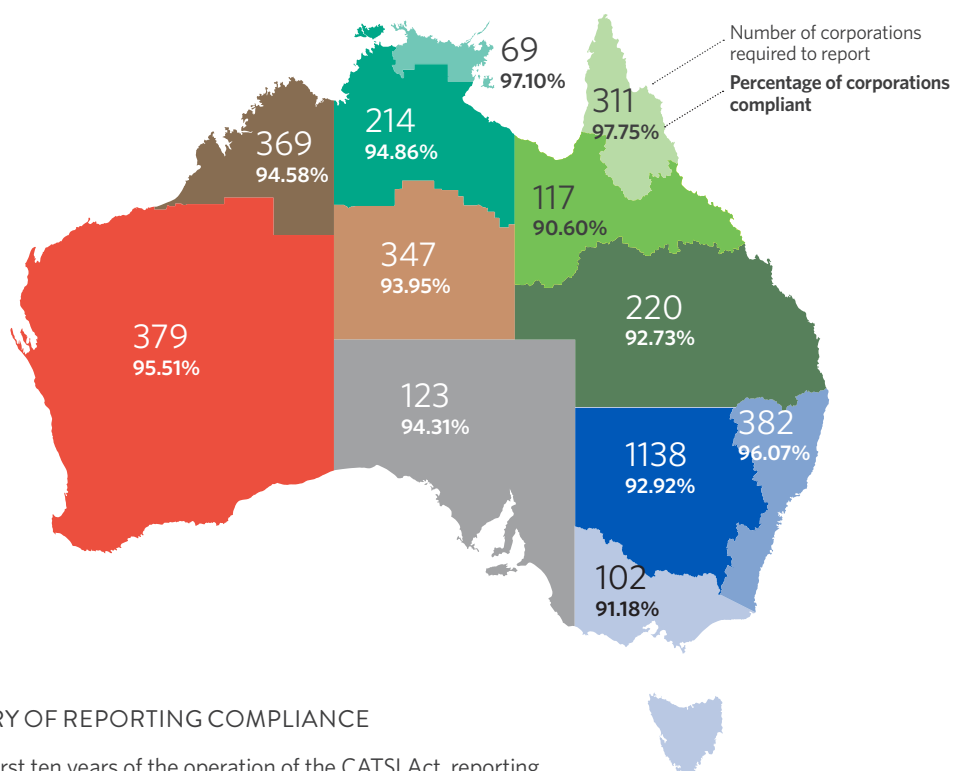
## REPORTING COMPLIANCE BY REGION

**Table 16:** Compliance with 2016–17 reporting, by region as at 30 June 2018

PM&C REGIONAL NETWORK	ORIC OFFICE	NUMBER OF CORPORATIONS REQUIRED TO REPORT	NUMBER OF CORPORATIONS COMPLIANT	PERCENTAGE OF CORPORATIONS COMPLIANT
Eastern New South Wales	Coffs Harbour	382	367	96.07
Western New South Wales	Coffs Harbour	113	105	92.92
Far North Queensland	Cairns	311	304	97.75
Gulf and North Queensland	Cairns	117	106	90.60
South Queensland	Brisbane	220	204	92.73
Central Australia	Alice Springs	347	326	93.95
South Australia	Alice Springs	123	116	94.31
Top End and Tiwi Islands	Darwin	214	203	94.86
Arnhem Land and Groote Eylandt	Darwin	69	67	97.10
Kimberley	Broome	369	349	94.58
Greater Western Australia	Perth	379	362	95.51
Victoria and Tasmania	Canberra (national office)	102	93	91.18
	<b>Total</b>	<b>2746</b>	<b>2602</b>	<b>94.76</b>



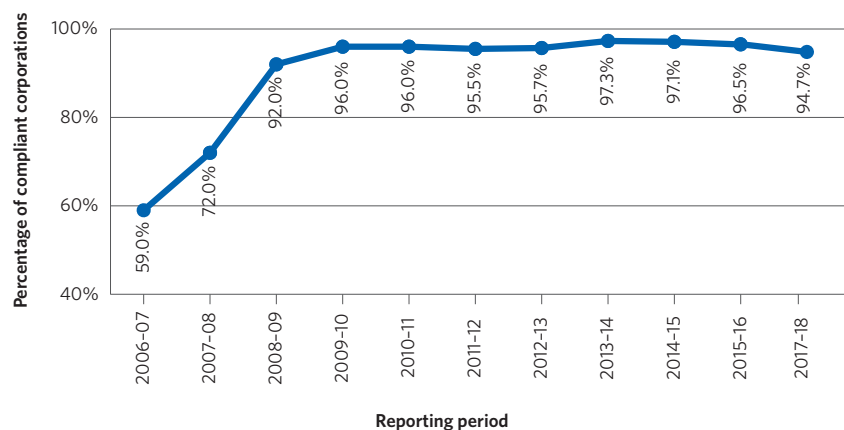
Figure 16: Reporting compliance by region as at 30 June 2018



### HISTORY OF REPORTING COMPLIANCE

For the first ten years of the operation of the CATSI Act, reporting compliance rose from 59 per cent to a peak of 97.3 per cent for the 2013-14 year. Since then the compliance rate has slipped back to 94.76 per cent.

Figure 17: Reporting compliance for all corporations for financial years from 2006-07 to 2017-18



## HISTORY OF REPORTING COMPLIANCE

The Registrar devotes considerable resources to optimising corporations' compliance with their reporting obligations:

- **periodic reminders** and offers of guidance, by email, letter or telephone and through notices and messages on the Registrar's website, the *ORIC Oracle* and *Koori Mail*
- **follow-up of key groups and specific sectors**, such as RNTBCs and corporations helped by bigger corporations operating in remote regions
- **face-to-face visits** by ORIC's regional officers, particularly to corporations in remote locations and outside metropolitan areas—regional officers helped to complete reports as well as to build capacity for the future

- **telephone reminders to newly registered corporations** reporting for the first time and to corporations that were late to lodge in the previous year
- **telephone outreach to corporations in breach**—ORIC staff identified corporations that for whatever reason did not submit their annual reports by the due date and, where appropriate, assisted them to complete
- **formal warning notices** were sent to corporations that were in breach and that failed to respond to reminders
- maintaining a **list of corporations in breach** on the ORIC website -
- **referral** of corporations in breach to the Commonwealth Director of Public Prosecutions for potential prosecution.

One of the proposed reforms to the CATSI Act, which was communicated to all corporations during the consultation period, was giving the Registrar discretionary powers to issue fines to corporations that fail to comply with their reporting obligations.

## ASSESS COMPLAINTS

Under the CATSI Act one of the functions of the Registrar is to deal with complaints involving Aboriginal and Torres Strait Islander corporations. Complaints serve a very useful and important purpose. A complaint can be made by phone, email, fax or in person, and it is often the first indication of disharmony at a corporation and therefore the first sign that something may be starting to go wrong.

Every six months, the Registrar publishes on the ORIC website a statistical overview of complaints involving corporations.

**Table 17:** Complaints involving corporations in the last five years

YEAR	NUMBER OF COMPLAINTS RECEIVED	PERCENTAGE INCREASE/DECREASE IN COMPLAINTS RECEIVED OVER PREVIOUS YEAR	NUMBER OF COMPLAINTS FINALISED*
2013-14	741	13%	750
2014-15	833	12%	834
2015-16	751	-9.8%	748
2016-17	810	8.7%	827
2017-18	831	2.6%	823

\*Note: this figure includes complaints carried over from the previous year.

Of the complaints received during 2017-18, the top three areas of concern have persisted since 2016:

- the conduct of directors or breaches of directors, officers or employees' duties
- corporation meetings
- other—matters within the Registrar's jurisdiction but not easily placed within the other categories of complaints.

In 2017-18 on average, 'straightforward complaints' were answered within two working days (compared to four days last year), 'detailed complaints' were finalised in just over six days (compared to eight days last year), while the most 'complex complaints', which often required considerable background research and follow-up with third parties, were resolved in 46 days (51 days last year).

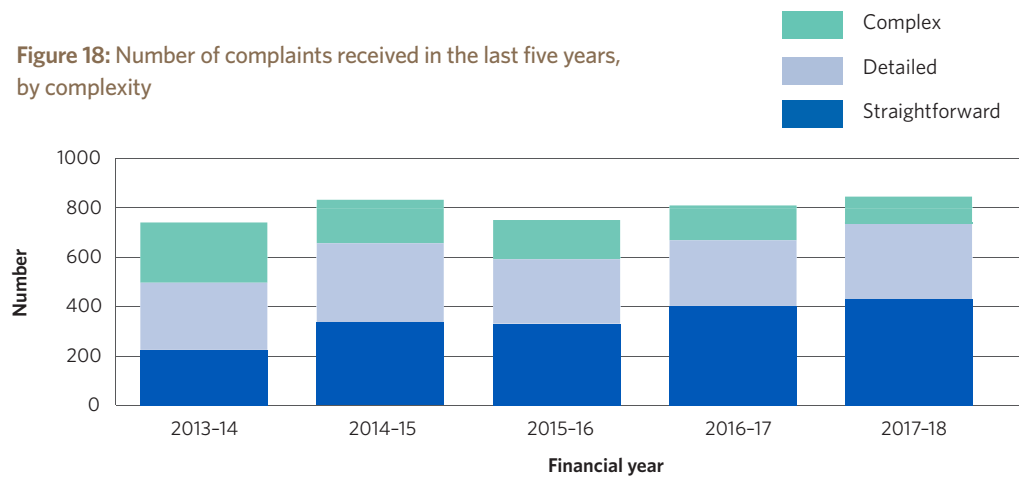
Around half of the complaints made to ORIC over any 12-month period are 'straightforward'. In many

cases, this means that the person contacting ORIC simply wants an explanation of the rules, and some information about how they can resolve their concerns through the use of good governance practices. This is usually information on the use of the dispute resolution rule, or the rules setting out members' rights to request a meeting, to replace directors, or to attend, speak and vote at general meetings. It may also be about a matter outside the Registrar's jurisdiction.

**Table 18:** Number of complaints received in the last five years, by complexity

TYPE	2013-14	2014-15	2015-16	2016-17	2017-18
Straightforward	225	336	331	403	409
Detailed	272	321	261	266	291
Complex	244	176	159	141	131
Total	741	833	751	810	831

**Figure 18:** Number of complaints received in the last five years, by complexity



Where possible and appropriate, as part of its complaints-handling process ORIC also assists the subjects of complaints by providing:

- information about good corporate governance
- guidance on what constitutes a breach of the CATSI Act or a corporation's rule book, and how to rectify the breach
- options that may help to resolve concerns raised in a complaint
- information to corporation members and directors on rights and responsibilities under a corporation's rule book.

The Registrar's fact sheet, *Complaints involving corporations*, and policy statement, *PS-02: Complaints involving corporations*, are also helpful documents. Both are available on the ORIC website.

Sometimes complainants allege fraud or misappropriation of funds at a corporation. Such allegations are taken very seriously but ORIC will always ask for evidence to support the claims. This is crucial—no case can be built or action taken if there is insufficient supporting evidence. Hearsay and suspicion alone is not sufficient.

#### WHEN ORIC CANNOT HELP WITH A COMPLAINT

In 2017-18 6.8 per cent of all complaints received were about matters outside the Registrar's jurisdiction.

The role of the Registrar in dealing with complaints is to assist corporations, their members and third parties to understand the CATSI Act and to apply good practice governance. However, for many complainants, the problem is the actions of a staff-person, the terms of employment, the services the corporation delivers, compliance with funding agreements, corporation business decisions, or even sometimes the behaviour of a director in their private life.

For example, if the complaint is about the **chief executive officer (CEO)**, the complainant can raise the matter with the directors. But ORIC has no authority to censure the CEO or monitor their performance. Only the directors do.

Similarly, if the concern is about **staff conditions**, and employees do not feel they can approach the CEO or directors, they may need to contact the Fair Work Ombudsman to find out what their rights are under their workplace agreement.

The **services delivered** by a corporation are business decisions of the directors, which are also not regulated by the CATSI Act. In these complaints, the complainant may need to speak with the funding body, to find out if there are service standards in the funding agreement that would address their concerns.

We are often contacted by people who are concerned with the **ethics and character of directors**, either in meetings or in their general demeanour. There are circumstances which will lead to a person being disqualified from serving as a director, but these circumstances are limited (see the ORIC factsheet on *Disqualification from managing corporations under the CATSI Act*). Callers are sometimes surprised to learn an allegation of fraud (as opposed to a conviction) or a conviction for a drug or alcohol-related crime does not automatically disqualify a person from representing the corporation. It is up to the members to determine if a person is a fit and proper nominee for a directorship, or to remove a director if they are not doing a good job.

If a director is violent or aggressive towards members, that is a police matter. Callers are encouraged to inform the police of such incidents.

Other matters where ORIC cannot assist include deciding whether a person is of a particular clan group or approving **proof of Aboriginality** processes and **native title** matters.

The examples provided above are matters that are not related to governance under the CATSI Act, where ORIC can only suggest other mechanisms or agencies that may be able to assist with these types of complaints and concerns.

## MANAGE DISPUTES

The Registrar treats all disputes sensitively and takes into consideration the culture and traditions of Aboriginal and Torres Strait Islander people. With early intervention and careful management, a dispute can often be resolved and the damage minimised. A well-managed dispute can improve a corporation's resilience. As well as consulting with all parties involved and taking care to tailor responses to suit a corporation's particular needs, ORIC helps corporations build capacity to prevent disputes from flaring up.

In 2017-18 ORIC helped to resolve 24 disputes—the same number as in the previous year. None were carried over from the previous year; all arose in the 2017-18 year. Disputes by nature are complex. Six of the 24 disputes we helped to manage were within RNTBCs. Because they have the potential to cross into native title matters, which are outside the jurisdiction of ORIC, disputes within RNTBCs tend to be even more complex. The average resolution time for disputes in 2017-18 was 36 days, down from the 63 days of the previous year. This reduction in resolution time is an indication that parties in this year's disputes were willing to engage in a positive manner.

Corporations are often very appreciative of the assistance ORIC staff provide during a dispute. ORIC responds to disputes in accordance with its case categorisation and prioritisation model. Relevant circumstances include whether:

- the corporation receives Australian Government funding, holds land or native title, has a large number of members or has stopped functioning
- an Australian Government agency has requested help
- essential community services are at risk
- there is a broader public interest in resolving the dispute.

### WHY RULES MATTER!

A large number of disputes dealt with this year have stemmed from rule book issues. These issues have been a result of either:

- members and directors' limited understanding of the corporation's rules, or
- the corporation having impractical rules in its rule book

In the case of one dispute managed this year, corporation directors were in severe disagreement over how certain rules worked. The directors from both sides sought advice from ORIC, and we were able to clarify how the rule should work. As ORIC engaged with all directors, they realised that the way the rule was written did not serve the corporation's intention. This realisation prompted discussion about other rules and how the rule book could be updated. Later, the corporation sought assistance from ORIC to overhaul the rule book.

ORIC attended a two-day directors' meeting and helped the corporation to talk through what rules to include, and how to phrase them so they are clear, unambiguous and easy to follow. At the end of the two days, directors were very pleased with the proposed updates and committed to taking them to the members for approval.

Tips for avoiding disputes:

- Know your rules.
- Discuss with directors how the rules are meant to work, so that everyone has a shared understanding.
- If there is confusion, call ORIC on 1800 622 431
- If the rules don't fit your corporation's needs, change them! At the directors' request, ORIC can assist with that process.

ORIC supports corporations in dispute by:

- listening and providing information—by telephone, email or face-to-face
- offering advisory opinions—a formal letter from the Registrar giving an opinion about how the CATSI Act and the corporation’s rule book applies to the matter
- facilitating small group problem-solving sessions and workshops to manage the dispute
- calling, attending and chairing general or directors’ meetings
- recommending rule book amendments to reduce the likelihood of disputes and to provide an effective dispute resolution process.

See also the fact sheet, *Dispute resolution*, and the policy statement, *PS-22: Disputes involving corporations*.

## CONDUCT EXAMINATIONS

In 2017-18 ORIC completed examinations of 53 corporations—eight more than the year before. During the year, as a result of additional funding from the minister, ORIC started a further 69 examinations—12 more than the year before.

The Registrar has the power under the CATSI Act to prompt an examination of a corporation’s books and records. The purpose of examinations is to assess the standards of corporations’ governance and the health of their finances. An examination may include checks that a corporation is:

- operating in accordance with the CATSI Act and its rule book
- keeping up-to-date financial records and managing its finances in line with its policies, procedures and delegations
- properly managing any conflicts of interest and benefits to related parties.

Each year the Registrar conducts a routine program of examinations. Additional examinations are initiated by the Registrar in response to potential governance issues raised about a corporation.

Examinations are an element of the CATSI Act, designed to proactively protect the interests of Aboriginal and Torres Strait Islander people and communities. They perform an important function in detecting early signs of trouble.

An examination can confirm that a corporation is managing its affairs effectively, and the governance of the corporation is to a high standard.

For more information see the policy statement *PS-25: Examinations* on the ORIC website.

During the 2017-18 financial year the Registrar started 69 examinations and completed 53. Nineteen of those completed were carried over from 2016-17. As at 30 June 2018 there were 35 examinations still in progress.

**Table 19: Examinations completed in 2017-18, by state/territory**

STATE/TERRITORY	CORPORATIONS
Australian Capital Territory	1
New South Wales	7
Northern Territory	14
Queensland	9
South Australia	0
Tasmania	0
Victoria	4
Western Australia	18
<b>Total</b>	<b>53</b>

In 2017-18 examinations were concentrated in three sectors as follows:

- 44 per cent of examinations were of corporations in the health and aged care sector
- 24 per cent were of corporations in the housing sector
- 21 per cent were of corporations that manage land.

Of the 53 corporations where examinations were completed during 2017-18:

- 25 corporations (47.2 per cent) were found to be operating well so a management letter was issued and no further action was required
- 23 corporations (43.4 per cent) needed to address minor matters, so were issued with a compliance notice under section 439-20 of the CATSI Act
- five corporations (9.4 per cent) were found to have serious issues. These were referred for a show cause process to explain why they should not be placed under special administration.

Thirty-five examinations were in progress as at 30 June 2018.

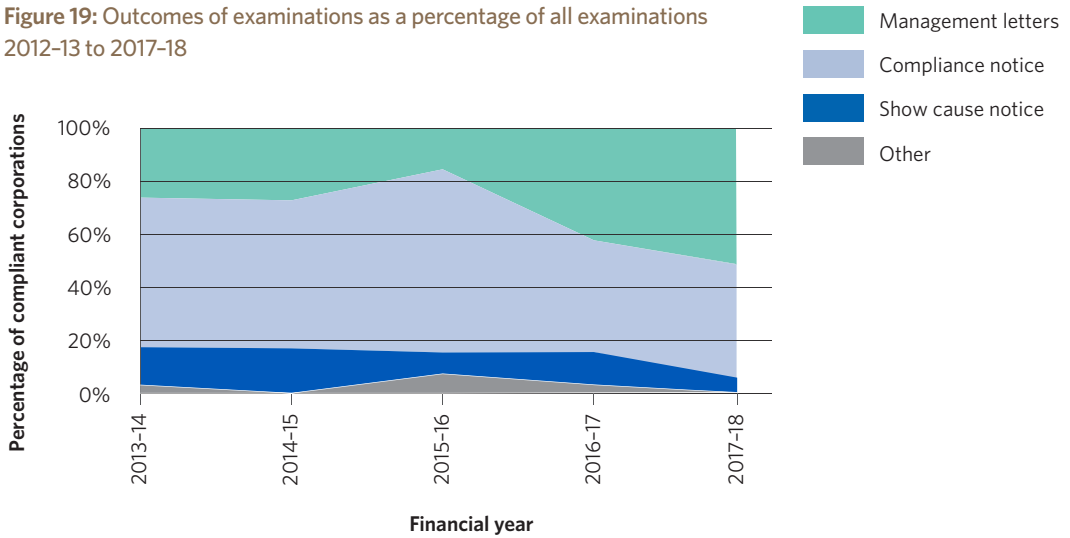
**Table 20: Examinations completed in 2017-18, by activities**

MAIN ACTIVITIES OF CORPORATIONS	EXAMINATIONS
Health and aged care services	19
Drug and alcohol rehabilitation services	0
Community services	4
Land management	7
Registered native title bodies corporate (RNTBCs)	4
Other native title	1
Agriculture, forestry and fishing	2
Tourism	0
Art and cultural centres	0
Housing	8
Employment and training	3
Community stores	4
Communications (radio, broadcasting and language)	1
<b>Total</b>	<b>53</b>

**Table 21: Outcomes of examinations for the past five years**

EXAMINATION OUTCOME	2013-14	2014-15	2015-16	2016-17	2017-18
Management letters	12	16	6	19	25
Compliance notice	26	33	27	19	23
Show cause notice	7	10	4	6	5
Other	1	0	2	1	0
<b>Total</b>	<b>46</b>	<b>59</b>	<b>39</b>	<b>45</b>	<b>53</b>

**Figure 19: Outcomes of examinations as a percentage of all examinations 2012-13 to 2017-18**



## CONDUCT INVESTIGATIONS

Potential breaches of the law, including the CATSI Act, are brought to the Registrar’s attention in a number of ways, including from:

- complaints or inquiries from members of the public
- referrals from funding agencies (including other government departments), other regulators or the police
- statutory reports from examiners, auditors and external administrators (liquidators, special administrators, voluntary administrators and receivers)
- the Registrar’s staff.

The Registrar carefully considers how to respond to all potential breaches of the law, but does not undertake a formal investigation of every complaint or matter that is brought to his attention.

In deciding whether or not to conduct a formal investigation, the Registrar considers resources, the available evidence, the public interest, and how recently the alleged breach occurred. This is referred to as an assessment. If the available information suggests a breach that is serious, ongoing, and provable, the Registrar may investigate.

A formal investigation is the first step toward initiating (or ruling out) prosecution.

The year started with five investigations in progress from the previous year. One of them was the routine batch investigation of corporations in breach of their reporting obligations. During 2017-18 a further six investigations began. By the end of the year, ORIC had concluded six investigations, referring two briefs to the CDPP and four briefs for civil action.

As at 30 June 2018 five matters remained on hand.



# SEEKING REMEDY AND DETERRING



## CALL CORPORATION MEETINGS

Under Part 10-2 of the CATSI Act, the Registrar may convene a meeting to discuss a matter affecting a corporation, or call a general meeting or an annual general meeting. This kind of action may be in response to a request by members of the corporation, or because a scheduled meeting was not held, or for some other reason that the Registrar believes warrants it. In such cases the Registrar would either chair the meeting or authorise another person to be the chair.

In 2017-18 there were two Registrar-initiated general meetings. In one case the reason was to propose changes to the corporation's quorum rules to facilitate the convening of meetings. In another it was to appoint directors to conduct business for the corporation.

## ISSUE COMPLIANCE NOTICES

When the Registrar suspects that a corporation has some governance or financial issues, and often as a result of an examination, the Registrar may send the corporation a compliance notice. The notice sets out the reasons for the suspected non-compliance, and directs the corporation to take action, within a specified timeframe. It provides valuable information to the corporation's members and other stakeholders (such as funding agencies and creditors) about the standards of corporate governance and financial management within a corporation at a given point in time.

Each notice is made available on the public Register of Aboriginal and Torres Strait Islander Corporations.

In 2017-18, we issued 24 compliance notices. All but one arose from an examination. The other one was issued after a corporation requested the appointment of a special administrator.

## INITIATE SPECIAL ADMINISTRATIONS

Special administrations are a form of external administration unique to the CATSI Act. They allow the Registrar to provide proactive regulatory assistance to corporations experiencing financial or governance difficulties. The special administrator works in the best interests of the corporation and its members.

Special administrations are different to receiverships, liquidations or voluntary administrations under the *Corporations Act 2001*, as the latter are usually driven by the interests of creditors.

The grounds on which the Registrar can decide to place a corporation under special administration are outlined in section 487-5(1) of the CATSI Act. The grounds are not restricted to insolvency or the inability to pay a debt.

The Registrar appoints an independent, suitably qualified person (the special administrator) to work with a corporation to remedy any issues and to restore it to good corporate health as soon as possible. At the end of their appointment, the special administrator returns full control of the corporation to its members.

For more information, see the Registrar's policy statement, PS-20: Special administrations.

In 2017-18:

- six special administrations **continued** from the previous year.
- six special administrations **started**.
- eight special administrations **completed**, with all handed back to members' control —one by court order
- four special administrations remained **in progress** as at 30 June 2018.

Two of the six new special administrations in 2017-18 were started after the directors wrote to the Registrar asking for the appointment of a special administrator.

Before any corporation is placed under special administration, the Registrar accords a period of natural justice. The corporation is issued a notice to show cause as to why it should not be put into special administration. The corporation is given a reasonable time to respond to the notice.

In 2017-18, the Registrar issued 11 show cause notices. The activity leading to a show cause notice being issued is not always an examination. For the 11 notices issued during 2017-18:

- six were based on examination findings
- one arose from legal proceedings
- three were requested by directors
- one was instigated after a corporation failed to provide reports to address solvency concerns.

Of the corporations asked to show cause, six were ultimately placed under special administration— one was placed under special administration twice during the year.

The aim of a special administration is usually to achieve one or both of the following:

- restoration of **good operational order**—usually after a corporation has not complied with the CATSI Act or its rule book, has experienced financial difficulties or there has been a dispute
- a **restructure**—usually after the directors or members have asked the Registrar to intervene to improve governance standards or organisational structures.

Eight special administrations ended during 2017-18. Of these:

- three were completed within six months in line with ORIC's key performance indicator
- the average time for completion was six months and 10 days (note: the special administration of one day's duration was excluded from this calculation, because it's clearly an outlier)
- in seven cases a successful business turnaround was achieved—that is, the corporation was handed back to members' control. In one case the corporation was handed back to members by order of the court which prevented the special administrator from completing his work.

As at 30 June 2018, four special administrations remained in progress.

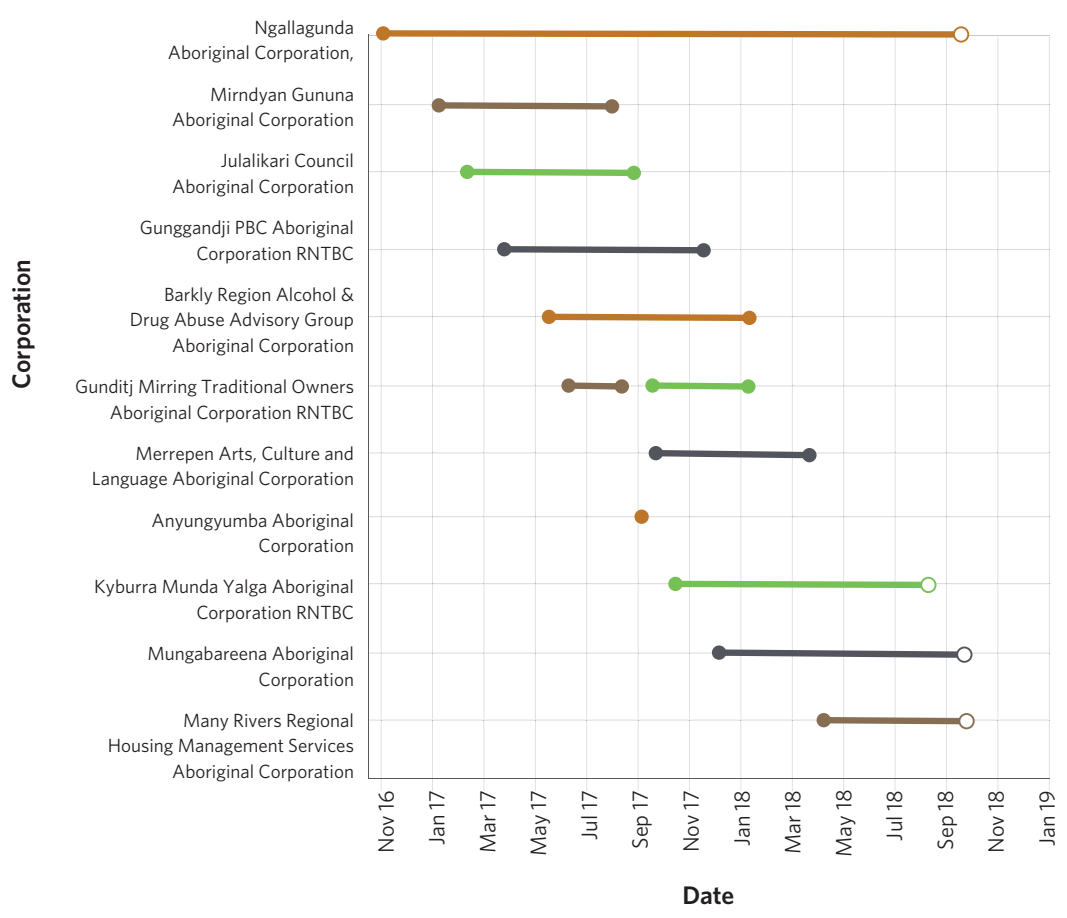
**Table 22: Corporations under special administration in 2017-18**

DATE APPOINTED	CORPORATION, SPECIAL ADMINISTRATOR(S)	DATE ENDED OR DUE
8 Nov 2016*	Ngallagunda Aboriginal Corporation, Austin Taylor and Stuart Reid	21 September 2018**
31 Jan 2017*	Mirndyan Gununa Aboriginal Corporation, Brian Woods	<b>31 August 2017</b>
23 Feb 2017*	Julalikari Council Aboriginal Corporation, Gerry Mier and Anthony Jonsson	<b>8 September 2017</b>
29 Mar 2017*	Gunggandji PBC Aboriginal Corporation RNTBC, Gerry Mier and Anthony Jonsson	<b>30 November 2017</b>
8 May 2017*	Barkly Region Alcohol & Drug Abuse Advisory Group Aboriginal Corporation, Peter McQuoid	<b>10 November 2017</b>
3 Jun 2017*	Gunditj Mirring Traditional Owners Aboriginal Corporation RNTBC, Paul Case	<b>25 August 2017</b>
<b>14 Sep 2017</b>	Gunditj Mirring Traditional Owners Aboriginal Corporation RNTBC, Paul Case	<b>15 January 2018</b>
<b>18 Sep 2017</b>	Merrepen Arts, Culture and Language Aboriginal Corporation, Richard Callaghan	<b>30 March 2018</b>
<b>22 Sep 2017</b>	Anyungyumba Aboriginal Corporation, Dayna Lister	<b>22 September 2017</b>
<b>18 Oct 2017</b>	Kyburra Munda Yalga Aboriginal Corporation RNTBC, Gerry Mier and Anthony Jonsson	31 August 2018**
<b>7 Dec 2017</b>	Mungabareena Aboriginal Corporation, Alan Eldridge	28 September 2018**
<b>13 Apr 2018</b>	Many Rivers Regional Housing Management Services Aboriginal Corporation, Danny Keep	12 October 2018**

\* These special administrations were already in progress as at 1 July 2017

\*\* These special administrations remained in progress as at 30 June 2018

Figure 20: Special administrations during 2017-18



COMMUNICATIONS WITH MEMBERS OF CORPORATIONS UNDER SPECIAL ADMINISTRATION

During the course of a special administration the Registrar requires a special administrator to keep members and stakeholders informed. The special administrator needs to:

- explain the process of a special administration
- discuss necessary changes that must be made
- involve members in planning for the corporation’s future.

To orchestrate the process, special administrators provide newsletters and hold community information meetings. They might also establish one or more advisory groups. ORIC supports the special administrator by checking the wording of notices, newsletters and nomination forms, and designing them in line with the corporation’s own branding.

In 2017-18 ORIC helped produce 27 newsletters and 26 meeting notices.

## SEEK CRIMINAL AND CIVIL PENALTIES

As part of its regulatory approach, ORIC may elect to commence civil proceedings for breaches of the CATSI Act. In appropriate cases ORIC will also prepare and refer a brief of evidence to the Commonwealth Director of Public Prosecutions (CDPP) for consideration of criminal proceedings. The decision to prosecute alleged criminal offences under the CATSI Act is made by the CDPP in accordance with the Prosecution Policy of the Commonwealth.

ORIC publishes a summary of its **prosecution outcomes** on its website.

In 2017-18 the Registrar referred two matters to the CDPP for possible criminal proceedings:

- Robert Beattie, former CEO of Coolgaree Aboriginal Corporation
- minor regulatory prosecutions of corporations that failed to lodge reports for the 2015-16 year.

Also in 2017-18:

- three major criminal prosecutions were finalised and one remained in progress
- nine corporations were found guilty of failing to meet their reporting obligations
- part of one civil prosecution (of two people) was finalised in June 2018
- two litigations to recover significant debts from former prosecutions were successfully prosecuted.

### CRIMINAL MATTERS

#### Criminal matters finalised

Three major criminal matters were finalised in 2017-18.

*Sharon Anderson, Rae Fernando, Siffia Fernando, Wayne Fernando and Collin Turnbull, directors of Ellimatta Housing Aboriginal Corporation (Ellimatta)*

On 3 April 2017 charges were laid against five directors of the Ellimatta Housing Aboriginal Corporation (Ellimatta). It was alleged that Ms Sharon Anderson, Ms Rae Fernando, Ms Siffia Fernando, Mr Wayne Fernando and Mr Collin Turnbull failed to comply with statutory notices issued under section 453-5(1) of the CATSI Act,

to produce documentation and information. Each director was charged under section 453-5(5) of the CATSI Act. The section carries a maximum penalty of \$5,400 or imprisonment for six months, or both, for each charge.

Initially, each of the five directors pleaded not guilty on the grounds that they were not directors at the time they were summoned to appear.

On 18 October 2017, all five defendants changed their plea to guilty. Each was convicted and fined \$600.

*Alan Bishop—former CEO of Garnduwa Amboorny Wirnan Aboriginal Corporation (Garnduwa)*

On 16 May 2016 charges were laid against the former chief executive officer (CEO) of the Garnduwa Amboorny Wirnan Aboriginal Corporation (Garnduwa).

It was alleged that Mr Alan Hugh Bishop dishonestly misused his position as CEO of Garnduwa on 38 occasions to transfer corporation funds into his own personal bank or credit card accounts. From July 2013 to December 2014, Mr Bishop was alleged to have created false records to raise 38 Garnduwa cheques totalling \$239,038.48 which he used for his own personal benefit.

Thirty-eight charges were brought against Mr Bishop under section 265-25(3)(a) of the CATSI Act. The section carries a maximum penalty of \$340,000 or imprisonment for five years, or both, for each charge.

On 28 April 2017, Mr Bishop pleaded guilty to each of the 38 charges, and on 20 October 2017 he was sentenced to two years' imprisonment. He is to be released after serving ten months on a \$2000 bond for good behaviour for 18 months.

### *Selena Lyons—former CEO of Riverina Medical and Dental Aboriginal Corporation (RivMed)*

On 8 August 2016 charges were laid against the former chief executive officer (CEO) of the Riverina Medical and Dental Aboriginal Corporation (RivMed).

It was alleged that Ms Selena Joan Lyons misused her position as CEO of RivMed on 27 occasions to authorise payments to herself for travel or accommodation totalling \$28,048.90, and that these payments were either for days that Ms Lyons was not travelling for work purposes, or another organisation had already paid for her travel, accommodation and meals. It is also alleged that on one occasion Ms Lyons misused the corporation's credit card by making an unauthorised purchase.

Twenty-seven charges were brought against Ms Lyons under section 265-25(3)(a) of the CATSI Act. One charge was brought against Ms Lyons under section 265-25(3)(b) of the CATSI Act. These sections carry a maximum penalty of \$340,000 or imprisonment for five years, or both, for each charge.

On 22 November 2017 Ms Lyons was found guilty of dishonestly using her position on 24 occasions to claim travel expenses to which she knew she was not entitled. On 12 February 2018 Ms Lyons was sentenced to 15 months' imprisonment and ordered to serve nine months in custody, at which point she will be released on recognisance with a \$500 surety. She was also ordered to pay \$24,187.25.

### **Prosecutions for failing to lodge reports**

During 2017-18, the Registrar finalised prosecutions against 16 corporations for failing to lodge their reports by the required time.

- Six corporations were convicted and ordered to pay fines totalling \$6300.
- Two corporations were convicted and released without sentence under s. 20(1)(a) of the *Crimes Act 1914*.
- One corporation was found guilty of the offence but discharged without conviction under s. 20(1)(a)B of the *Crimes Act 1914*.
- Seven cases were discontinued.

Table 23: Prosecution outcomes during 2017-18 for failing to lodge corporation reports

DATE OF OUTCOME	CORPORATION	COURT	OUTCOME
21-Sep-17	Jukanyula Aboriginal Corporation For Childrens Enrichment (ICN 1073)	Bundaberg Magistrates Court	Convicted and fined \$600. Ordered to pay court costs of \$92.90.
5-Dec-17	Waina Family Aboriginal Corporation	Kalumburu Magistrates Court	Convicted and fined \$500
7-Mar-18	Kaurereg Native Title Aboriginal Corporation RNTBC	Thursday Island Magistrates Court	Charge proven but discharged without conviction under s. 19B <i>Crimes Act 1914</i>
22-Mar-18	Naaguja Warangkarri Aboriginal Corporation	Geraldton Magistrates Court	Convicted and fined \$200
21-May-18	Djugun Tribal Creations Aboriginal Corporation (ICN 7044)	Broome Magistrates Court	Convicted and released without sentence under s. 20(1)(a) <i>Crimes Act 1914</i>
21-May-18	Burringurrah Community Aboriginal Corporation (ICN 593)	Carnarvon Magistrates Court (Scutt)	Fined \$3500
21-May-18	Goobiny Aboriginal Corporation	Broome Magistrates Court	Convicted and released without sentence under s. 20(1)(a) <i>Crimes Act 1914</i>
25-May-18	Wila Gutharra Community Aboriginal Corporation (ICN 2705)	Geraldton Magistrates Court (Webb)	Fined \$1000
4-Jun-18	Yawarra Aboriginal Corporation (ICN 958)	Parkes Local Court	Fined \$500

**Criminal matters in progress**

As at 30 June 2018 there was one criminal matter in progress.

*Robert Beattie, CEO of Coolgaree Aboriginal Corporation*

On 6 November 2014, Mr Robert Bruce Beattie, former chief executive officer (CEO) of Coolgaree Aboriginal Corporation (Coolgaree), attended a charity event where he bid for and won tickets to the Clipsal 500 motorsport event being held in Adelaide in 2015.

Mr Beattie used the corporation’s credit card to buy the tickets, though the charity event and purchases were not linked to the corporation’s business and did not further its objectives.

Coolgaree incorporated in 1997 and operated on Palm Island, Queensland, providing an employment and training program for local Aboriginal and Torres Strait Islander people until September 2017.



Charges against Mr Beattie were originally filed in Townsville, but after he moved to Western Australia, proceedings were filed in Perth. Mr Beattie pleaded guilty and on 14 September 2018, he was fined \$3000 and issued a reparation order of \$3000 to the Commonwealth for dishonestly using his position to gain a financial advantage for himself.

## CIVIL MATTERS

One civil prosecution (of two individuals) was finalised around the end of 2017-18, and during the year the Registrar initiated two debt recoveries as follow-ups to prior prosecutions.

### *Registrar v Ashley James Taylor & Anor— WAD243/2017*

On 31 May 2017, civil penalty proceedings were filed in the Federal Court in Perth against two former officers of the Murchison Region Aboriginal Corporation (MRAC).

MRAC is a charitable corporation based in Geraldton, Western Australia. It provides affordable housing to Aboriginal people in the Murchison and Gascoyne regions of Western Australia.

It was alleged that MRAC's former executive officer, Mr Ashley Taylor, and former finance officer, Mr Abul Shahid, over a four-year period to November 2014, made significant payments to themselves from MRAC's funds for their own personal benefit. Allegedly:

- Mr Taylor received 107 payments totalling \$211,612.41, repaid \$29,085 with \$182,527.41 still owing.
- Mr Shahid owes MRAC \$217,956.75 after he received 117 payments totalling \$1,381,413.55 and repaid \$1,163,456.75.

The payments were not approved by the directors of MRAC.

In July 2015, the Registrar successfully obtained interim orders in the Federal Court to freeze the assets of the two men when the payments first came to light. The orders were vacated in February 2016.

On 14 June 2018 Mr Taylor was disqualified from managing corporations for seven years, fined \$250,000 and ordered to pay costs and compensation of \$187,527.41 to the corporation.

On 17 August 2018 Mr Shahid was also disqualified from managing corporations for seven years. He was fined \$100,000 and ordered to pay costs and compensation of \$207,956.75 to the corporation.

### *Damien Matcham*

On 15 February 2014 Mr Damien Matcham, former CEO of Katungul Aboriginal Corporation Regional Health and Community Services was ordered to pay a fine of \$500,000; Several years later the fine remained unpaid so the Registrar sought an additional court order to recover the debt. It succeeded and Mr Matcham has since paid the fine.

### *Sonia Murray*

On 16 April 2015 Ms Sonia Murray was found to have breached her duties as a director of Bunurong Land Council (Aboriginal Corporation) and failed to ensure the corporation kept proper books and records. Amongst other penalties, Ms Murray was fined \$25,000. In 2017-18, the Registrar again prosecuted Ms Murray to enforce that order. The Australian Government Solicitor undertook the litigation, with the outcome that Ms Murray has entered into a repayment arrangement. Should Ms Murray default on any payment, the Registrar will immediately commence proceedings against her.

## REGISTER OF DISQUALIFIED OFFICERS

The Registrar maintains a publicly available register of people disqualified from managing Aboriginal and Torres Strait Islander corporations. See the Register of Disqualified Officers on the ORIC website.

# ACCOUNTABILITY





## FREEDOM OF INFORMATION

In accordance with the Australian Government requirement for agencies to be open and transparent with regard to the functions they perform and the information they hold, the Registrar's website includes an information publishing plan for ORIC and a freedom of information (FOI) disclosure log. In 2017-18:

- 16 FOI requests were made to the Registrar, compared to 66 in 2016-17
- 26 FOI requests and three requests for internal review were finalised.

The Office of the Australian Information Commissioner (OAIC) advised ORIC of receipt of an Australian Information Commissioner review application in respect of an internal review decision notified in December 2016. ORIC provided its response to the OAIC on 17 March 2017 and was awaiting advice from the OAIC regarding the outcome of its review.

## COMPLAINTS ABOUT ORIC

ORIC responds to complaints about its staff and contractors in accordance with policy statement *PS-03: Complaints about the Registrar's staff and contractors*. During 2017-18, one complaint about staff was received, compared to eight complaints received the year before. The complaint was reviewed and the complainant notified of the outcome.

In 2017-18 ORIC received one 'section 8' notice from the Commonwealth Ombudsman. Under the *Ombudsman Act 1976*, the Ombudsman requested information from ORIC to help investigate a complaint made to the Ombudsman about ORIC. The Registrar responded to all issues raised in the Ombudsman's notice, and the Ombudsman advised that no further investigation was warranted.

### FEDERAL COURT PROCEEDINGS:

#### *Onus v Registrar of Aboriginal and Torres Strait Islander Corporations*

These proceedings involved challenges to two decisions by the Registrar to put Gunditj Mirring Traditional Owners Aboriginal Corporation RNTBC under special administration. In the first case, the court made orders that had the effect of ending the special administration before the completion of special administrator's original term of appointment. However, in the second case, the Court made orders with the effect that the special administration continued to the end of the special administrator's term of appointment.

Despite the proceedings, the special administrator was able to achieve significant outcomes that strengthened the corporation's governance arrangements before returning control to the directors.

## LEGAL SERVICES EXPENDITURE

The tables below are a statement of legal services expenditure by ORIC for 2017-18 and provided in order to comply with paragraph 11.1(ba) of the Commonwealth's Legal Services Directions 2017.

**Table 24: Expenditure on legal services and legal service providers 2017-18**

<b>INTERNAL LEGAL SERVICES EXPENDITURE</b>	<b>\$ GST EXCLUSIVE</b>
Total internal legal services expenditure	325,000.00
<b>EXTERNAL LEGAL SERVICES EXPENDITURE</b>	<b>\$ GST INCLUSIVE</b>
Professional fees:	
Australian Government Solicitor	118,431.81
DLA Piper	117,574.16
Minter Ellison	77,332.10
Taylor David Lawyers	3,417.00
Total professional fees paid	316,755.07
Counsel briefs	59,187.21
Other disbursements on external legal services	74,954.68
<b>Total external legal services expenditure</b>	<b>450,896.96</b>

*Note:* Internal legal services expenditure was derived through estimates of the percentage of time spent by legally qualified staff on legal work. Expenditure was calculated using base salaries and overheads.

**Table 25: Briefs to counsel 2017-18**

<b>NUMBER OF COUNSEL BRIEFED</b>	
Number of male counsel briefed	3
Number of female counsel briefed	1
<b>VALUE OF COUNSEL BRIEFS</b>	
Value of briefs to male counsel (GST inclusive)	\$36,891.76
Value of briefs to female counsel (GST inclusive)	\$22,295.45





**YEARBOOK**  
2017-18

