



Complaints involving Aboriginal and Torres Strait Islander corporations

How to interpret complaint statistics

Introduction

One of the functions of the Registrar of Indigenous Corporations under section 658-1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) is to assist with complaints involving Aboriginal and Torres Strait Islander corporations.

The Registrar provides a six-monthly overview of complaints about corporations.

Definition of a complaint

Complaints covered by these reports are those made to the Registrar about a corporation, its directors, officers, employees or members regarding matters arising under the CATSI Act or a corporation's rule book. Complaints can be made about a wide range of matters and do not necessarily reflect wrongdoing.

Complaints are distinct from disputes and are handled differently. Yet it is sometimes difficult to distinguish between a dispute and a complaint. This is because complaints can be a symptom of an underlying dispute.

For more information about how the Registrar handles complaints please see the fact sheet *Complaints involving corporations* and policy statement 2: 'Complaints involving corporations' on the Registrar's website, www.oric.gov.au.

Numbers of complaints

Complaints with a similar theme or subject matter, or from several complainants raising the same issue or concerns are, from 1 July 2011, reported as one complaint. As a result the number of individual complaints received by the Registrar from this date is significantly higher than the distinct complaints reported. This approach has been adopted by the Registrar as these complaints are managed jointly and will have a common outcome. This ensures a more accurate picture of the underlying level of complaints managed by the Registrar.

A 'complaint campaign' occurs when a number of people complain about a corporation and generally raise the same ongoing issues. Often the complainants make multiple complaints. It is not unusual for a complainant to send in new complaints before they have received a response to a previous complaint.

For example, Corporation A was the subject of a complaint campaign in 2011–12. There were a small number of complainants and several related issues. The complaints were recorded as 12 complaints against the corporation. However, in just one of these complaints there were 389 individual communications—emails, faxes and phone calls—spanning several months.

How complaints are handled

The Registrar records every complaint he or she receives. In the first instance complaints are assessed to see if they fall within the Registrar's area of responsibility. Common examples are an alleged breach of the CATSI Act, the Corporations (Aboriginal and Torres Strait Islander) Regulations 2007 or a corporation's rule book.

When the Registrar cannot help (because the complaint falls outside his or her jurisdiction) the Registrar suggests other options, such as referring the complainant to another agency or advising the complainant to seek independent legal advice.

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Dealing with complaints

Complaints are classified by the Registrar into three levels based on their complexity and degree of risk to the corporation. The levels are:

Straightforward complaints: these are low risk and can be quickly resolved by providing the complainant with immediate advice or information, or referring the complainant to another agency.

Detailed complaints: these can pose a higher degree of risk as the issues are more complicated and include the assessment of financial irregularities and concerns about the financial records and affairs of a corporation.

Complex complaints: these are high risk and very complex, usually because of the issues raised or the consequences for the complainant or a corporation if not resolved. They include complaint campaigns and allegations of criminal misconduct.

The Registrar aims to deal with all complaints in a timely way. The Registrar monitors the number of days taken to finalise complaints based on their level.