

ORIC  
YEARBOOK

2018-19

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



Australian Government  
Office of the Registrar of  
Indigenous Corporations





**Australian Government**

**Office of the Registrar of  
Indigenous Corporations**

# ORIC YEARBOOK 2018-19

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Please be aware that this publication may contain the 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**

Betty Muffler, *Ngura (Country)*, 2017, 167 × 243cm, acrylic on linen,  
winner—2017 NATSIAA Emerging Artist Award, MAGNT, Darwin

Courtesy of the artist and Iwantja Arts and Crafts Aboriginal Corporation

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## 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.

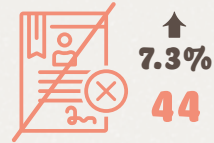
## About the yearbook

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 2018–19 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 2019 there were **3198 registered corporations**; up 5% from last year. The number of **new registrations (193)** increased (by 10) and there were 3 more **deregistrations (44)**.



**202 corporations** are recognised native title bodies, known as registered native title bodies corporate (RNTBCs). Last year there were 186 so this is an **8.6% increase**.



Corporate governance **training was concentrated in Queensland** this year. It had the most: courses (**33**), corporations involved (**103**), and participants (**285**). **84%** of participants said their knowledge of corporate governance significantly increased as a result of ORIC training programs.



The average time for resolving disputes was **13.6 days**, down 62% from last year (36 days).



**96** corporation jobs were advertised on the ORIC website—up 9% from 88 last year.

## Highlights



There were **210,547 website visits**—**16% more** than the previous year (180,806). There were 103,717 visitors—up 21.2%.



There were **11,407 calls** to 1800 622 431—an increase of 34% from last year's 8497 calls.



**26** corporations asked to change their name—23 requests were approved. Average processing time for changes to corporation name halved from 34.8 days to **15.6 days**.



**588 complaints** about corporations—29% fewer than the previous year (831) and the lowest number in seven years despite the steady growth in the number of registered corporations.

*Queensland corporations continue to be subject to a relatively high number of complaints, and Northern Territory corporations continue to be subject to a relatively low number of complaints—but the gaps are narrowing.*



This year ORIC completed **66 examinations** of corporations—13 more than last year.



**9** corporations were convicted for failing to lodge reports, and ordered to pay fines totalling **\$18,650**



## Registrar's year in review

I started as the Registrar of Aboriginal and Torres Strait Islander corporations on 10 December 2018—almost halfway through this reporting year. I thank Mike Fordham for all the work he undertook as Registrar, and for the preparations he made to facilitate my smooth transition into the role.

I am a Gunggari man. I grew up in Cherbourg in southern Queensland. I am proud to be the first Aboriginal Registrar of Aboriginal and Torres Strait Islander Corporations, and I am happy to be working to the first Aboriginal Minister for Indigenous Australians, the Honourable Ken Wyatt AM.

### THE ROAD TO CATSI REFORM

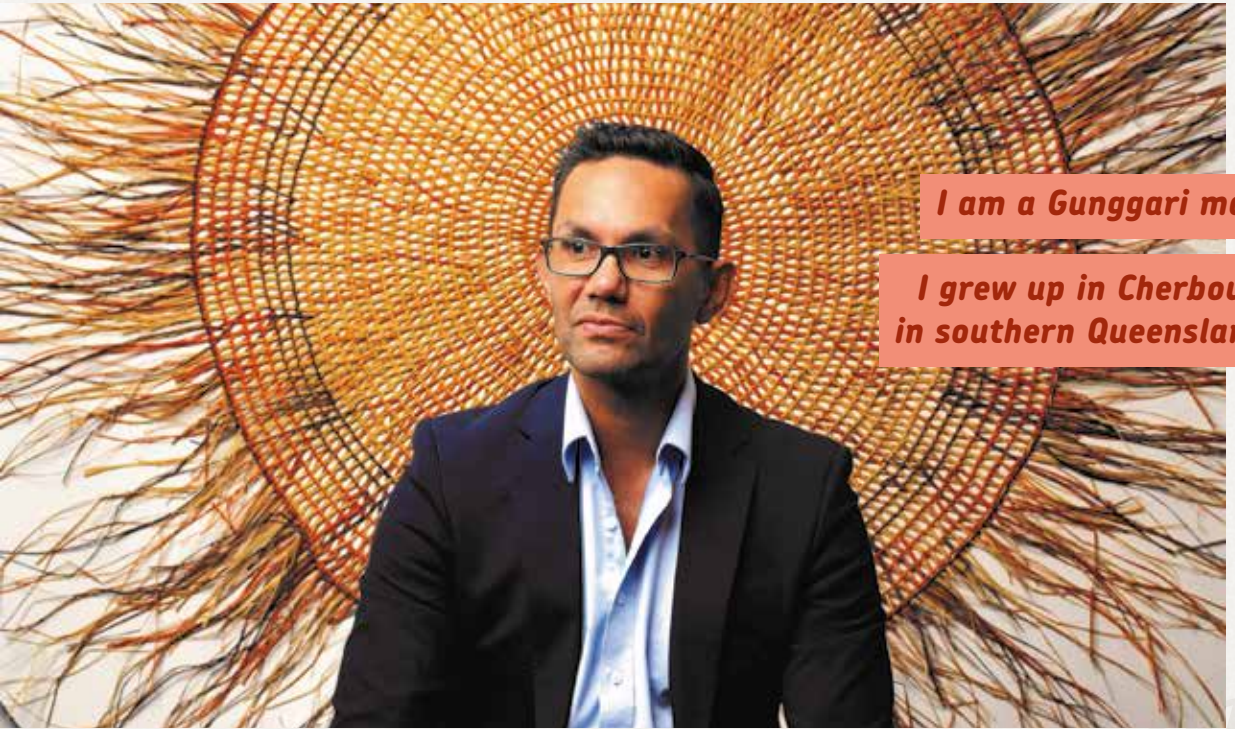
A major focus this year has been reform of the CATSI Act. It's a big project, to revise legislation, and this year we got as far as a bill in parliament. For details, see the section 'Amend legislation and regulations'. The short story is:

- We did a lot of consulting with corporations and other stakeholders about what would improve the CATSI Act.
- An amendment bill was introduced into parliament on 5 December 2018.
- In February 2019 a Senate committee recommended its passage.
- On 11 April 2019 the parliament was dissolved—at which point the bill lapsed.

At the time of writing (eight months later) the Minister has just announced a new, comprehensive review of the CATSI Act, to be managed through the National Indigenous Australians Agency. With that—and concurrent reforms to the *Native Title Act 1993*—we have a stellar opportunity, in 2019–20, to take a big-picture approach to improving the function of legislation to benefit Aboriginal and Torres Strait Islander corporations and communities.

As a special measure under the *Racial Discrimination Act 1975*, the CATSI Act is more than an instrument for regulating the operations of registered corporations; it is also designed to support and empower Aboriginal and Torres Strait Islander people and communities. To that end, how can we better reflect traditional cultural decision-making in corporate governance structures? That's a question occupying me at this time, and I hope to hear ideas about it from across the spectrum.





*I am a Gunggari man.*

*I grew up in Cherbourg  
in southern Queensland.*

## DATA TO DRIVE US

When resources are limited, it's important that energy is carefully directed to where it can be most effective. One shift I am driving hard in ORIC is to make better use of the data we already have about Aboriginal and Torres Strait Islander corporations and their activities. We want to identify issues and intervene to address them, *earlier*. Whether we're monitoring and evaluating the performance of corporations or ORIC itself, we need to be smart. We need to use the data—to deepen our understanding and to prioritise and guide our work.

The same principle of the value of open access to data applies to corporations, so I also encourage corporations to embrace it. When the whole membership has access to up-to-date information about the corporation, they know what's happening; they feel involved; and they become more actively engaged. And the benefits that flow to the corporation and its members include more trust and open decision-making.



## **TECHNOLOGICAL OPPORTUNITY**

There are some things that computers do best—counting large numbers, executing simple workflows—and some things that only humans can do—see, interpret and respond to patterns and aberrations.

We are building a new database for the Register of Aboriginal and Torres Strait Islander Corporations, and new interfaces to it—for ORIC staff, corporations and the public. For ORIC staff, the new system promises to streamline our work. And for our constituents—including people in very remote locations, with poor internet connectivity, low literacy and English as a second or third language—we are determined that the forthcoming system will be easy to use.

Concurrent with this revolution-in-progress, this year ORIC staff were allocated new desktop technologies—mobile hardware and software designed to foster a culture of open communication and collaboration. In this regard the year has been intense. We've been familiarising ourselves with the new technologies, figuring out how to leverage the opportunities they afford for improving our work, and overhauling all of our business processes—and all the while carrying on business as usual. Measured by our standard key performance indicators, we may not have had the most productive year. But we are forging a path to a more productive and effective future.

## **STAFF AROUND AUSTRALIA**

Finally, in accordance with the government's commitment in the May 2018 Budget, ten ORIC staff were decentralised from Canberra. At 30 June 2019 we had ten staff in Darwin as well as 12 staff spread across our other regional offices in Coffs Harbour, Brisbane, Cairns, Broome, Perth and Alice Springs.

**Selwyn Button**

DECEMBER 2019



# ABOUT ORIC

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## 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.

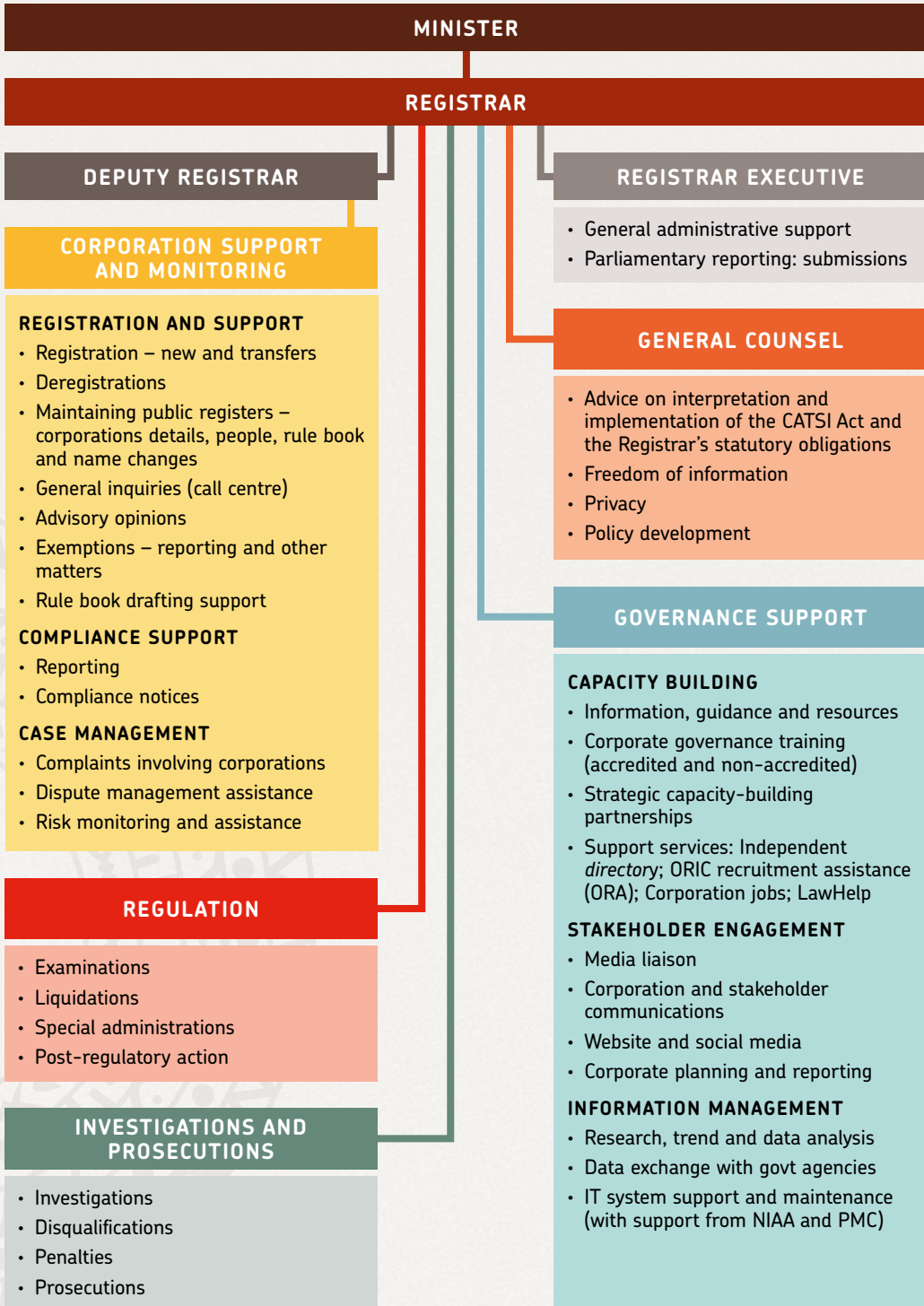
Our work is also directed by our strategic plan and corporate plan. The current versions cover the period 2017–20. Our corporate documents are available online at [oric.gov.au/about-us](http://oric.gov.au/about-us).

## Budget

The Registrar's budget allocation for 2018–19 was \$8.196 million as a department. We also received \$0.955m from administered funds—the annual allocation of the \$4 million over four years that, as Minister for Indigenous Affairs, the Hon Nigel Scullion announced on 5 July 2017.

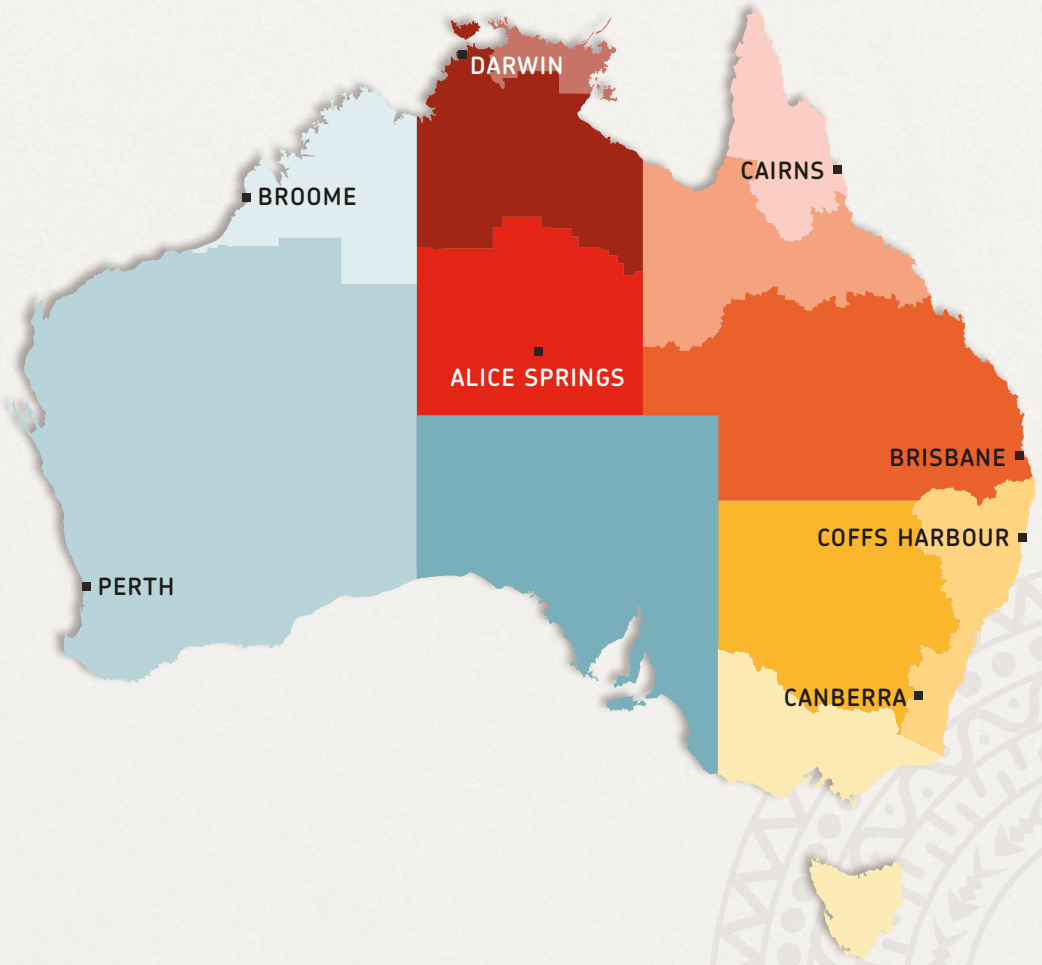
The departmental allocation for 2018–19 was \$312 thousand less than the previous year's allocation of \$8.508 million.

## Organisational structure





## Office locations



## Staff

Excluding four contractors (employed indirectly on finite projects) and four casual staff (employed to assist with peak periods), as at 30 June 2019, ORIC had 41 employees or 40 full-time equivalent (FTE) staff. Our FTE was five fewer than last year, and:

- 22 people were working from the Canberra office
- 19 were working from a regional office
- 23 staff—56 per cent—identified as Aboriginal and/or Torres Strait Islander
- 19 staff—46 per cent—were women
- 3 staff—7 per cent—were part-time.

## SENIOR MANAGEMENT

Senior managers as at 30 June 2019:

- Selwyn Button, Registrar
- Gerrit Wanganeen, Acting Deputy Registrar
- Angus Hudson, General Counsel
- Lisa Hugg, Manager, Governance
- Catherine Turtle, Manager, Southern Hub
- Hannah Roe, Acting Manager, Northern Hub
- Trish Mu, Manager, Investigations and Prosecutions
- Kevin Vu, Acting Manager, Regulation
- Benjamin Murray, Senior Adviser





# PERFORMANCE REPORTING

ORIC continues to measure its performance by output, which helps us to understand the efficiency of our operations. We are also building capability to measure our impact on good governance and trust in the Aboriginal and Torres Strait Islander sector—our outcomes. We're building a new database and interfaces for the registers to better serve corporations, and as part of that, we are establishing new mechanisms for tracking the longer-term impact of capacity-building and regulatory action.

## ESTABLISHING

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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 aggregated data, with minimal interpretation, on the full range of functions of the Registrar. ORIC also usually publishes:

- an annual report on the activities and growth of the 500 highest-earning corporations—the Top 500 report (though in 2018–19 this research was not undertaken)
- an annual statistical report on external administrations
- a twice-yearly statistical report on complaints about corporations.

In 2018–19 ORIC undertook extensive small-scale user research as part of the project to rebuild the Register of Aboriginal and Torres Strait Islander Corporations. We also consulted extensively with corporations and other stakeholders as part of the legislative review. As a result of both activities, we have gathered very useful intel about improvements we can make to the experience of our constituents.

### STATISTICAL REPORTS

In 2018–19 the Registrar published the following statistical reports:

- an annual report on corporations entering external administration in 2017–18—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 2018–19 the majority of the external administration appointments occurred in New South Wales, and the sector with the most corporations entering external administration was health and community services. The main reason for the appointment of an external administrator was that it was required in the interests of the public, members or creditors. But in half of all cases, a special administrator was also appointed due to:

- disputes within the corporation
- failures to properly appoint and/or remove directors or members
- poor financial and record management
- trading losses and/or solvency concerns

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

**TABLE 1. EXTERNAL ADMINISTRATIONS BY TYPE, FOR THE PAST FIVE YEARS**

APPOINTMENT TYPE	2014–15	2015–16	2016–17	2017–18	2018–19
Special administration	9	10	8	6	7
Receiver appointed	0	0	0	0	0
Deed of company arrangement	1	0	0	0	1
Voluntary administration	0	1	0	0	2
Provisional wind-up	0	0	0	0	0
Members' voluntary wind-up	1	0	0	1	2
Creditors' wind-up	2	2	0	1	0
Court wind-up	1	0	0	1	1
<b>Total</b>	<b>14</b>	<b>13</b>	<b>8</b>	<b>9</b>	<b>13</b>

Nationally, 4.7 per cent of corporations were involved in complaints. Consistent with the last few years, in 2018–19 Queensland corporations were the subject of a proportionally high number of complaints—30.2 per cent, though they represent only 24.2 per cent of all corporations. Conversely, Northern Territory corporations were the subject of only 10.1 per cent of complaints, though they represent 22.1 per cent of all corporations.

## 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 2018–19 the main focus of ORIC's policy work was coordinating the project to amend the CATSI Act. 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 ORIC's strategic risk framework, we have a risk working group that collects information staff receive in the course of their daily work and—periodically—plans a response.

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 our regulatory activities, training, prioritisation of disputes and complaints assistance, general information and communication activities.

## Engage stakeholders

As part of ongoing business we engage and consult with government and industry stakeholders. 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 range of communication activities and consultation.

### 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 2018–19 103,717 people used the ORIC website in 210,547 sessions. Of those, 111,677 sessions (53%) involved a search of the public register. On average users viewed 2.7 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 2018–19 the Registrar issued 16 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. In 2017–18 we started posting to Instagram and LinkedIn as well, and from January 2019 we established a dedicated Twitter account for the Registrar at [@RegIndig](https://twitter.com/RegIndig).

# 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 2018**



**FREEDOM TO CHANGE: KEEPING OUR FREEDOM YOUTH INDIGENOUS CORPORATION**

**AUG 2018**



**RETURN TO COUNTRY: DAMBIMANGARI ABORIGINAL CORPORATION**

**SEPT 2018**



**GARDEN HUB DREAMING: FORBES WIRADJURI DREAMING CENTRE INDIGENOUS CORPORATION**

**OCT 2018**



**WARKA WIRU, WIN WIN: REGIONAL ANANGU SERVICES ABORIGINAL CORPORATION**

**NOV 2018**



**A WEB OF SUPPORT FOR ART AND CULTURE: YAAMA GANU ABORIGINAL CORPORATION**

**DEC 2018**



**CULTURE FOR OUR CHILDREN: DARUG TRIBAL ABORIGINAL CORPORATION**





**JAN 2019**

**CULTURE, DIGNITY AND JUSTICE FOR WELLBEING**



**FEB 2019**

**OLD WAYS ANEW: NGAANYATJARA PITJANJATJARA YANKUNYTJATJARA WOMEN'S COUNCIL ABORIGINAL CORPORATION**



**MAR 2019**

**AUNTIES AND ALLIES FOR STRENGTH AND PRIDE: KARADI ABORIGINAL CORPORATION**



**APR 2019**

**PROMOTING TOURISM, JOBS AND REEF CARE: DAWUL WURU ABORIGINAL CORPORATION**



**MAY 2019**

**WALKING A LONG ROAD FOR ARAKWA: BUNDJALUNG OF BYRON BAY ABORIGINAL CORPORATION**



**JUN 2019**

**GETTING THE MOB A JOB: HIHAT 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 around 400 delegates attending. In 2019 ORIC was a sponsor and provided material for satchels.

### 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 2019, ORIC held an information stall at the community day in Coffs Harbour and family day in Canberra.



ORIC STAFF HOSTING COMMUNITY INFORMATION STALLS.



## Community and culture

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 2018–19, ORIC staff together used 19 of these.

## Partnerships

ORIC maintains partnerships with a range of organisations for different purposes. As at 30 June 2019 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
- Australian Taxation Office.

To provide our pro bono legal assistance service, LawHelp, in 2018–19 we worked with 13 of Australia's leading law firms:

- Allens
- Ashurst
- Australian Government Solicitor
- 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.

One other partnership active in 2018–19 was with Business Council of Australia—for **Independent**directory.



ORIC STAFF REVIEWING  
LEGISLATION AND  
CELEBRATING  
INTRODUCTION OF  
THE BILL.



## 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.

During 2017–18 ORIC coordinated a technical review of the CATSI Act. As a result the Hon Nigel Scullion, then Minister for Indigenous Affairs, opted to pursue legislative changes. By August 2018 ORIC had compiled a set of 12 proposed reforms we believed would be broadly supported by stakeholders. Having prepared a discussion paper, in September and October we hosted a second round of consultations—48 in-person sessions involving over 400 people: 23 group sessions with representatives of corporations, stakeholders and government; 25 individual sessions with stakeholders, native title representative bodies and corporations—in Coffs Harbour, Darwin, Broome, Kununurra, Alice Springs, Perth, Adelaide, Cairns, Dubbo, Sydney, Thursday Island, Melbourne, Brisbane and Canberra. We also received 22 written submissions.

On 5 December 2018 the Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018 was introduced into the Parliament, and referred to the Senate Finance and Administration Committees for inquiry and report by 11 February 2019. The committee duly recommended that the Senate pass the bill. On 11 April 2019 the 45th parliament was prorogued in advance of the federal election. Because the bill had not been reintroduced, debated and passed, it lapsed.



# REGISTERING

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## 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

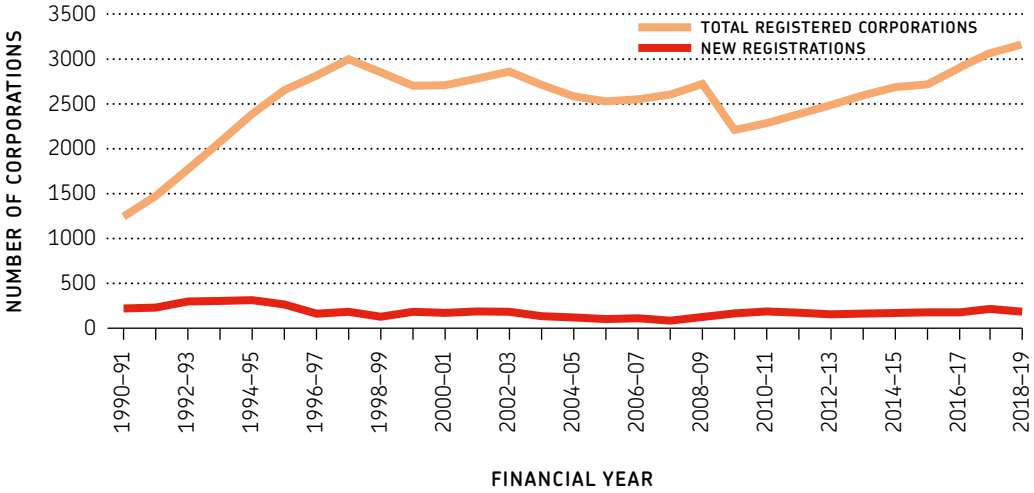
ORIC recommends that corporations regularly review their rules to make sure directors and members can understand them, and the rules work well for their corporation's changing circumstances. ORIC provides a number of model rule books on its website, and offers assistance to corporations to create or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

## Register corporations

At 30 June 2019 there were 3198 corporations registered under the CATSI Act. The year before there were 3046. That's a net increase of 193 corporations (taking into account new incorporations, reinstatements and deregistrations); and sustains the previous year's growth of 5 per cent. Of those 3198, 202 (6.2 per cent) are registered native title bodies corporate (RNTBCs).

PERFORMANCE  
REPORTING

**FIGURE 1. REGISTERED AND NEW CORPORATIONS FROM 1990-91 TO 2018-19**

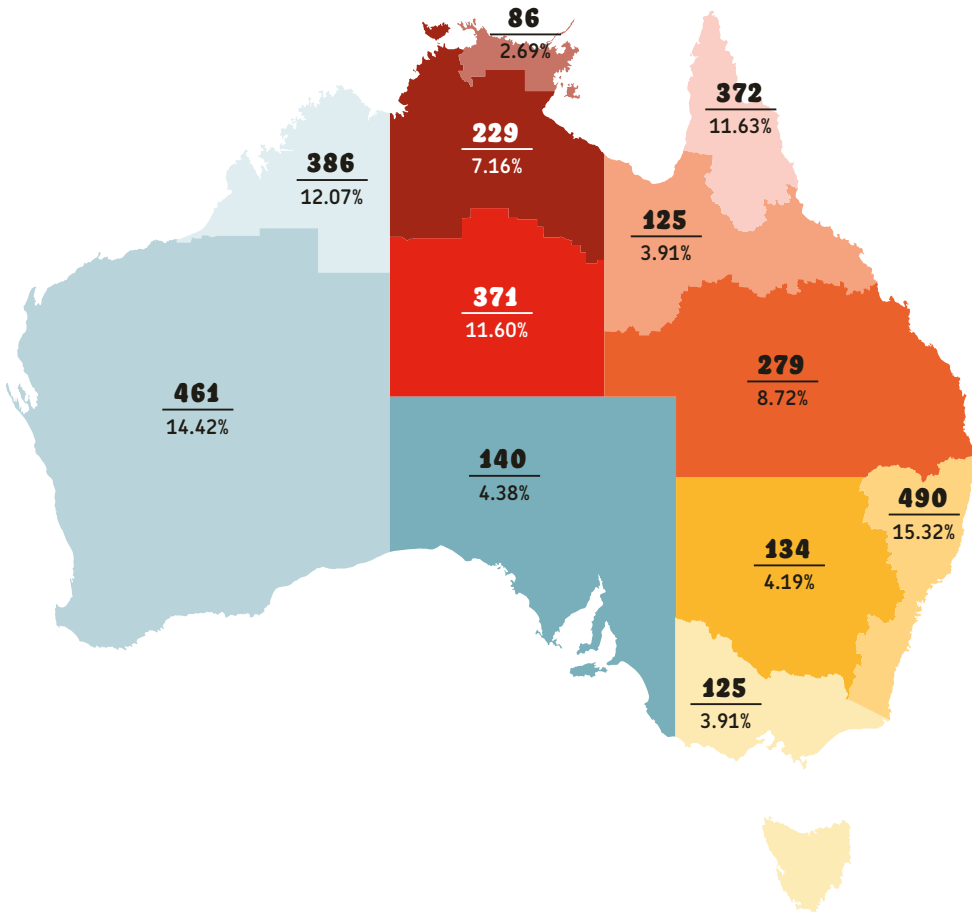


**TABLE 2. NUMBER OF REGISTERED CORPORATIONS BY REGION AS AT 30 JUNE 2019**

	NO. OF CORPUS	% OF TOTAL
Eastern New South Wales	490	15.32%
Greater Western Australia	461	14.42%
Kimberley	386	12.07%
Central Australia	371	11.60%
Far North Queensland	372	11.63%
South Queensland	279	8.72%
Top End and Tiwi Islands	229	7.16%
South Australia	140	4.38%
Western New South Wales	134	4.19%
Gulf and North Queensland	125	3.91%
Victoria and Tasmania	125	3.91%
Arnhem Land and Groote Eylandt	86	2.69%
<b>Total</b>	<b>3198</b>	<b>100%</b>



**FIGURE 2. NUMBER OF REGISTERED CORPORATIONS BY REGION AS AT 30 JUNE 2019**



### NEW REGISTRATIONS

During 2018–19 there were 193 new registrations—ten more than the previous year. This includes 14 transfers of incorporation to the CATSI Act from other incorporation legislation and two reinstatements. The year before, eight of the 183 registrations were transfers and four were reinstatements.

**TABLE 3. REQUESTS TO INCORPORATE**

REQUESTS TO INCORPORATE	14–15	15–16	16–17	17–18	18–19
Received	187	184	210	205	235
Actioned:	182	186	215	209	223
— approved	170	177	177	183	193
— refused	9	8	27	12	6
— lapsed/withdrawn	3	1	11	15	24

**Note:** the figures above include applications for reinstatement. In 2018–19 four applications for reinstatement were received, and two corporations were reinstated.

Requests to register a corporation were processed in an average of 19.2 days.

### DEREGISTRATIONS

There were 44 deregistrations this year, compared with 41 corporations that were deregistered in 2017–18—an increase of 7.3 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 2018–19 ORIC processed 5911 registration jobs (5916 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.



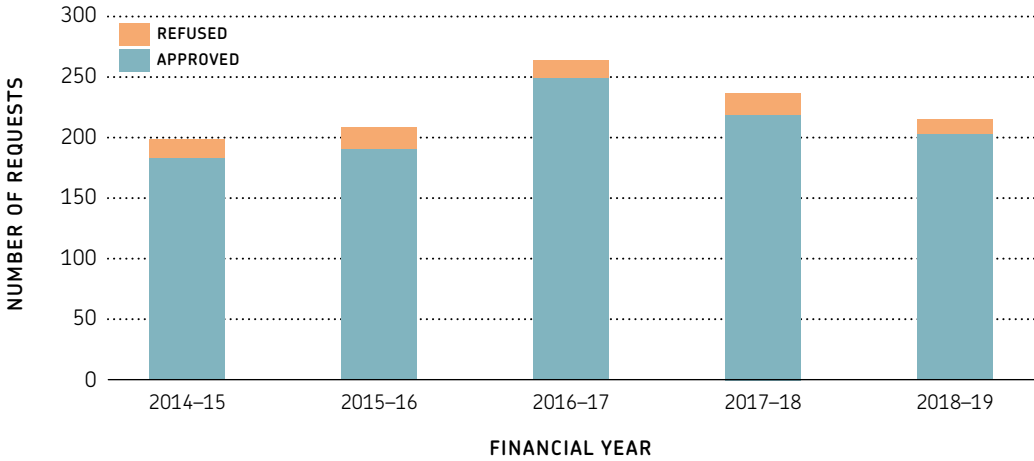
**TABLE 4. SAMPLE OF REGISTRATION ACTIVITY IN THE LAST FIVE YEARS**

	14–15	15–16	16–17	17–18	18–19
<b>REQUESTS TO CHANGE RULE BOOK</b>					
Received	200	207	268	235	232
Finalised:	198	209	264	237	215
— approved	182	190	249	218	201
— refused	16	19	15	19	13
Average processing time				20.97	23.52
<b>REQUESTS TO CHANGE NAME</b>					
Received	10	12	17	24	26
Finalised:	12	13	16	25	25
— approved	12	12	16	22	23
— refused	0	1	0	3	2
Average processing time				34.8	15.64
<b>REQUESTS TO CHANGE A CORPORATION'S CONTACT DETAILS OR DETAILS OF DIRECTORS, CONTACT PERSON OR SECRETARY</b>					
Received	860	1036	1308	1328	1323
Finalised		1044	1317	1325	1303
Changes applied to the public register	852	1031	1284	1289	1280
Average processing time				1.8	2.8

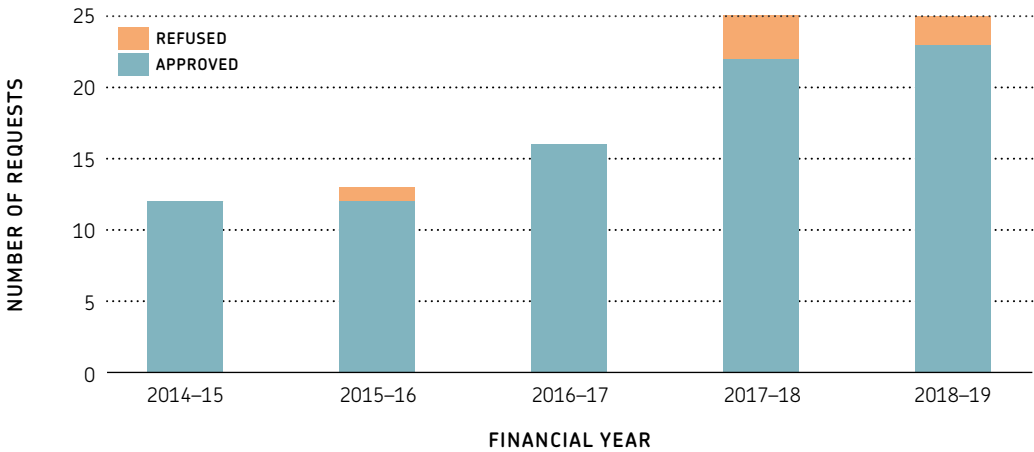
**Notes:**

- Some requests received during 2018–19 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.

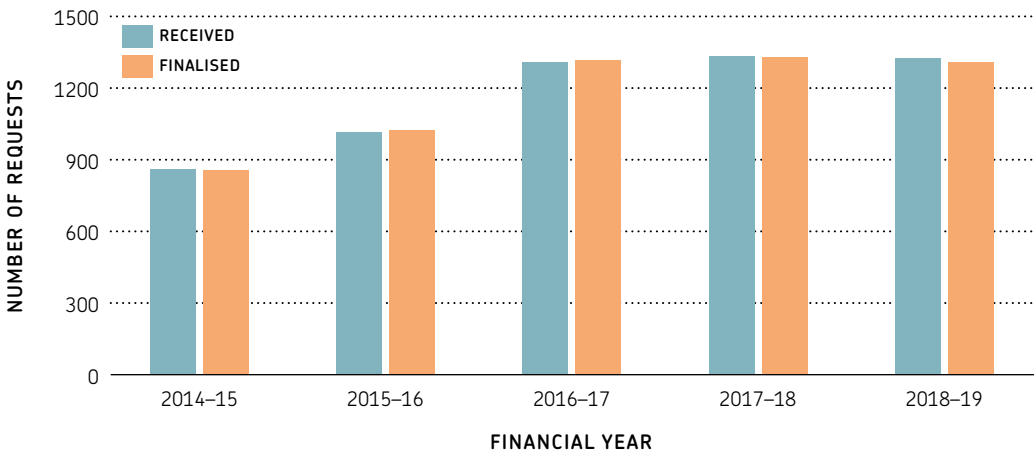
**FIGURE 3. REQUESTS TO CHANGE RULE BOOK**



**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**

TYPE OF CHANGE REQUEST	AVERAGE PROCESSING TIME IN DAYS
Rule book	23.52
Corporation name	15.64
Contact details for corporation or officers	2.8
Member list	1.73
Native title status	12

## 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.

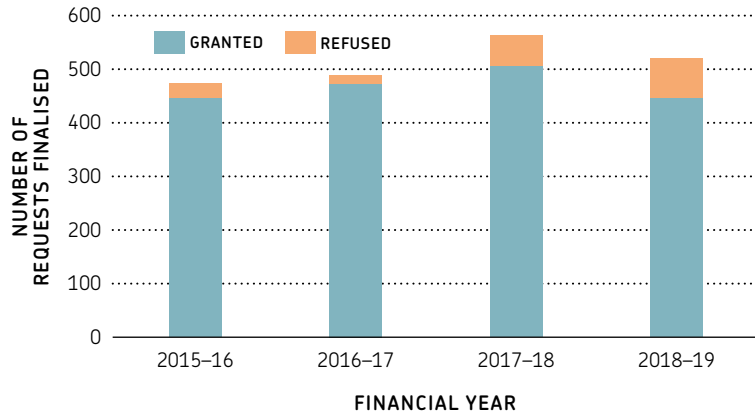
In 2018–19 ORIC processed 521 applications for exemptions from various provisions of the CATSI Act. On average, applications for exemptions were processed in 6.9 days, down from 8.3 days.

**TABLE 6. REQUESTS BY EXEMPTION TYPE**

EXEMPTION TYPE	RECEIVED	GRANTED	REFUSED
Extension of time to hold AGM	270	232	38
Exemption in relation to record keeping and reporting requirement	198	170	28
Exemption in relation to meetings	32	24	8
Exemption in relation to directors	9	7	2
Exemption in relation to members	11	11	0
Exemption in relation to member approval for related party benefit	1	1	0
<b>Total</b>	<b>521</b>	<b>445</b>	<b>76</b>

**TABLE 7. EXEMPTIONS REQUESTED, GRANTED AND REFUSED IN THE LAST FOUR YEARS**

EXEMPTIONS	2015–16	2016–17	2017–18	2018–19
Received	469	485	563	521
Finalised:	468	488	562	520
— granted	438	467	506	444
— refused	30	21	56	76

**FIGURE 6. EXEMPTIONS**

### 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](https://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.

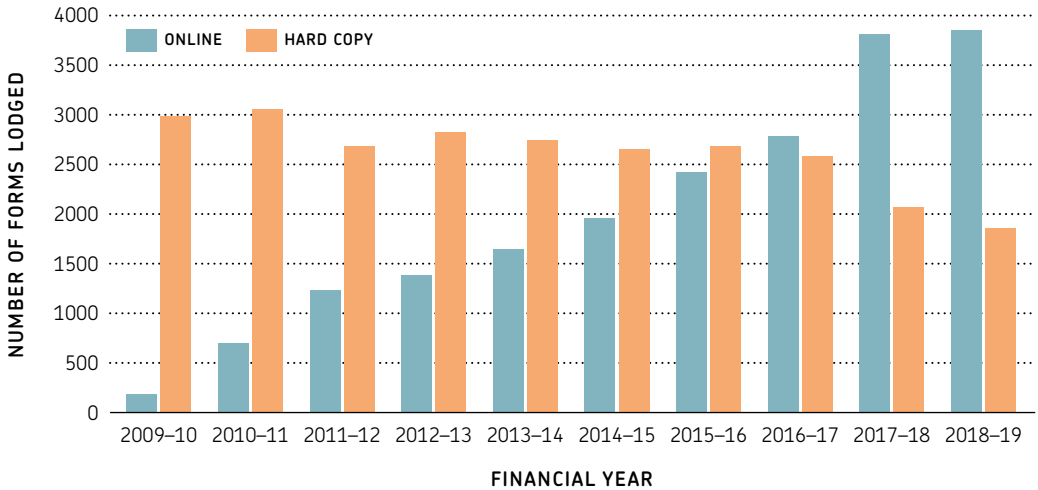
Each year we see a steady increase in the percentage of forms and reports submitted through the Registrar’s online lodgement system. This year:

- 68 per cent of all forms were submitted online. That’s a 2 per cent increase from last year.
- 84 per cent of general reports were submitted online—3 per cent less than last year.

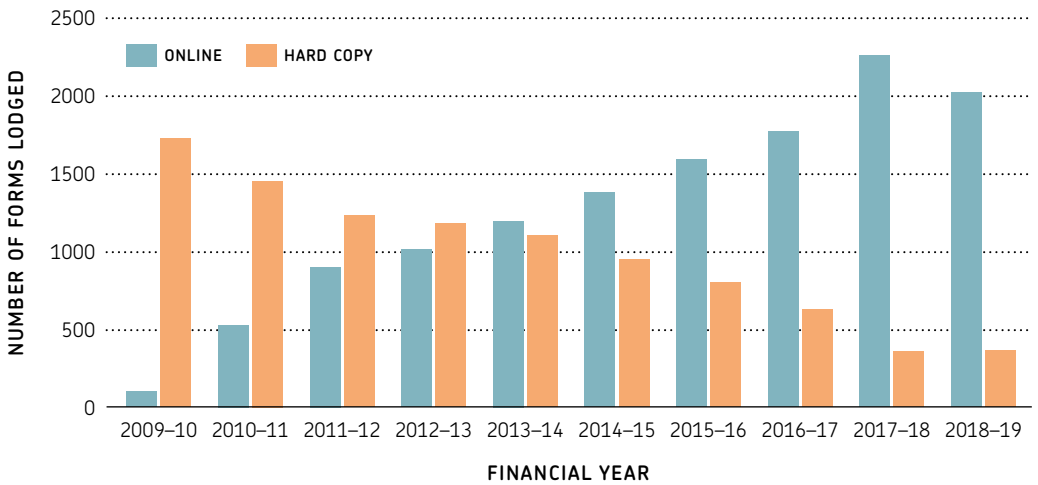


The rate of corporations' compliance with their annual reporting obligations will be addressed later in this document. See 'Promote timely lodgement of annual reports'.

**FIGURE 7. FORMS AND REPORTS LODGED ONLINE FROM 2009–10 TO 2018–19**



**FIGURE 8. GENERAL REPORTS LODGED ONLINE COMPARED TO HARD COPY FROM 2009–10 TO 2018–19**



## Provide access to public registers

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 2018–19 there were:

- 111,677 website visits to search the public register—which is 7.8 per cent more than the previous year (103,588 sessions). Around half of all visitors to the ORIC website end up on a corporation search result page.
- 424 visits to the Register of Disqualified Officers.

	15–16	16–17	17–18	18–19
Public Register	87,271	91,180	103,588	111,677
Register of Disqualified Officers		599	436	424



## SUPPORTING

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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, most of whom are 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, 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 2018–19 was:

- Introduction to Corporate Governance (ICG)—a three-day workshop
- Two-day Governance Workshop—a compressed form of the ICG
- Certificate IV in Business (Governance)—delivered in four 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 offered this year.

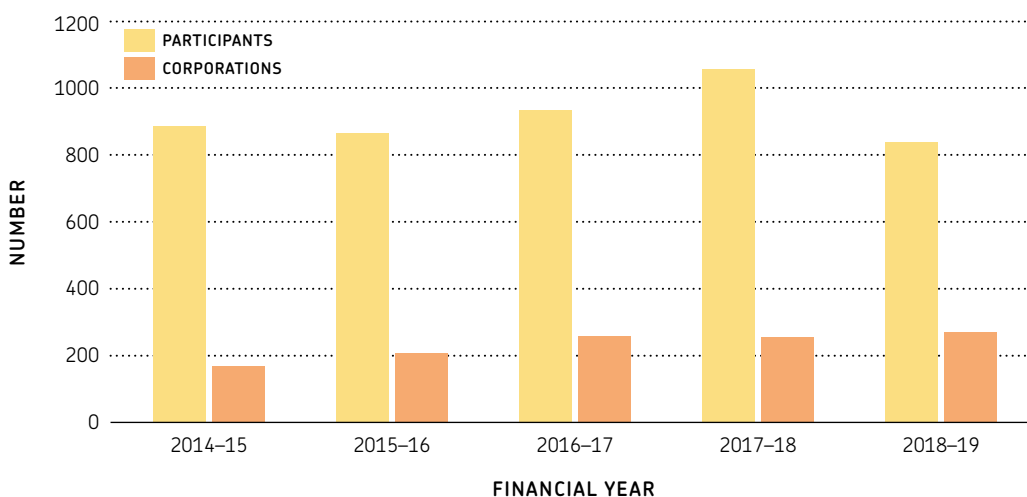
PERFORMANCE  
REPORTING

In 2018–19, ORIC delivered training to 837 participants from 271 corporations. There were 92 workshops in total (one Certificate IV; seven Introduction to Corporate Governance workshops; eleven Two-day Governance Workshops and 73 corporation-specific workshops). Eighty-four per cent of participants reported a significant increase in their understanding of corporate governance.

**TABLE 8.** PARTICIPATION IN TRAINING FROM 2012–13 TO 2018–19

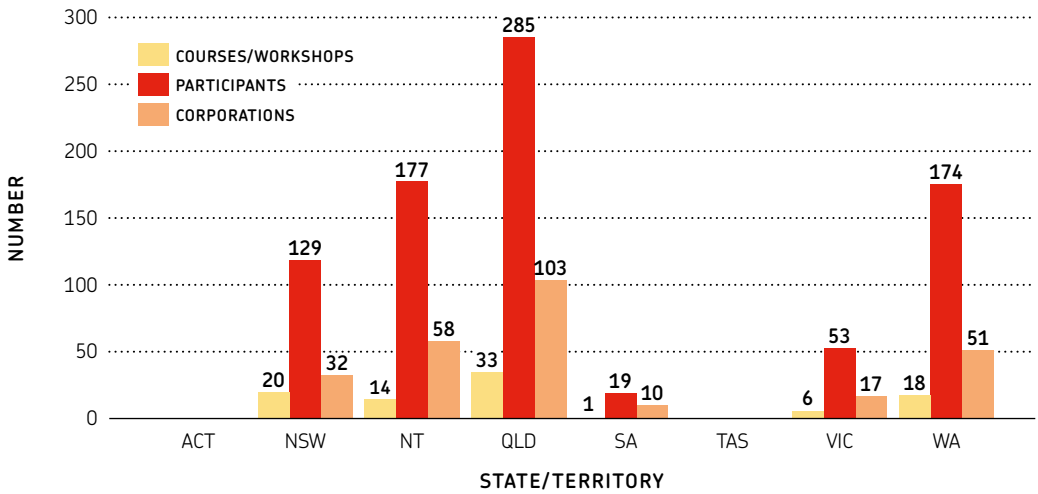
	TARGET	2014–15	2015–16	2016–17	2017–18	2018–19
Number of participants	1000	886	865	943	1058	837
Number of corporations	162	169	208	260	254	271
Participants that reported a significant or very significant increase in corporate governance knowledge	90%	90%	88.1%	92.1%	97.4%	84%

**FIGURE 9.** PARTICIPATION IN ALL TRAINING, FOR THE LAST FIVE YEARS





**FIGURE 10. ALL TRAINING COURSES BY STATE AND TERRITORY, 2018-19**



### TRAINING LOCATIONS

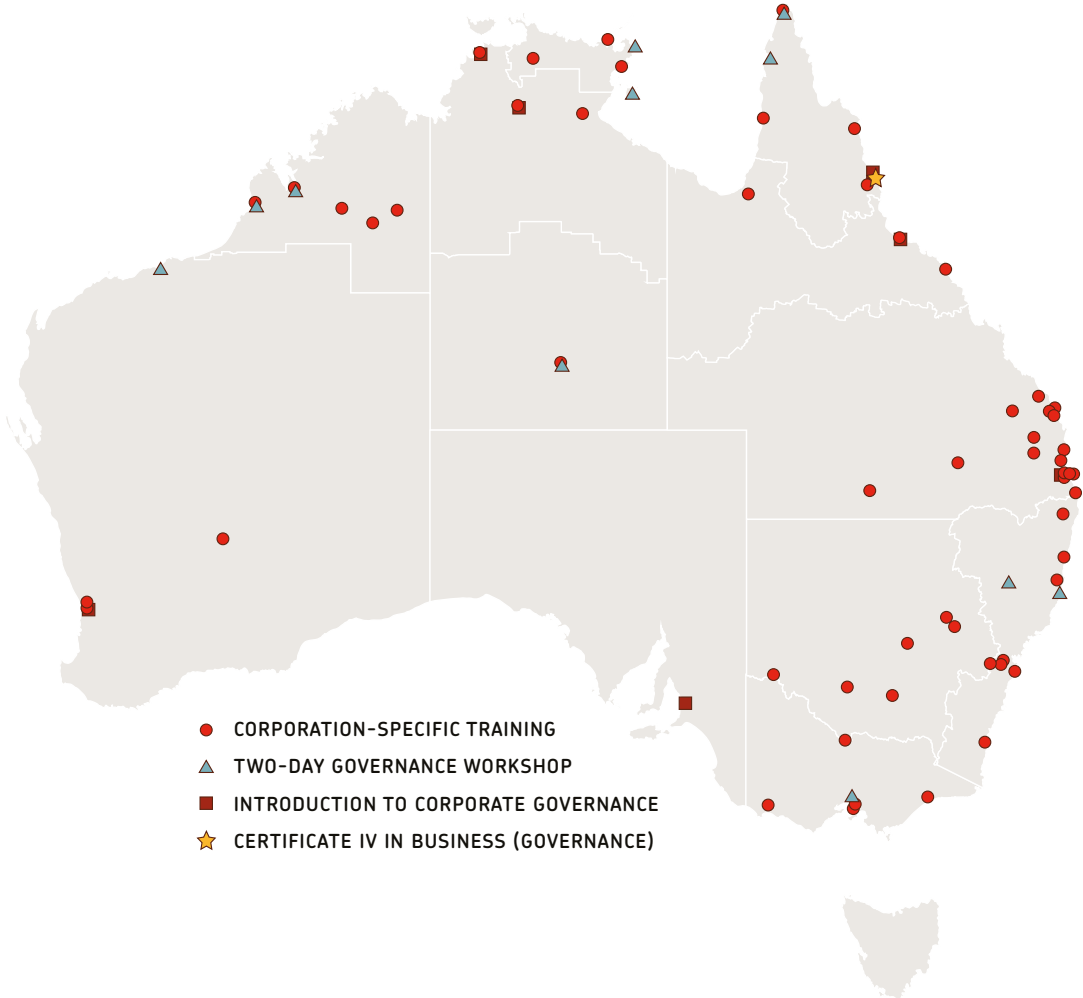
Every year as part of our annual planning for training activities we analyse a range of factors including:

- 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.

Training was especially concentrated in Queensland. It had the most workshops (33), the most corporations involved in training (103) and the most participants (285).

FIGURE 11. LOCATIONS OF ALL TRAINING PROVIDED IN 2018–19



### 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 2018–19. A total of 151 people, representing 78 corporations, participated.

**TABLE 9. ICG WORKSHOPS, 2018–19**

DATE	LOCATION	STATE/TERRITORY	NO. OF CORPORATIONS	NO. OF PARTICIPANTS
21–23 August	Perth	WA	8	17
4–6 September	Darwin	NT	9	23
16–18 October	Townsville	QLD	9	14
13–15 November	Adelaide	SA	10	19
12–14 February	Cairns	QLD	17	28
9–11 April	Katherine	NT	12	27
7–9 May	Brisbane	QLD	13	23
<b>Total</b>			<b>78</b>	<b>151</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.

In 2018–19 ORIC delivered Two-day Governance Workshops in 11 regional and remote locations, as listed in the table below. A total of 204 people, representing 97 corporations, participated.

**TABLE 10. TWO-DAY GOVERNANCE WORKSHOPS, 2018–19**

DATE	LOCATION	STATE	CORPS	PPL
29–30 August	Groote Eylandt	NT	9	32
6–7 November	Tamworth	NSW	6	8
27–28 November	Melbourne	VIC	12	11
26–27 February	Port Macquarie	NSW	8	15
19–20 March	Broome	WA	11	26
19–20 March	Nhulunbuy	NT	8	13
15–16 May	Derby	WA	9	16
21–22 May	Weipa	QLD	7	23
28–29 May	Port Hedland	WA	8	25
4–5 June	Alice Springs	NT	7	12
11–12 June	Bamaga	QLD	12	23
<b>Total</b>			<b>97</b>	<b>204</b>



## ACCREDITED TRAINING

To cater for Aboriginal and Torres Strait Islander people who want to extend their corporate governance knowledge and management skills, in 2018–19 ORIC ran an accredited training course in business governance: the Certificate IV, in Cairns.

Fourteen students from 12 corporations in five states (Queensland, Northern Territory, South Australia, Victoria and Tasmania) travelled to Cairns for the four blocks of training and in February 2019, 12 were awarded a Certificate IV in Business (Governance).



GRADUATES CELEBRATING  
THE CERT IV IN BUSINESS  
GOVERNANCE, CAIRNS, 2019.

The registered training organisation that ORIC contracted to run the Certificate IV course was The Learning Workshop, an agency that has operated for 30 years but in 2018 became Indigenous-owned and operated. Participants gave glowing reports on the trainers, and expressed interest in continuing to the diploma course.

Additional Certificate IV courses also kicked off during this year in Darwin, supporting the Australian Government's strategic boost for northern Australia.

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

In 2018–19 ORIC delivered 73 CST workshops for:

- 84 corporations
- 470 participants.

**TABLE 11.** CST WORKSHOPS, 2018–19

DATE	LOCATION	STATE	NUMBER OF CORPORATIONS	NUMBER OF PARTICIPANTS
30/07/2018	Wellington	NSW	1	7
11/09/2018	Condobolin	NSW	1	4
29/09/2018	Dubbo	NSW	1	4
11/10/2018	Casino	NSW	1	4
20/10/2018	Mt Druitt	NSW	1	4
26/10/2018	Kempsey	NSW	1	5
30/10/2018	Dareton	NSW	1	6
31/10/2018	Penrith	NSW	1	5
08/12/2018	Narooma	NSW	1	9
18/02/2019	Katoomba	NSW	1	12
21/02/2019	Ropes Crossing	NSW	1	8
22/02/2019	La Perouse	NSW	1	5
07/03/2019	Coffs Harbour	NSW	1	8
18/03/2019	Sanctuary Point	NSW	1	5
19/03/2019	Dubbo	NSW	1	6
21/03/2019	Dubbo	NSW	1	3
17/05/2019	Hay	NSW	1	6
27/06/2019	Narrandera	NSW	1	5
19/07/2018	Alice Springs	NT	1	13
01/08/2018	Jabiru	NT	1	7
06/11/2018	Elcho Island	NT	1	10
13/02/2019	Katherine	NT	2	7
26/02/2019	Ngukurr community	NT	3	5
28/03/2019	Darwin	NT	1	6
28/03/2019	Baniyala	NT	2	13
13/05/2019	Elcho Island	NT	1	5
22/06/2019	Darwin	NT	1	4
15/07/2018	Malanda	QLD	1	7
31/07/2018	Cunnamulla	QLD	2	10
06/08/2018	Brisbane	QLD	1	3
15/08/2018	Hopevale	QLD	1	6

*continued >*

PERFORMANCE  
REPORTING**TABLE 11.** CST WORKSHOPS, 2018–19 *continued*

DATE	LOCATION	STATE	NUMBER OF CORPORATIONS	NUMBER OF PARTICIPANTS
24/08/2018	Townsville	QLD	1	4
29/08/2018	Pormpuraaw	QLD	2	7
04/09/2018	Sippy Downs	QLD	1	2
11/09/2018	Normanton	QLD	1	8
28/09/2018	Cannon Hill	QLD	1	6
01/10/2018	Hervey Bay	QLD	1	5
04/10/2018	Bamaga	QLD	1	7
22/10/2018	Cherbourg	QLD	1	5
30/10/2018	Caboolture	QLD	2	7
01/02/2019	Hervey Bay	QLD	1	5
21/02/2019	Toowoomba	QLD	1	5
26/02/2019	Stradbroke Island	QLD	1	6
28/02/2019	Proserpine	QLD	1	4
28/02/2019	Maryborough	QLD	2	6
30/03/2019	Woodridge	QLD	1	6
11/04/2019	Surat	QLD	1	6
30/04/2019	Cherbourg	QLD	1	8
01/05/2019	Yarraman	QLD	1	6
16/05/2019	Hopevale	QLD	1	7
05/06/2019	Bundaberg	QLD	3	4
14/06/2019	Eidsvold	QLD	1	8
15/06/2019	Coolangatta	QLD	1	6
19/06/2019	Hervey Bay	QLD	1	3
24/07/2018	Frankston	VIC	1	9
07/08/2018	Echuca	VIC	1	6
25/09/2018	Kalimna West	VIC	1	15
06/03/2019	Mornington	VIC	1	6
30/04/2019	Lake Condah	VIC	1	6
01/07/2018	Halls Creek	WA	1	6
05/07/2018	Perth	WA	1	6
10/07/2018	Fitzroy Crossing	WA	1	6

*continued >*



**TABLE 11.** CST WORKSHOPS, 2018–19 *continued*

DATE	LOCATION	STATE	NUMBER OF CORPORATIONS	NUMBER OF PARTICIPANTS
06/09/2018	Fitzroy Crossing	WA	1	6
27/09/2018	Broome	WA	1	6
12/11/2018	Derby	WA	1	6
04/12/2018	Perth	WA	1	7
26/02/2019	Perth	WA	1	7
12/03/2019	Yiyilli Community	WA	1	7
13/03/2019	Menzies	WA	1	8
14/05/2019	Fitzroy Crossing	WA	1	6
28/05/2019	Fitzroy Crossing	WA	1	5
30/05/2019	Fitzroy Crossing	WA	1	7
31/05/2019	Fitzroy Crossing	WA	2	7
			<b>84</b>	<b>470</b>

## THE VALUE OF TRAINING IN CORPORATE GOVERNANCE

At the end of each training workshop 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 2018–19.

### TWO-DAY GOVERNANCE WORKSHOP

*Content, trainers, great scenarios, live cases and activities. Great refresher and reminder of obligations—legally, morally and culturally.* PARTICIPANT IN TAMWORTH



### CORPORATION-SPECIFIC TRAINING

*Very good, kick-start us to good governance.* PARTICIPANT IN DUBBO

*The intelligence, respect and dignity of the staff.* PARTICIPANT IN THE BLUE MOUNTAINS

*Tailored to our corporation—I got more from this training than AICD course.* PARTICIPANT IN NAROOMA

*Having other directors as a collective getting better understanding of our responsibilities.* PARTICIPANT IN CABOOLTURE

*Honesty, frankness, understanding, awareness.* PARTICIPANT IN FRANKSTON

*Learning about governance makes me want to learn more.* PARTICIPANT IN FITZROY CROSSING

*Good dialogue, valuable input, clear concise diagrams and meaningful activities.*

PARTICIPANT IN KEMPSEY



### INTRODUCTION TO CORPORATE GOVERNANCE

*I liked the group activities a lot more than I thought I would.* PARTICIPANT IN PERTH

*The knowledge-sharing, the activities, the inclusiveness, the props (tree and hats), and networking during and after the workshop.* PARTICIPANT IN DARWIN

*It was very engaging. The presenter did a great job to break down the barriers at the beginning and the activities were very interesting. It was also great to have ORIC staff present to answer questions and have input as the topics unfolded.* PARTICIPANT IN DARWIN

*Loved all the trainers, going over parts of the CATSI Act, the rule book, members and role plays. Really related to us Murri people and to actual situations we face. This is the best government training I have ever attended: great resources, hands-on and practical, loved actually doing activities made me learn more.* PARTICIPANT IN TOWNSVILLE

*Opened up my eyes to running a corporation for the members.* PARTICIPANT IN TOWNSVILLE

## 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 2018–19 there were 210,547 sessions on the website (up 16.4 per cent from last year) by 103,717 users (up 21.2 per cent). On average users viewed 2.67 pages per session.

### 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. The most downloaded fact sheet this year was ‘Duties of directors and other officers’.

**TABLE 13.** MOST DOWNLOADED FACTSHEETS FROM ORIC.GOV.AU

FACT SHEET TITLE	TOTAL DOWNLOADS	UNIQUE DOWNLOADS
Duties of directors and other officers	939	837
Becoming a corporation member	477	435
The CATSI Act and the Corporations Act – some differences	468	442
A corporation’s rule book: what you need to know	448	403
Complaints involving corporations	399	365



## 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 2018–19 ORIC revised the following policy statements:

- PS-01: Providing information, advice and public comment
- PS-30: Effect of invalid appointment of directors
- PS-12: Registers and use and disclosure of information held by the Registrar

## 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.

## 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 2018–19, 311 calls from 9613 calls received (3.2 per cent) that were presented during business hours were diverted to voice mail.

In 2018–19, **9613 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	2018–19
Total calls presented	8702	8497	11,407
Less calls re-presented to a more active phone line	274	596	1434
Total unique calls presented	8428	7901	9613
— Calls answered by an ORIC officer	8261	7605	8567
— Calls referred to voice mail during business hours	38	185	311
— Calls presented but caller hung up before speaking	67	52	236
— Calls received after hours	62	59	499

In 2018–19, ORIC finalised 4134 inquiries from corporations and the public including requests for information, support and referrals.

**TABLE 15.** INQUIRIES FINALISED BY METHOD OF INQUIRY, 2015–16 TO 2018–19

INQUIRY METHOD	2015–16	2016–17	2017–18	2018–19
By phone	3051	3364	3224	3074
In writing	1797	1892	989	1028
In person	26	105	40	32
<b>Total</b>	<b>4874</b>	<b>5361</b>	<b>4253</b>	<b>4134</b>

## Provide support services

### LAWHELP

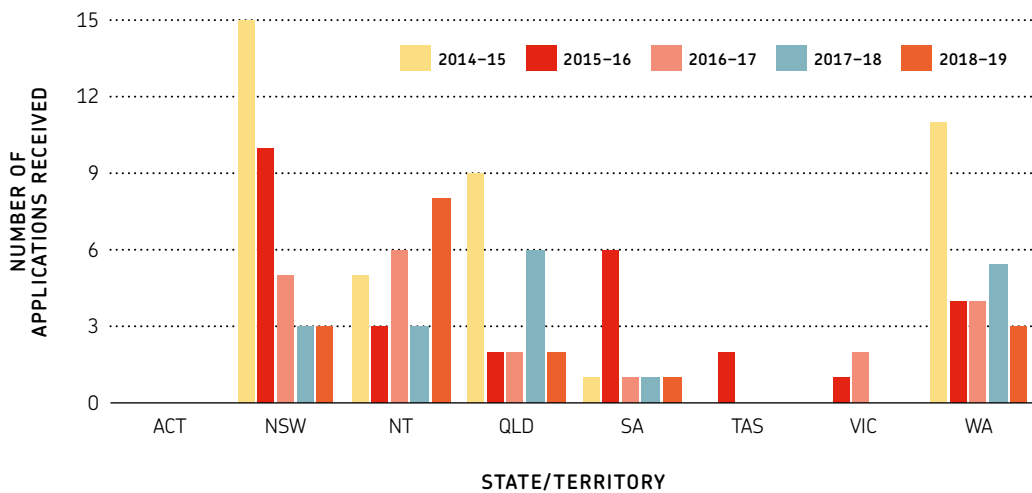
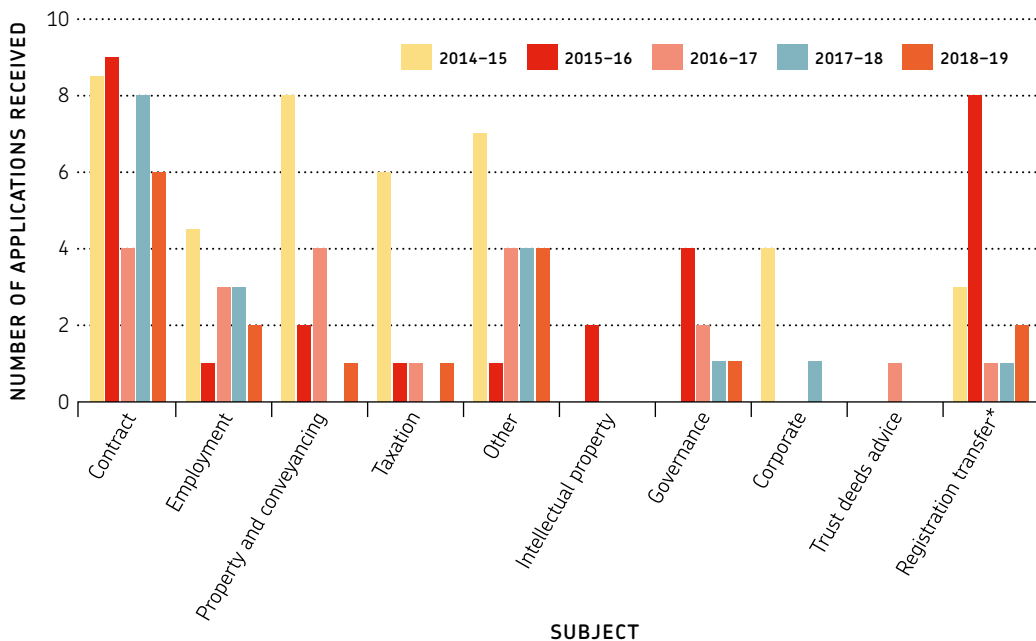
ORIC created LawHelp to provide access to pro bono legal assistance to:

- 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 2018–19, ORIC received 17 LawHelp applications, and:

- three were withdrawn or rejected by the assessment panel
- one was accepted but ultimately not referred to a law firm
- 11 were successfully referred to a law firm
- two were ongoing at 30 June.

PERFORMANCE  
REPORTING**FIGURE 12.** NUMBER OF LAWHELP APPLICATIONS RECEIVED BY STATE/TERRITORY 2014–15 TO 2018–19**FIGURE 13.** NUMBER OF LAWHELP APPLICATIONS RECEIVED BY SUBJECT 2014–15 TO 2018–19



### 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.

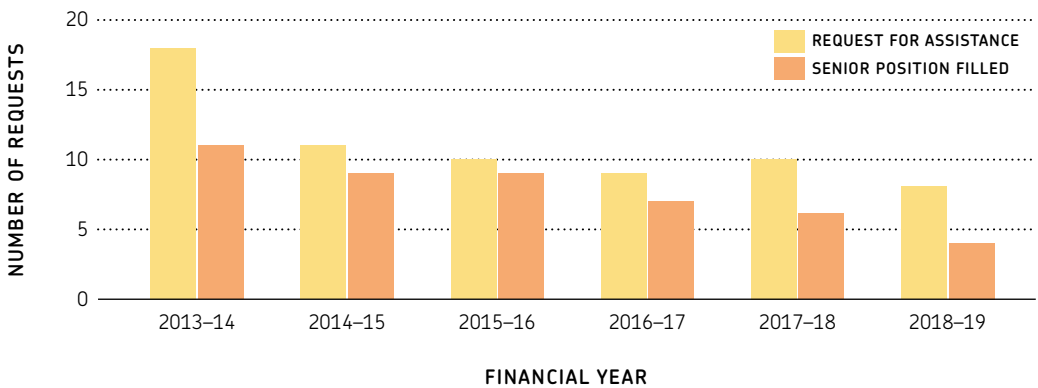
The service is free to corporations (although they must meet their own advertising costs). Corporations also remain responsible for all decisions, including selecting the successful candidate and negotiating a suitable salary package.

In 2018–19 ORIC received a total of eight requests through ORA, and four senior staff positions were filled in this period.

Note that:

- In the case of two positions filled, the recruitment assistance was requested in the previous year
- Two of this year’s requests were withdrawn.
- Four recruitment processes remained in progress at 30 June.

**FIGURE 14.** NUMBER OF JOB ASSISTANCE REQUESTS ACCEPTED THROUGH ORA AND SENIOR POSITIONS FILLED IN THE LAST FIVE YEARS



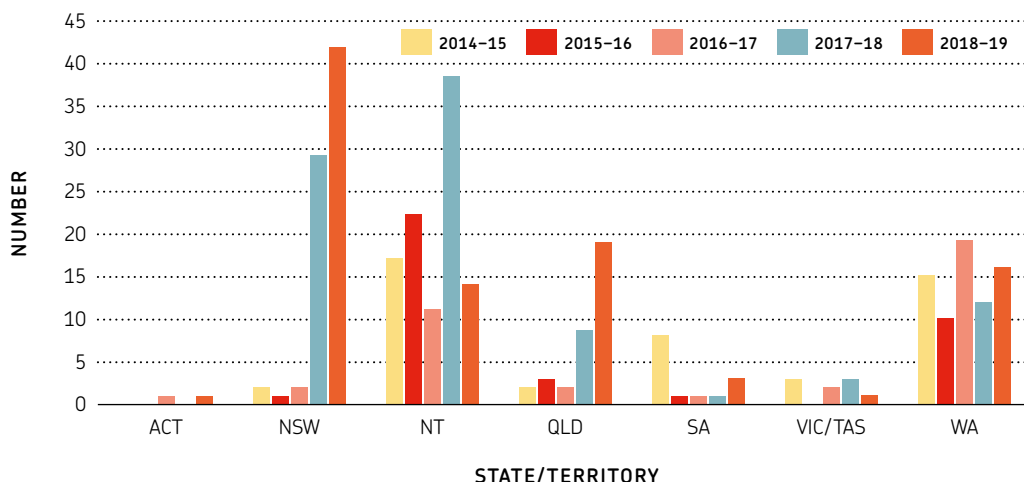
**Note:** The outcome of requests for recruitment activities is not always the position being filled—for example, some corporations withdraw from the recruitment activity part way through and some determine that there were no suitable applicants.

### CORPORATION JOBS

From 2009 ORIC has offered corporations the chance to advertise their employment vacancies free of charge on the ORIC website. Since then, 589 corporation jobs have been advertised.

In 2018–19, Corporation jobs advertised 96 job vacancies.

**FIGURE 15.** CORPORATION JOBS ADVERTISED ON THE ORIC WEBSITE BY STATE/TERRITORY, 2012–13 TO 2018–19



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.

### INDEPENDENT DIRECTORY

Independent *directory* continues to have modest uptake:

- nine individuals registered as candidates for directorship positions
- 11 more corporations set up an account to advertise a directorship or other position
- 27 directorships have been advertised through the site (since its inception) to 30 June 2019.

# MONITORING

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## 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; 2017–18 reports were due on 31 December 2018.

### REPORTING COMPLIANCE, NATIONAL

For the financial year 2017–18, 2354 of the 2902 corporations required to report were compliant.

The number of corporations required to provide 2017–18 reports (2902) is different to the total number of registered corporations (3198 as at 30 June 2019) as it's based on corporations registered at 31 December 2017 and excludes corporations under liquidation or being deregistered.

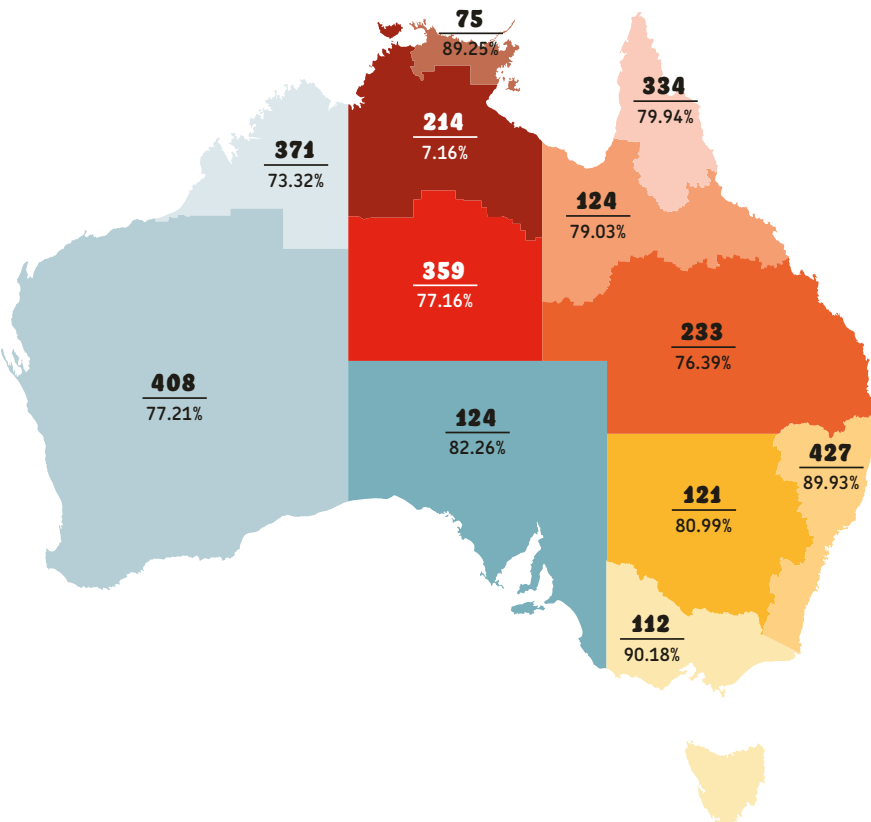
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REPORTING COMPLIANCE BY REGION

TABLE 16. REPORTING COMPLIANCE BY REGION AS AT 30 JUNE 2019

PM&C REGIONAL NETWORK	NUMBER OF CORPORATIONS REQUIRED TO REPORT	NUMBER OF CORPORATIONS COMPLIANT	PERCENTAGE OF CORPORATIONS COMPLIANT
Arnhem Land & Groote Eylandt	75	71	94.67%
Victoria & Tasmania	112	101	90.18%
Eastern New South Wales	427	384	89.93%
Top End & Tiwi Islands	214	191	89.25%
South Australia	124	102	82.26%
Western New South Wales	121	98	80.99%
Far North Queensland	334	267	79.94%
Gulf & North Queensland	124	98	79.03%
Greater Western Australia	408	315	77.21%
Central Australia	359	277	77.16%
South Queensland	233	178	76.39%
Kimberley	371	272	73.32%
<b>Total</b>	<b>2902</b>	<b>2354</b>	<b>81.12%</b>

FIGURE 16. REPORTING COMPLIANCE BY REGION AS AT 30 JUNE 2019

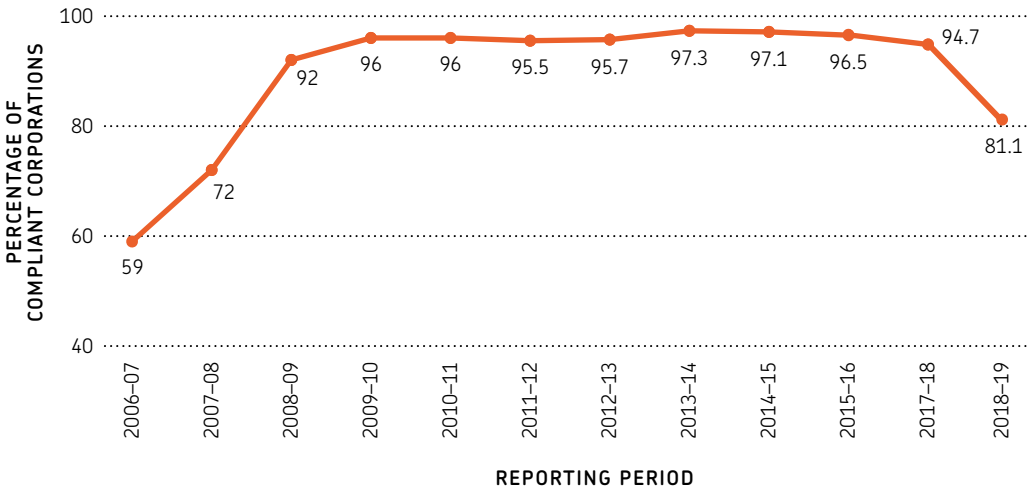




## HISTORY OF REPORTING COMPLIANCE

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 81.12 per cent.

**FIGURE 17.** REPORTING COMPLIANCE FOR ALL CORPORATIONS FOR FINANCIAL YEARS FROM 2006–07 TO 2017–18



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.

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.

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

**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*
2014–15	833	12%	834
2015–16	751	-9.8%	748
2016–17	810	8.7%	827
2017–18	831	2.6%	823
2018–19	588	-29.2%	557

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

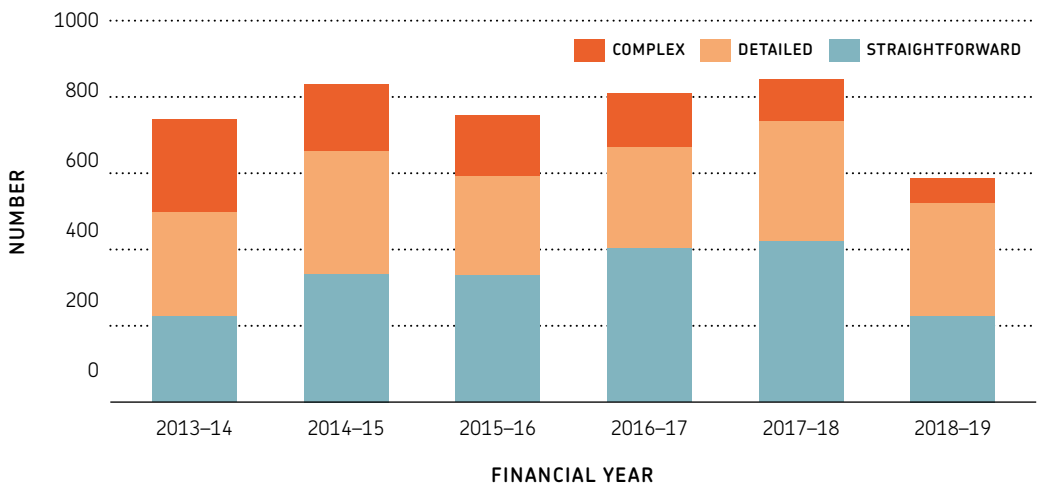
Of the complaints received during 2018–19, the top areas of concern have persisted since 2016:

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

**TABLE 18.** NUMBER OF COMPLAINTS RECEIVED IN THE LAST FIVE YEARS, BY COMPLEXITY

TYPE	2014–15	2015–16	2016–17	2017–18	2018–19
Straightforward	336	331	403	409	222
Detailed	321	261	266	291	299
Complex	176	159	141	131	67
<b>Total</b>	<b>833</b>	<b>751</b>	<b>810</b>	<b>831</b>	<b>588</b>

**FIGURE 18.** NUMBER OF COMPLAINTS RECEIVED IN THE LAST FIVE YEARS, BY COMPLEXITY



In 2018–19 on average, ‘straightforward complaints’ were answered within 15 working days (compared to two days last year), ‘detailed complaints’ were finalised in 14 days (compared to six days last year), while the most ‘complex complaints’, which often required considerable background research and follow-up with third parties, were resolved in 75 days (46 days last year).

This year, 37 per cent of the complaints ORIC received about corporations were ‘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.

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.

## 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 2018–19 ORIC helped to resolve 15 disputes—compared to 24 in the previous year. Two were carried over from the previous year. Disputes by nature are complex. Five of the 15 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 2018–19 was 13.6 days, down from the 36 days of the previous year. This reduction in resolution time is an indication that parties in recent 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.

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 2018–19 ORIC completed examinations of 66 corporations—13 more than the year before. During the year, ORIC started a further 53 examinations.

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 corporation's 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 2018–19 financial year the Registrar started 53 examinations and completed 66. Thirty-five of those completed were carried over from 2017–18. As at 30 June 2019 there were 22 examinations still in progress.

**TABLE 19.** EXAMINATIONS COMPLETED IN 2018–19, BY STATE/TERRITORY

STATE/TERRITORY	CORPORATIONS
Australian Capital Territory	0
New South Wales	10
Northern Territory	19
Queensland	16
South Australia	5
Tasmania	0
Victoria	2
Western Australia	14
<b>Total</b>	<b>66</b>

In 2018–19 examinations were concentrated in two sectors:

- 38 per cent of examinations were of corporations in the community services sector
- 30 per cent were of corporations in the health and aged care sector.

**TABLE 20. EXAMINATIONS COMPLETED IN 2018–19, BY ACTIVITIES**

MAIN ACTIVITIES OF CORPORATIONS	EXAMINATIONS
Health and aged care services	20
Drug and alcohol rehabilitation services	1
Community services	25
Land management	2
Registered native title bodies corporate (RNTBCs)	6
Other native title	1
Agriculture, forestry and fishing	0
Tourism	0
Art and cultural centres	0
Housing	6
Employment and training	1
Community stores	2
Communications (radio, broadcasting and language)	2
<b>Total</b>	<b>66</b>

Of the 66 corporations where examinations were completed during 2018–19:

- 38 corporations (57.6 per cent) were found to be operating well so a management letter was issued and no further action was required
- 22 corporations (33.3 per cent) needed to address minor matters, so were issued with a compliance notice under section 439-20 of the CATSI Act
- four corporations (6.1 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.

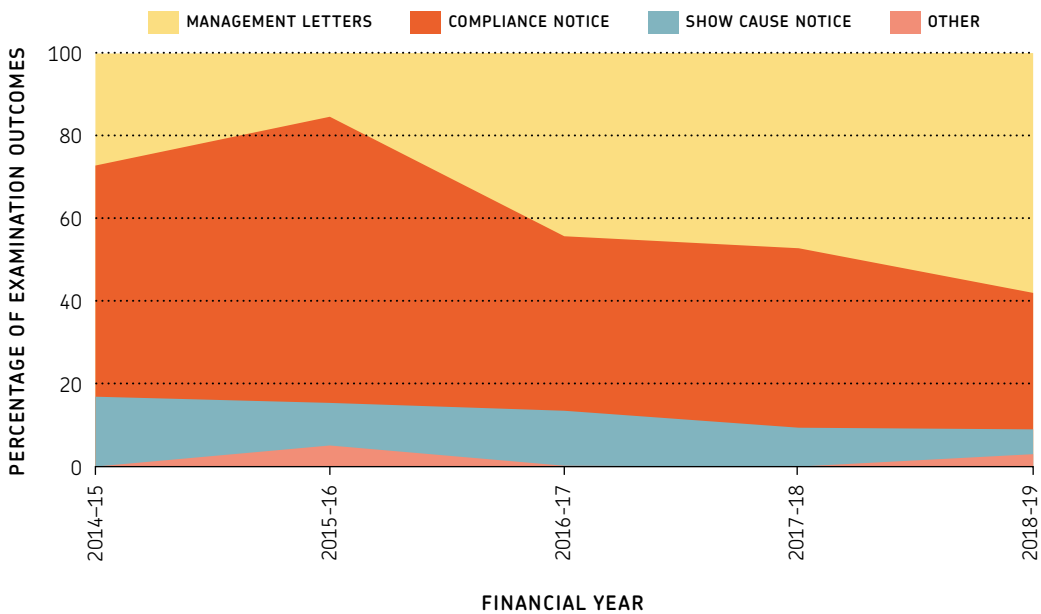
Twenty-two examinations were in progress as at 30 June 2019.

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**TABLE 21.** OUTCOMES OF EXAMINATIONS FOR THE PAST FIVE YEARS

EXAMINATION OUTCOME	2014-15	2015-16	2016-17	2017-18	2018-19
Management letters	16	6	19	25	38
Compliance notice	33	27	19	23	22
Show cause notice	10	4	6	5	4
Other	0	2	1	0	2
<b>Total</b>	<b>59</b>	<b>39</b>	<b>45</b>	<b>53</b>	<b>66</b>

**FIGURE 19.** OUTCOMES OF EXAMINATIONS IN THE LAST SIX YEARS





## 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. During 2018–19 a further seven investigations began. By the end of the year, ORIC had concluded four investigations, one of which resulted in the referral of a batch of briefs to the CDPP for corporations in breach of their annual reporting obligations.

As at 30 June 2019 eight matters remained on hand.

## SEEKING REMEDY AND DETERRING

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### 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 2018–19 there were three Registrar-initiated general meetings.

### 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 2018–19, we issued 22 compliance notices and finalised nine. New notices all arose from an examination. Thirty-seven were carried over from the previous year, and 50 were ongoing as at 30 June 2019.

### Commence 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 2018–19:

- 4 special administrations **continued** from the previous year.
- 7 special administrations **started**.
- 5 special administrations **completed**, with all handed back to members' control.
- 6 special administrations remained **in progress** as at 30 June 2019.

In all cases in 2018–19 the corporations were successfully returned to the members and a new board of directors.

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 2018–19, 22 corporations were required to show cause why a special administrator should not be appointed to manage the corporation. The activity leading to a show cause notice being issued is not always an examination. All 22 notices issued during 2018–19 were based on examination findings.

Of the corporations asked to show cause, six were ultimately placed under special administration.

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

## PERFORMANCE REPORTING

- a **restructure**—usually after the directors or members have asked the Registrar to intervene to improve governance standards or organisational structures.

Five special administrations ended during 2018–19. Of these:

- two were completed within six months in line with ORIC’s key performance indicator
- the average time for completion was eight months, 22 days
- in all five cases a successful business turnaround was achieved—that is, the corporation was handed back to members’ control.

As at 30 June 2019 six special administrations remained in progress.

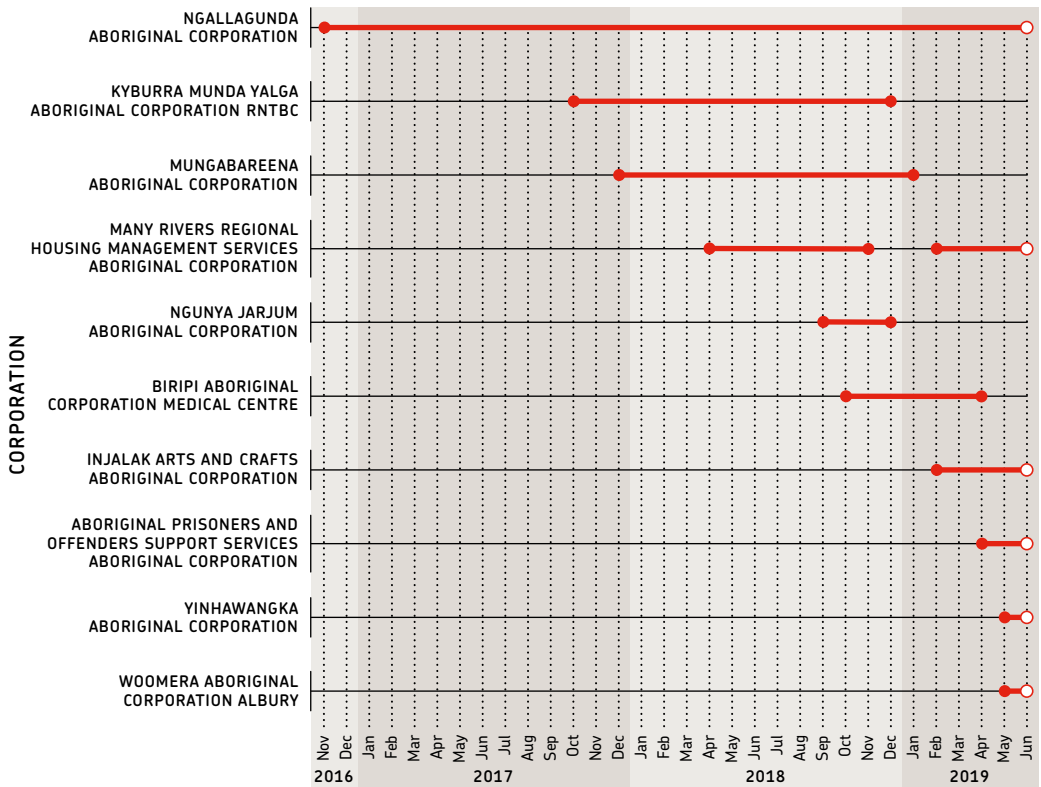
**TABLE 22.** CORPORATIONS UNDER SPECIAL ADMINISTRATION IN 2018–19

DATE APPOINTED	ICN	CORPORATION AND SPECIAL ADMINISTRATOR/S	STATUS AS AT 30 JUNE 2019	OUTCOME
8 Nov 2016*	916	Ngallagunda Aboriginal Corporation Austin Taylor and Stuart Reid	In progress	—
18 Oct 2017*	7581	Kyburra Munda Yalga Aboriginal Corporation RNTBC Gerry Mier and Anthony Jonsson	Ended 31 Dec 2018	Handed back to members
7 Dec 2017*	2195	Mungabareena Aboriginal Corporation Alan Eldridge	Ended 31 Jan 2019	Handed back to members
13 Apr 2018*	7082	Many Rivers Regional Housing Management Services Aboriginal Corporation Danny Keep	Ended 2 Nov 2018	Handed back to members
10 Sep 2018	2418	Ngunya Jarjum Aboriginal Corporation Peter McQuoid	Ended 12 Dec 2018	Handed back to members
22 Oct 2018	99	Biripi Aboriginal Corporation Medical Centre Peter McQuoid	Ended 26 Apr 2019	Handed back to members
11 Feb 2019	7082	Many Rivers Regional Housing Management Services Aboriginal Corporation Peter McQuoid	In progress	—
21 Feb 2019	9005	Injalak Arts and Crafts Aboriginal Corporation Jack James and Paula Smith	In progress	—
5 Apr 2019	8438	Aboriginal Prisoners and Offenders Support Services Aboriginal Corporation Jack James and Paula Smith	In progress	—
16 May 2019	7837	Yinhawangka Aboriginal Corporation Michael Shanahan and Rob Brauer	In progress	—
27 May 2019	1028	Woomera Aboriginal Corporation Albury Andrew Bowcher	In progress	—

\* These special administrations were already in progress as at 1 July 2018.



FIGURE 20. SPECIAL ADMINISTRATIONS IN PROGRESS DURING 2018–19



### 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 2018–19 ORIC helped produce 18 newsletters and 15 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 2018–19 the Registrar referred one matter to the CDPP for possible criminal proceedings:

- minor regulatory prosecutions of corporations that failed to lodge reports for the 2016–17 year.

Also in 2018–19:

- one major criminal prosecution was finalised
- nine corporations were found guilty of failing to meet their reporting obligations
- part of one civil prosecution (of two people) was finalised in July 2018

## CRIMINAL MATTERS

### Criminal matters finalised

One major criminal matter was finalised in 2018–19.

#### ***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.

### Prosecutions for failing to lodge reports

During 2018–19, the Registrar finalised prosecutions against 18 corporations for failing to lodge their reports by the required time:

- nine corporations were convicted and ordered to pay fines totalling \$18,650
- one corporation was found guilty of the offence but discharged without conviction under s. 20(1)(a)B of the *Crimes Act 1914*
- eight cases were discontinued.

**TABLE 23.** PROSECUTION OUTCOMES DURING 2018–19 FOR FAILING TO LODGE REPORTS

DATE OF OUTCOME	CORPORATION	COURT	OUTCOME
21 Aug 2018	Mawurli and Wirriwangkuma Aboriginal Corporation (ICN 2188)	Darwin Local Court	Convicted and fined \$1000
18 Sep 2018	Bunya Wakka Wakka Cultural and Heritage Aboriginal Corporation (ICN 4547)	Murgon Magistrates Court	Convicted and fined \$800
18 Sep 2018	Central Highlands Aboriginal Corporation (ICN 195)	Emerald Magistrates Court	Convicted and fined \$2500 for each offence, ie \$5000
13 Mar 2019	Yanada Indigenous Corporation (ICN 7640)	Port Macquarie Local Court	Pleaded guilty, fined \$500
14 Mar 2019	Canteen Creek Owairtilla Aboriginal Corporation (ICN 7601)	Alice Springs Local Court	Convicted and fined \$2100 for each offence, ie \$4200
1 May 2019	Yaburara and Coastal Mardudhunera Aboriginal Corporation (ICN 3134)	Karratha Magistrates Court	Convicted and fined \$4500
29 May 2019	Gawooleng Yawoodeng Aboriginal Corporation (ICN 1585)	Kununurra Magistrates Court	Proven but dismissed without conviction under s. 19B of the <i>Crimes Act 1914</i>
4 Jun 2019	Yawarra Aboriginal Corporation (ICN 958)	Condoblin Local Court	Convicted and fined \$750
21 Jun 2019	The Artists of Ampilatwatja Aboriginal Corporation (ICN4212)	Alice Springs Local Court	Convicted and fined \$200 for each offence, ie \$400
27 Jun 2019	Wonnarua Traditional Custodians Native Title Aboriginal Corporation (ICN 8133)	Maitland Local Court	Convicted and fined \$1500

### **Criminal matters in progress**

As at 30 June 2019 there were no criminal matters in progress.

### **CIVIL MATTERS**

One civil prosecution (of two individuals) was finalised at the beginning of 2018–19.

Abul Fazad Mohammed Abdus Shahid, Finance officer of Murchison Region Aboriginal Corporation (MRAC)

Between 1 July 2011 and 18 November 2014, Mr Shahid caused the corporation to pay him money in circumstances where the payments did not advance the objects of the corporation; were not approved by the directors or the members; had treated these payments as unsecured interest free loans repayable by 30 June of each financial year; did not ensure that the payments were accurately and properly documented and did so knowing that funding from the Department of Housing was to be discontinued. Mr Shahid received 117 separate payments totalling \$1,371,413.55.

MRAC is a charitable corporation registered under the CATSI Act. It provides affordable housing to Aboriginal people in the Murchison and Gascoyne regions of Western Australia

On 17 August 2018, Mr Shahid was disqualified from managing Aboriginal and Torres Strait Islander corporations for seven years. He was also ordered to pay compensation of \$207,956.75 to the corporation, a pecuniary penalty to the Commonwealth of \$100,000 and the Registrar's costs of the proceedings. These costs can only be enforced with the leave of the court. Mr Shahid consented to these orders.

### **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

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## 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 2018–19:

- 21 FOI requests were made to the Registrar, compared to 16 in 2017–18
- 11 FOI requests and three requests for internal review were finalised.

The Office of the Australian Information Commissioner (OAIC) advised ORIC of the receipt of three Information Commissioner review applications. Two of these were in respect of internal review decisions notified during 2017–18, the other in respect of an internal review decision notified in 2016–17. One of these is still awaiting advice from the OAIC regarding outcome of its review; the other two ceased upon the applicant being declared a vexatious applicant under section 89K of the *Freedom of Information Act 1982* (FOI Act) (see next).

A high proportion of FOI requests received by ORIC in 2018–19 was from an applicant whom the Information Commissioner had previously declared to be a vexatious applicant under section 89K of the FOI Act. With advice from the Attorney-General's Department, ORIC lodged an application to the Information Commissioner on 20 July 2018. The Office of the Information Commissioner notified ORIC on 13 February 2019 that the applicant had again been declared a vexatious applicant, in this instance for a period of 3 years—to 13 February 2022. As a result, all actionable FOI requests have been processed within FOI timeframes.

## Complaints about ORIC

ORIC responds to complaints about its staff and contractors in accordance with policy statement *PS03: Complaints about the Registrar's staff and contractors*. During 2018–19, 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 2018–19 ORIC received two ‘section 8’ notices from the Commonwealth Ombudsman that it was investigating complaints received about ORIC. The Registrar responded to all issues raised, and in one of the matters, the Ombudsman advised that no further investigation was warranted. In the other, the Ombudsman’s decision was not finalised by 30 June 2019.

In 2018–19, ORIC also received three ‘section 7A’ notices, indicating that the Ombudsman was making preliminary inquiries into complaints about ORIC. After the Registrar responded, Ombudsman decided not to investigate and no further action was required.

### Legal services expenditure

The tables below are a statement of legal services expenditure by ORIC for 2018–19 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 2018–19

INTERNAL LEGAL SERVICES EXPENDITURE	\$ GST EXCLUSIVE
Total internal legal services expenditure	154,302
EXTERNAL LEGAL SERVICES EXPENDITURE	\$ GST INCLUSIVE
Professional fees: Minter Ellison	35,476
Counsel briefs	1,500
Other disbursements on external legal services	2,441
Total external legal services expenditure	39,417

**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 2018–19

Number of counsel briefed	1
Number of male counsel briefed	0
Number of female counsel briefed	1
Value of counsel briefs	\$1,500
Value of briefs to male counsel (GST inclusive)	0
Value of briefs to female counsel (GST inclusive)	\$1,500



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



