



Australian Government

Office of the Registrar of Indigenous Corporations



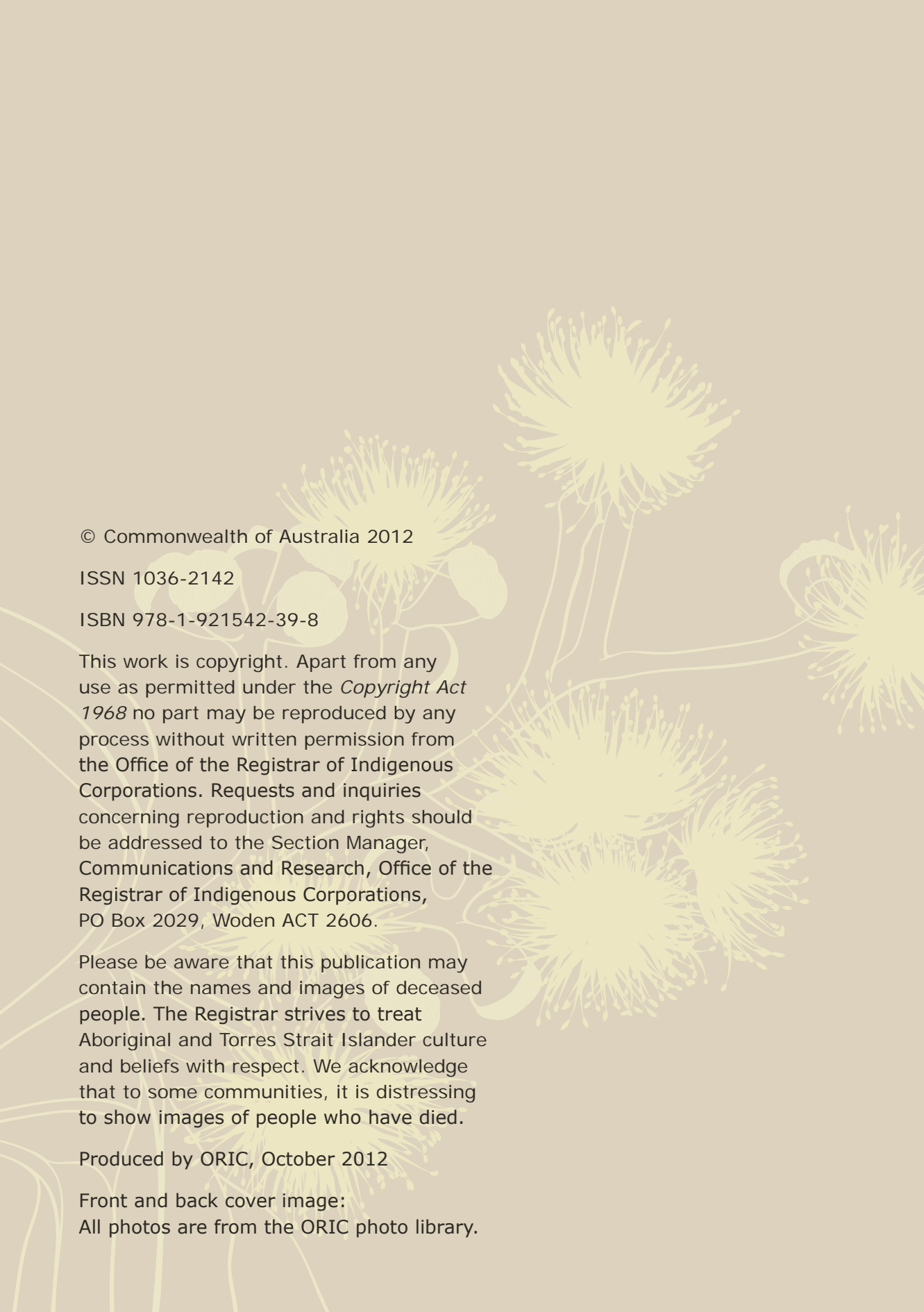
Yearbook  
2011/12



strong corporations

strong people

strong communities



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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 to some communities, it is distressing to show images of people who have died.

Produced by ORIC, October 2012

Front and back cover image:  
All photos are from the ORIC photo library.











## ORIC vision

**Strong corporations, strong people, strong communities**

Aboriginal and Torres Strait Islander corporations are important in communities and Australian society. In recognition of this, ORIC will continue to increase public confidence in the standards of corporate governance and viability of Aboriginal and Torres Strait Islander corporations.

## About the yearbook

Under current legislation the Registrar of Indigenous Corporations (the Registrar) is not required to produce an annual report. However, the Registrar thinks it appropriate and relevant to publish a yearbook for those people interested in ORIC's work.

This yearbook includes and aligns with ORIC's operational areas.

ORIC contributes to the annual report of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).



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ORIC training session,  
Yagbani Aboriginal Corporation,  
Goulburn Islands, NT





Narooma, NSW





# Overview



Anthony Beven, visiting communities in Tom Price, WA



# Highlights 2011–12

## Regulatory functions

- ➔ 96.21 per cent of corporations met their statutory reporting obligations—the highest number in ORIC’s history—compared to 96 per cent in 2010–11
- ➔ 42 per cent of corporations lodged their annual returns electronically, up from 18 per cent in the previous year
- ➔ 95 disputes resolved
- ➔ 173 new corporations registered
- ➔ 11 special administrations started and nine ended
- ➔ 61 formal examinations completed

## Support services

- ➔ published *At the heart of art—a snapshot of Aboriginal and Torres Strait Islander corporations in the visual arts sector*
- ➔ released the third top 500 report—based on income provided by Aboriginal and Torres Strait Islander corporations as part of their annual reporting
- ➔ issued 44 media releases
- ➔ delivered training to 629 participants from 154 corporations with a satisfaction rating of 100 per cent
- ➔ increased Aboriginal and Torres Strait Islander employment at ORIC to 37.1 per cent

## Other initiatives

- ➔ increased the number of participating lawyers and law firms on ORIC’s pro bono legal service panel, LawHelp, to 11
- ➔ conducted the second ORIC client survey

# Registrar's review

## Five years on

When I was appointed Registrar at ORIC on 1 October 2007, there were very clear-cut priorities on the table. At the time the focus was on improving the corporate governance and accountability of Aboriginal and Torres Strait Islander corporations and helping with the transition to the new legislation.

Now, five years on and into my second term, it is appropriate to reflect on the highlights, the goals reached and the challenges ahead.

It is also appropriate to note that ORIC is currently in the midst of an independent organisational review. It is a good time to reflect on how we do business, what we've done well and what we can do better to improve on the efficiency and effectiveness of our service delivery model. The report's key recommendations will be considered and implemented by 1 February 2013.



## Achievements

Looking at the achievements in the past five years, the stand outs would have to be the successful completion and the implementation of ORIC's electronic document processing system (ERICCA) and the launch of the database to help corporations lodge online. This has significantly reduced compliance costs and the need for corporations to lodge paper forms with ORIC. ERICCA has now been up and running since July 2008. We have made a series of enhancements since then and currently our online lodgment for corporations' annual returns stands at 42 per cent, showing a steep increase over the years.



Another great success has been our out-posted officer trial program. ORIC now has an ongoing program of local officers, including our Alice Springs office, which operates as an autonomous office. These local officers have made a great difference in ORIC's reporting compliance rate with their face-to-face visits and visibility in the relevant communities—currently Cairns, Coffs Harbour, Perth and Alice Springs. This program was started when the Council of Australian Governments' Remote Service Delivery National Partnership identified 29 priority sites and communities.

Over the five years we have also successfully delivered on some new and important functions and services, such as a dispute management and complaints handling function, a modernised call centre, an investigations and prosecutions function, a dedicated research function, an ORIC recruitment assistance service as well as a pro bono legal service, LawHelp (currently with 11 participating law firms). All of these are discussed in detail in this yearbook. We set out to deliver these functions back in 2008 and they are now up and running and making a difference to our most important clients—Aboriginal and Torres Strait Islander corporations.

The main challenges facing Aboriginal and Torres Strait Islander corporations remain location and business sustainability. Those challenges have not changed—they still revolve around communications, transport, sustainable funding, reliability of supply and

demand, infrastructure, resources and access to business acumen and training—all of which affect the ability to maintain compliance and services to members and clients. I believe that ORIC has gone a long way in meeting those challenges—by our type of services and the way in which we deliver those services. The results are most visible in the fact that our training packages are sought after and highly rated by our clients and that our corporations' reporting compliance has gone from 52 per cent in 2006–07 to 96.2 per cent this financial year.

ORIC also finalised and implemented a Reconciliation Action Plan in 2008. Since then we have been contributing to the FaHCSIA RAP. As part of the 'Opportunities' section of the RAP, ORIC set a target to employ 30 per cent Aboriginal and Torres Strait Islander staff as a total of all staff at a consistent level with opportunities at all levels. Currently 37.1 per cent of ORIC staff identifies as Aboriginal or Torres Strait Islander.

Our research arm has contributed to a more in-depth understanding of the sectoral and financial issues affecting Aboriginal and Torres Strait Islander corporations and is proving, with the public register, to be an invaluable and unique source of collected data particular to ORIC corporations and the various sectors they deliver services in. Details about the research findings are available in this publication and also on the ORIC website.

## Challenges

ORICs priorities haven't changed much in the five years, but the environment has and the challenges are looking different.

During 2011–12 ORIC had to apply additional resources to its investigations and prosecutions function, and had to access specialist resources from the Australian Government Solicitor to meet workload pressures in this area. There are a number of high-profile investigations and prosecutions currently before the courts.

Another key challenge for ORIC has been the greater call on resources because of ongoing changes in the approach to service delivery in Aboriginal and Torres Strait Islander communities and how that is funded. A continued move towards mainstreaming and regionalisation of service delivery for remote communities and away from funding for community organisations is affecting the solvency and long-term viability of many community-based Aboriginal and Torres Strait Islander organisations. Interestingly, ORIC's recent research publication reporting on the top 500 Aboriginal and Torres Strait Islander corporations has revealed an emerging trend in the top 20 corporations with self-generated funds overtaking government funding. This is a very encouraging picture and one that we will monitor over the short and medium term.

Some of the risks and challenges facing Aboriginal and Torres Strait Islander corporations are discussed in more detail in the top 500 report.

They include:

- ➔ the difficulty that organisations experience to effectively restructure (scale down) or close down their operations in a short period of time and maintain solvency when funding changes. Increases in insolvencies are leading to an increase in the workload of ORIC in special administrations, examinations, prosecutions, mediation and complaints
- ➔ an increase in the number of defunct corporations being deregistered
- ➔ managing subsidiaries, land leases or trusts.



## The year ahead

ORIC has identified the following key priorities for its work in 2012–13. These priorities are aligned to the *ORIC strategic plan 2011–14*.

### Independent organisational review

As already mentioned, during 2012–13 ORIC will commission an independent organisational review to assess the efficiency and effectiveness of its service delivery model. The review will examine ORIC's organisational structure, benchmark ORIC performance and productivity against like agencies, and assess the behaviours and attitudes that ORIC values and how it can better integrate them into our work.

### Ensuring ORIC staff's ability to deliver

ORIC will continue its cultural competency program to ensure we have suitably skilled and experienced staff working to deliver programs and services that meet the cultural needs of Aboriginal and Torres Strait Islander people and corporations.

I will continue to focus on our Aboriginal and Torres Strait Islander recruitment and retention strategy to maintain a rate of at least 35 per cent.

### Regulation and compliance

We will continue to effectively regulate corporations and monitor compliance under the CATSI Act. Our key measures in the coming year will be to maintain a reporting compliance rate of over 90 per cent, conduct 55 examinations

during the year, complete special administrations within six months while ensuring successful outcomes and operational corporations for members and their communities.

### Training

We will continue to provide high-calibre corporate governance training and education. In this coming financial year we will also implement a new mentoring and support program for high-risk and significantly funded corporations. ORIC's nationally accredited and sought after Certificate IV in Business (Governance) and Diploma in Business (Governance) will be implemented and delivered around Australia.

### Website redevelopment

Our external website is also currently being reviewed and redeveloped to ensure our website is WCAG 2.0 \* compliant and continues to deliver accessible and essential information to our stakeholders and corporations.

\* WCAG is the internationally recognised benchmark for website accessibility. It takes all disabilities into account, including visual, auditory, physical, speech, cognitive and neurological disabilities. WCAG 2.0 identifies techniques to create and manage web content in ways that are more accessible to people with disabilities—for example, through technologies like screen readers.

## Investigations and prosecutions

Our investigation activity focuses on early identification and timely investigation of poor conduct; and then taking the necessary action against illegal activity. It is our aim to ensure the successful prosecution and appropriate legal outcomes for key matters before the courts and all investigations matters currently in progress.

## Review of the CATSI Act

To ensure the legislation remains relevant, up to date, and continues to meet the needs of Aboriginal and Torres Strait Islander people, we will complete a limited review of the CATSI Act before the end of this financial year.

### **FaHCSIA key priority for 2012–13: reduce Indigenous disadvantage**

In the coming year, ORIC will contribute to this key FaHCSIA priority by:

- ➔ working with FaHCSIA and other government agencies to achieve meaningful outcomes for Aboriginal and Torres Strait Islander corporations
- ➔ working with FaHCSIA to provide policy advice to government on governance issues relating to Aboriginal and Torres Strait Islander corporations and undertake research on Aboriginal and Torres Strait Islander corporate governance issues and sectors
- ➔ promoting economic participation by Aboriginal and Torres Strait Islander people through corporations controlled and owned by Aboriginal and Torres Strait Islander people to reduce welfare dependency and engaging Aboriginal and Torres Strait Islander people in developing solutions



- ➔ ensuring long-term sustainable benefits for native title holders by providing support, advice and training to native title corporations, taking regulatory action where poor governance or breaches of the CATSI Act are identified in native title corporations; and ensuring fees charged by RNTBCs for a range of negotiations are fees that may be charged—by giving opinions on certain fees when requested to do so under the Native Title Act
- ➔ helping corporations operate in an effective, sustainable and accountable manner
- ➔ undertaking regulatory action (for example examinations and special administrations) by focusing on high-risk and significantly funded corporations.

## ORIC—an industry leader

ORIC has a reputation as a strong, helpful and proactive regulator that has achieved a lot in the last 35 years. It is also a leader in the Commonwealth in improving internal and external engagement with Aboriginal and Torres Strait Islander people. The CATSI Act gives us the ability and responsibility to make sure corporations are set up for success.

We are consistently aware of the fact that the majority of corporations want to do the right thing and with the expertise, experience and dedication of my staff, we are there to help corporations do the thing right.

Anthony Beven  
October 2012

# Senior management

The Registrar and senior management  
as at 30 June 2012



Anthony Beven  
REGISTRAR



Joe Mastrolembo  
DEPUTY REGISTRAR



Lisa Hugg  
SECTION MANAGER  
Communications and Research



Peter Armstrong  
SECTION MANAGER  
Regulation





Michael Cullen  
GENERAL COUNSEL



Catherine Turtle  
A/g SECTION MANAGER  
Training



Graeme Pert  
SECTION MANAGER  
Investigations and Prosecutions



# ORIC staff

The Registrar was supported by 56 full-time and 6 part-time staff—equating to 55.7 full-time equivalent staff—as at 30 June 2012. There were 34 female and 28 male staff. Twenty-three staff (37.1 per cent) identified as Aboriginal or Torres Strait Islander—an increase of 1.8 per cent from 30 June 2011.



Some of ORIC's staff



ORIC staff at work







ORIC staff member, Ruth Jones, working in Canberra



ORIC training session, Yagbani Aboriginal Corporation, Goulburn Islands, NT



# Performance reporting





# Business plan 2011–12

ORIC identified a number of key priority areas for its work in 2011–12 that are aligned to the *ORIC strategic plan 2011–14*. These priorities contribute to the Australian Government's commitment to close the gap in Aboriginal and Torres Strait Islander disadvantage.

## **Consolidate current services: ORIC client survey**

One key priority for 2011–12 was to review current services to ensure that ORIC continues to build the capacity of Aboriginal and Torres Strait Islander people.

An online survey was developed to measure the effectiveness and efficiency of ORIC's services to corporations. It included a combination of quantitative and qualitative measures. The survey sought feedback directly from members, directors and CEOs of corporations. People who have helped Aboriginal and Torres Strait Islander corporations with their reporting requirements were also encouraged to submit their views. The second client survey was launched on 1 May 2012 and ran for three months until 31 July 2012.

The feedback received from the 2011 survey was used to devise measures to improve ORIC's services. As shown by the outcomes of the 2012 survey these measures have paid dividends with a significant increase in clients' satisfaction level.

A total of 509 clients responded to the 2012 survey, which represents an increase of 63 responses from the previous year. Fifty per cent of respondents were corporation directors, 34 per cent CEOs and 15 per cent members. Some respondents also filled other roles within corporations.

The number of responses received on each service is show in figure 1.

**Figure 1:** Number of responses received on each section of the survey





## Summary of outcomes

There was an increase in client satisfaction across the board (see details in table below).

**Table 1: Response rate over two years, 2010–11 to 2011–12**

Service	Question	2011 responses	2012 responses	change
Governance training	Did the training equip you with improved knowledge and better skills in corporate governance?	yes 93%	yes 97%	4%
ORIC publications on the website	How useful would you rate ORIC publications?	useful/extremely useful 80%	useful/extremely useful 97%	17%
Recruitment service	Please rate how easy the guides and templates were to understand	easy/very easy 67%	easy/very easy 93%	26% *
Dispute management	Please rate the quality of service provided	very good/excellent 65%	very good/excellent 54%	11%
Examinations	Did the examination help you build good governance processes in your corporation?	yes 68%	yes 77%	9%
Registration and lodging documents	Were you able to understand the information provided?	agreed 81%	agreed 95%	14%
Call centre and email assistance	Rate the information provided to help resolve your inquiry from 1 to 5	rated 4 or 5 66%	rated 4 or 5 70%	4%
Complaints handling	Did the information provided by ORIC provide sufficient help to resolve the issue?	yes 42%	yes 67%	25% *
Locally based officers	Does having a local ORIC officer available help your corporation?	agreed 84%	agreed 88%	4%
Compliance visits	How do you rate your ability to fill out a general report after meeting with an ORIC officer?	are more confident 72%	are more confident 80%	8%
LawHelp	Was the legal assistance provided by LawHelp useful?	rated 4 or 5 64%	rated 4 or 5 92%	28% *

**Note:** \* These figures may be skewed by the small size of the sample.

## Work with National Congress of Australia's First Peoples

Training was provided to the congress in Canberra on 25 August 2011 in good governance and leadership. ORIC is committed to building and sustaining productive relationships with chairs, directors and delegates of the congress.

## Support native title

In 2011–12 ORIC identified key groups and specific sectors for its compliance follow-up program. Priority sectors were registered native title bodies corporate, native title representative bodies and corporations helped by resource agencies operating in remote regions.

ORIC provided training to six native title corporations. ORIC believes it is important to ensure long-term sustainable benefits for native title holders.

## Develop cultural competence for staff

In line with ORIC's business plan 2011–12, ORIC introduced an Aboriginal and Torres Strait Islander workforce strategy and a cultural competency framework for its entire staff in 2010—one of the first Commonwealth agencies to do so. *Working in ORIC* was developed in recognition of the nature of ORIC's core business and tailored specifically for staff working in ORIC. The program is designed as an activity under the framework and ensures that ORIC has suitably skilled and experienced people to develop programs and deliver services that meet the cultural needs of Aboriginal and Torres Strait Islander people.

All ORIC staff were required to attend the training program in February 2012.

**ORIC is committed to building stronger connections with Aboriginal and Torres Strait Islander people and providing better services to communities. ORIC identifies three key areas to achieve this: relationships, respect and opportunities.**

# Regulation and registration

## Corporation reporting compliance

Reporting compliance by corporations reached 96.21 per cent in 2011–12 with 42 per cent of corporations lodging their reports electronically, up from 18 per cent in the previous financial year.

Reports for 2010–11 had to be lodged by 31 December 2011. Under the CATSI Act corporations have to submit reports to ORIC annually according to their registered income and size—large, medium or small.

This year the ORIC reporting compliance follow-up program resulted in 2033 corporations lodging their reports for 2010–11 (1934 corporations lodged required reports last year). This year's result reflects the highest number of corporations in ORIC's history to lodge required reports.

Higher compliance means that members, communities, creditors and government agencies can have greater confidence in the public information maintained by the Registrar about corporations.

**Table 2: Corporation size and income**

Registered size and income of corporation	Report(s) required
Small corporations with a consolidated gross operating income (CGOI) of less than \$100 000	1. General report only
Small corporations with a CGOI of \$100 000 or more and less than \$5 million	1. General report
Medium corporations with a CGOI of less than \$5 million	2. Financial report and audit report or financial report based on reports to government funders (if eligible)
Large corporations or any size corporation with a CGOI of \$5 million or more	1. General report 2. Financial report 3. Audit report 4. Directors' report

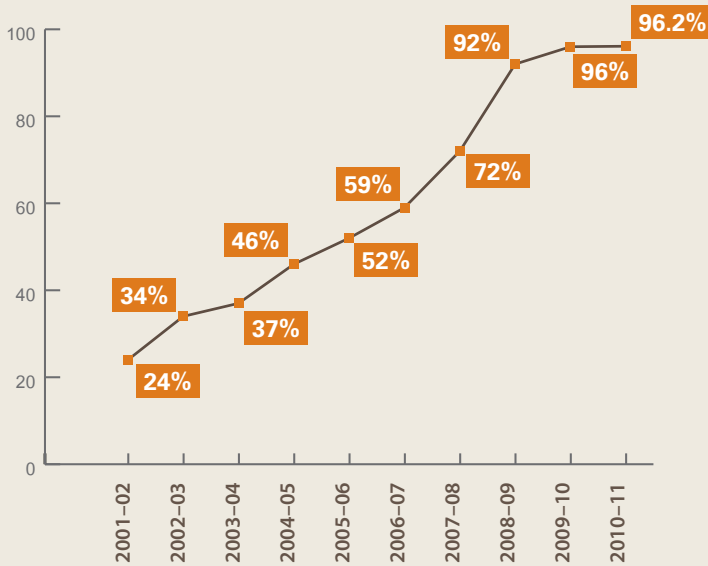
For more information on corporations' registered size and income, see ORIC's fact sheet on *Corporation size and financial reporting* and the *Corporation reporting guide* on the website.



Key activities of the reporting compliance follow-up program included:

- ➔ A communication strategy to deliver key messages and guidance about reporting compliance—this strategy included advertisements in Aboriginal and Torres Strait Islander newspapers, broadcasts on Aboriginal and Torres Strait Islander radio networks, notices and messages on the ORIC website and reminders placed in ORIC publications, as well as email and mail reminders to corporations.
- ➔ A targeted follow-up of key groups and specific sectors—such as registered native title bodies corporate, native title representative bodies and corporations helped by resource agencies operating in remote regions.
- ➔ Face-to-face visits—six regional and remote regions that had poor annual reporting compliance rates were targeted by ORIC’s compliance follow-up teams; the primary aim was to offer face-to-face help to corporations, but also to develop their capacity to complete the reports in future years.
- ➔ Local officer visits—local officers conducted face-to-face visits to assist corporations in eight regional and remote areas.
- ➔ Telephone follow-up of corporations in breach—corporations that did not submit the required reports by the due date were targeted for telephone reminders.
- ➔ Telephone reminders to newly registered corporations reporting for the first time and corporations who lodged late in the previous year.
- ➔ Formal warning notices to corporations that did not respond to reminders.

**Figure 2:** Reporting compliance, 2001–02 to 2010–11



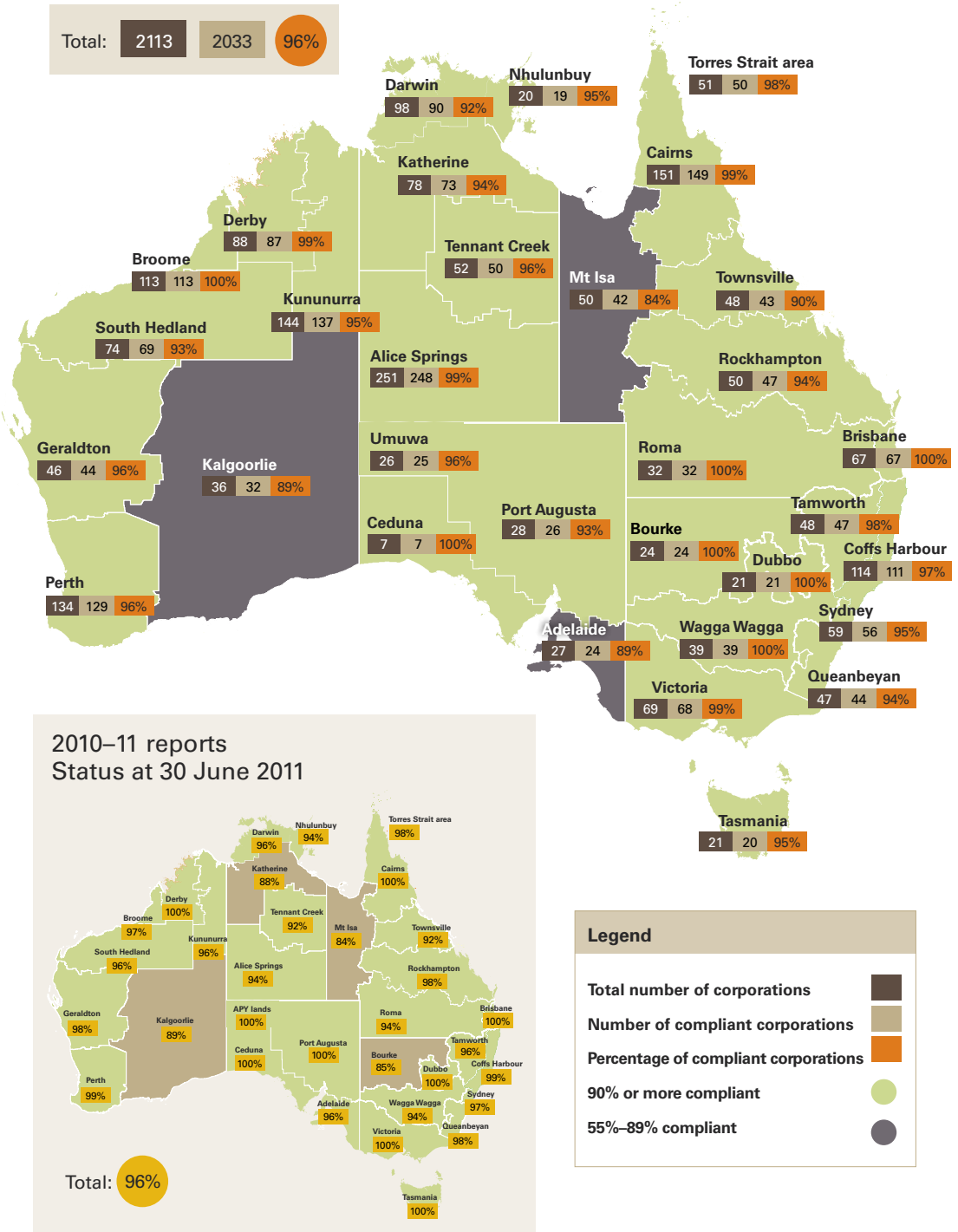
**Note:** This figure illustrates the effect of ORIC’s focus on reporting compliance. ORIC achieved the highest ever level of reporting compliance for the 2010–11 reporting year.

### Consequences of not reporting

During the year ORIC deregistered 68 corporations that remained in longstanding breach or that requested voluntary deregistration.

The reporting compliance follow-up program was also supported by a prosecution program. Prosecution action was initiated against 95 corporations that did not lodge required reports. The prosecution program in 2012–13 will again focus on all corporations, regardless of size, that do not lodge their reports.

**Figure 3: Reporting compliance status by region, as at 30 June 2012**



**Note:** Total number of corporations required to provide 2010–11 reports is 2113. This number is different to the total number of registered corporations (2391 at 30 June 2012) as it is based on corporations registered at 31 December 2010 and excludes corporations under liquidation or being deregistered.

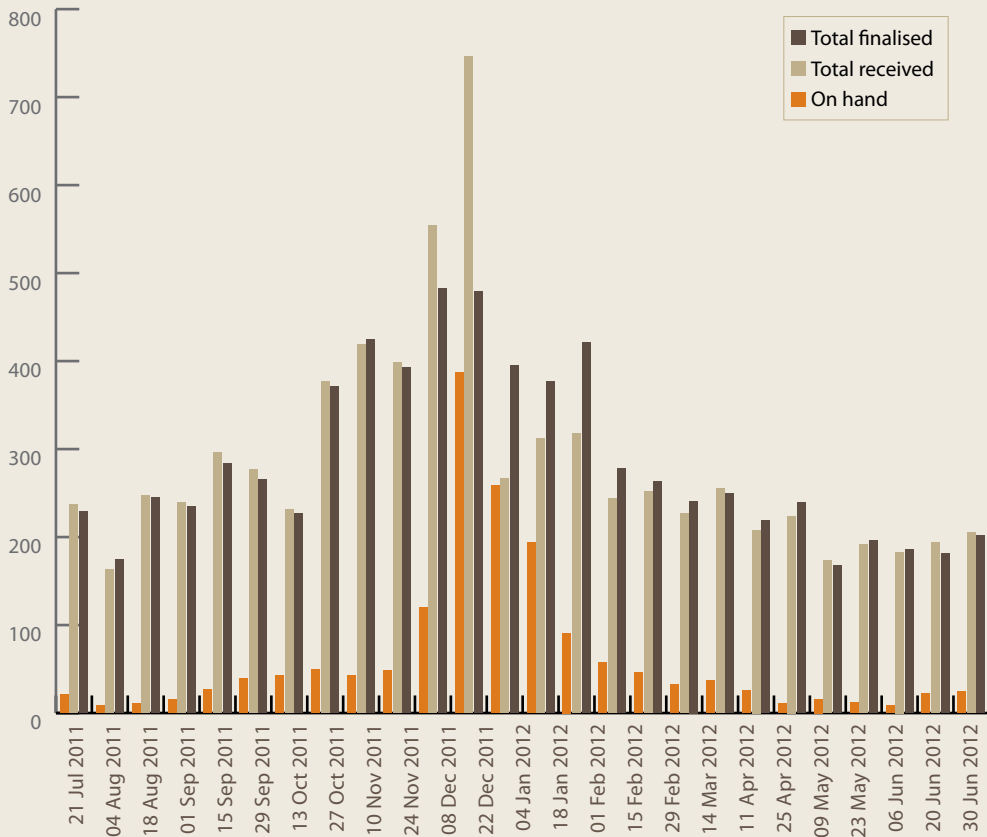


## Registration and support services

ORIC provides a range of registration services to Aboriginal and Torres Strait Islander corporations.

In 2011–12 ORIC received 7438 documents and inquiries from corporations and the public and these were completed in an average time of 2.60 business days per matter.

**Figure 4: Monthly work activities, 2011–12**



**Note:** The spike at 22 December indicates the increased activity just before the reporting deadline of 31 December.

The registration process was very helpful and easy to use and understand.

Client response, ORIC client survey

The following table provides an outline of ORIC's registration and reporting services from 2002–03 to 2011–12.

**Table 3: Registration services, 2002–03 to 2011–12**

	02–03	03–04	04–05	05–06	06–07	07–08	08–09	09–10	10–11	11–12
<b>REGISTRATION AND SUPPORT SERVICES</b>										
<b>Incorporations</b>										
Applications received	211	160	120	110	107	116	148	172	176	164
Total applications actioned during the year*	205	143	134	123	143	108	133	188	197	183
Applications approved	183	134	120	102	111	84	125	163	187	173
Applications refused	—	—	—	1	2	5	0	6	7	7
Application lapsed/withdrawn	22	9	14	17	30	19	8	17	3	3
<b>Constitution change requests</b>										
Requests received	138	122	116	92	126	97	411	187	166	159
Total requests actioned during the year*	127	114	131	127	160	85	400	220	174	163
Requests approved	94	106	112	92	124	55	376	204	164	158
Requests refused	22	4	4	9	5	30	24	14	10	5
Requests lapsed/withdrawn	11	4	15	20	31	—	0	0	0	0
<b>Name change requests</b>										
Requests received	20	26	27	11	5	12	48	24	29	17
Total requests actioned during the year*	16	18	25	15	27	9	45	25	30	18
Requests approved	8	14	18	9	16	6	38	23	28	18
Requests refused	2	—	2	0	1	3	7	2	2	0
Requests lapsed/withdrawn	6	4	5	6	10	—	0	0	0	0
<b>Change of corporation contact and officer details</b>										
Change requests received	n/a	n/a	n/a	n/a	n/a	345	853	640	738	811
Change requests applied to the public register	n/a	n/a	n/a	n/a	n/a	284	803	636	721	797
Annual general meeting extensions and other exemptions										
Matters finalised	—	104	137	197	162	97	236	312	348	448
<b>Written inquiries received</b>										
Inquiries finalised	622	634	682	882	897	919	1080	3427	2919	3014

**Note:** \*Some services finalised during the financial year were initiated in the previous year.

## Snapshot

**173 new corporations** were registered during 2011–12.

**3014 written inquiries** were finalised during 2011–12 involving requests for registration assistance, requests for information, inquiries, support and referrals.

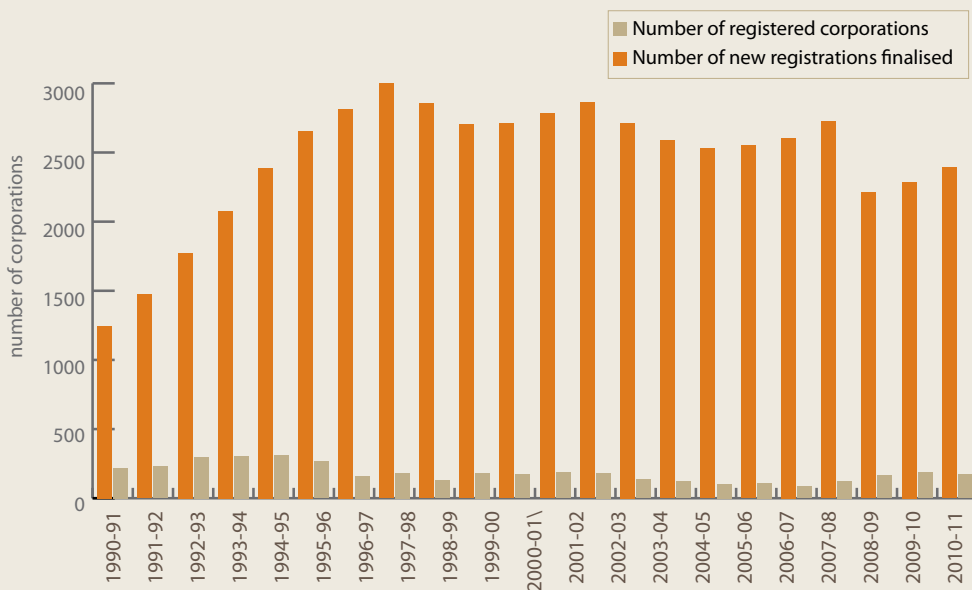
**797 change of corporation contact and officer** details were entered into the public register, compared to 721 change requests the previous financial year.

**448 annual general meeting extensions and exemptions** were granted by the Registrar during 2011–12 under the CATSI Act, compared to 348 extensions and exemptions the previous financial year. This reflects the Registrar’s ongoing flexible approach to the special circumstances and needs of Aboriginal and Torres Strait Islander corporations.

## Profile of corporations registered with ORIC

As at 30 June 2012, 2391 corporations were registered under the CATSI Act.

**Figure 5: Registered and new corporations by year, 1990–91 to 2011–12**



**Note:** The number of registered corporations is the total number of corporations registered less the total number deregistered.



**Table 4:** Registered and new corporations, 1990–91 to 2011–12

Year	Number of registered corporations	Number of new registrations finalised
1990–91	1244	220
1991–92	1474	230
1992–93	1772	298
1993–94	2076	304
1994–95	2389	313
1995–96	2654	265
1996–97	2816	162
1997–98	2999	183
1998–99	2853	128
1999–00	2703	183
2000–01	2709	171
2001–02	2783	187
2002–03	2861	183
2003–04	2713	134
2004–05	2585	120
2005–06	2529	102
2006–07	2552	111
2007–08	2605	84
2008–09	2723	125
2009–10	2210	163
2010–11	2286	187
2011–12	2391	173

**Table 5:** Registered corporations by region, at 30 June 2012

Region	Number of registered corporations
Adelaide	49
Alice Springs	280
Bourke	24
Brisbane	82
Broome	116
Cairns	175
Ceduna	7
Coffs Harbour	137
Darwin	115
Derby	92
Dubbo	23
Geraldton	53
Kalgoorlie	39
Katherine	89
Kununurra	158
Mount Isa	58
Nhulunbuy	24
Perth	154
Port Augusta	55
Queanbeyan	57
Rockhampton	54
Roma	34
South Hedland	80
Sydney	69
Tamworth	51
Tasmania	21
Tennant Creek	53
Townsville	63
Torres Strait	55
Victoria	81
Wagga Wagga	43
<b>Total</b>	<b>2391</b>

## Dispute management

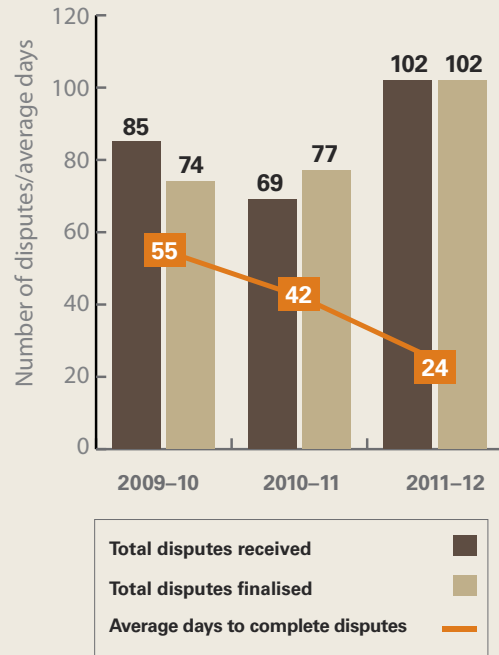
Requests for help with disputes continue to increase. During 2011–12, ORIC helped to resolve 102 disputes, representing a significant increase from the previous financial year when ORIC received 69 requests for help.

Historically, disputes have been a significant cause of corporate failure. ORIC aims to reduce the instances of corporate failure from poorly managed disputes.

Well-managed disputes can improve the resilience of a corporation and improve confidence in the sector. ORIC works with parties in dispute to design a response most suited to the corporation's needs and build their capacity to manage future disputes.

Services offered by ORIC include dispute management workshops, informal advice on dispute management, conferencing and small group problem solving, mediation, and attending, calling and chairing general meetings. Also see ORIC's policy statement 22: *Disputes involving corporations*.

**Figure 6:** Dispute management trends, 2009–10 to 2011–12



**I feel that ORIC does a good job in providing information to our corporation—and if we are not sure then a simple phone call and chat as required is all that is needed.**

Client response, ORIC client survey

## CASE STUDY: How disputes can affect a corporation



A Tasmanian corporation was registered with ORIC in March 2010. Disputes between corporation directors and staff started in early 2011.

ORIC was approached to help the directors and staff to resolve the disputes. The disputes were mainly caused by dominant personalities, a lack of understanding of complex rules, conflicting requirements of state and federal agency funding requirements, and confusion about directors' eligibility requirements. These disputes affected the effective operations of the corporation and were detrimental to members and clients.

The Registrar's powers under the CATSI Act were enforced by calling a meeting of interested persons (section 439-5 of the CATSI Act). ORIC facilitated a two-day dispute resolution workshop with the relevant parties and an outcome agreement was developed. Further assistance was provided by ORIC after the two-day workshop, with the chairing of a corporation general meeting, amending and redrafting the corporation's rule book, and further corporate governance assistance.

The corporation is now on track, improving its corporate governance and striving to re-establish good will within its membership and community.



Hobart, Tas.



## Complaints assistance

During 2011–12 ORIC finalised 544 complaints, compared to 597 complaints the previous financial year. On average, straightforward complaints were answered within two working days; detailed complaints were finalised in an average of eight days, while the most complex complaints were resolved in an average of 37.5 days.

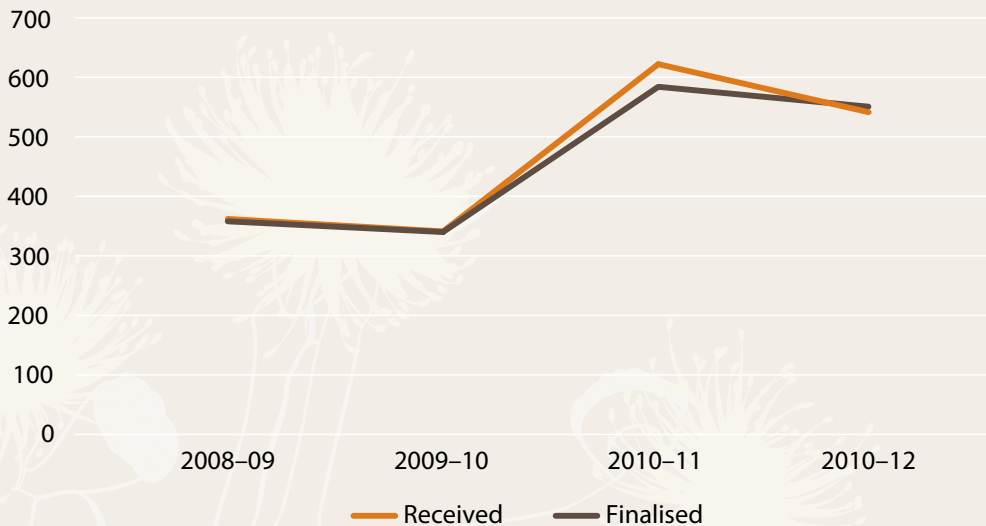
ORIC assists by providing:

- governance information and advice to directors
- information to the parties on whether there has been a breach of the CATSI Act or the corporation’s rule book, and the required action to rectify the breach

- options that may help resolve the concerns raised
- information to members on their rights and responsibilities under the corporation’s rule book.

Trends during the year show that the actions of corporation directors and other senior staff continues to be the area of most concern to members. Another area of complaints are members’ concerns at the failure of directors to call general meetings and the lack of financial information available to members.

**Figure 7:** Number of complaints managed by the Registrar, 2008–09 to 2011–12



Year	2008–09	2009–10	2010–11	2011–12
<b>Number received</b>	362	341	622	541
<b>Number finalised</b>	358	340	597	544
<b>Number carried over to the next year</b>	4	5	30	27

## CASE STUDY: ORIC assistance making a difference

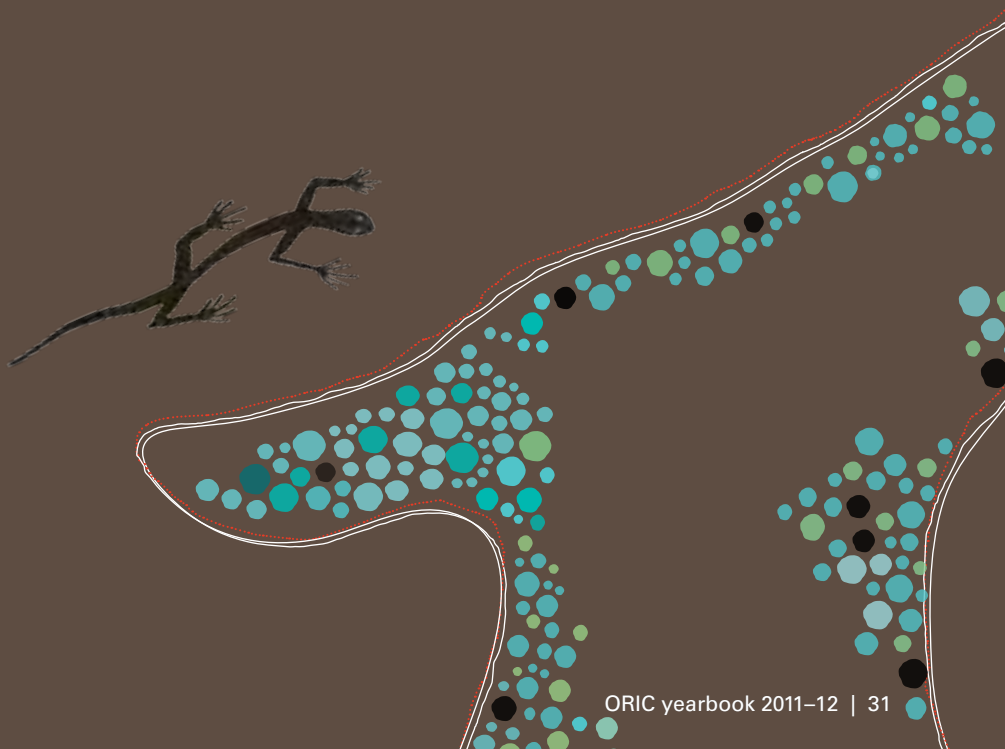
After 12 months of legal wrangling, a small remote community corporation benefited from ORIC's complaints assistance and dispute management service.

The problems began more than 15 months earlier, with an election that left members more confused than confident. The meeting had included non-members, had not provided any financial reports, and the election of directors was not followed up with any directors' meetings. Instead, a small group of individuals were seen as being 'in the loop' while other directors felt they were excluded.

A complaint was made and ORIC explained the corporation's rules regarding meetings, including the fact that a general meeting could be called to help resolve the issues of concern.

What happened next clearly demonstrates why corporations should follow their rule book—a meeting was called, new directors elected and a new contact person appointed. However, it emerged later that there was still confusion over the membership, and that the notice was not posted to members. The former directors complained and wanted the meeting ruled invalid.

ORIC offered to call a general meeting to help overcome the confusion by ensuring the members received notice and the rules were followed. The offer was declined and instead one of the parties to the dispute took legal action to have the matter decided in the courts. It was nearly 12 months before the parties agreed to abandon the court proceedings and asked for ORIC's assistance. ORIC was able to call a meeting, allowing the members to appoint new directors so that the corporation could move forward.







Cairns, Qld



Jabalbina Yalanji Aboriginal Corporation RNTBC training in Craiglie, QLD. Deputy Registrar, Joe Mastrolembo (third from the right), and ORIC officer, Bianca-Rose Gregory (third from the left) with the group

*...ti wala muruku iunkurrimaka bamanaka bubuku*





## Strategic project delivery

### Decentralised services

ORIC has an ongoing program of local officers in regional and remote areas providing services directly to corporations.

The ORIC Alice Springs regional office operates as an autonomous office providing on-the-ground services to corporations in the Alice Springs region. The Alice Springs local officers also assist with priority work in other Northern Territory and Central Australia locations, including Tennant Creek and the Anangu Pitjantjatjara Yankunytjatjara lands.

ORIC has also continued its local officer program this year in Coffs Harbour (NSW), Townsville (Qld), Perth (WA) and Cairns (Qld). Compliance levels continued to improve in regional areas where ORIC is represented by a local officer.



## Cairns, Queensland

### Mavis Napatali

Compliance rate: 99 per cent

The Cairns local officer started on 17 May 2012. Based in the Cairns Indigenous Coordination Centre, Mavis helps groups with the governance and effective operation of their corporations.

Mavis also provides face-to-face assistance to corporations with their reporting compliance and requirements.





## Alice Springs regional office

### Bob Turner and George Donaldson

Compliance rate: 94 per cent

After establishing the Alice Springs regional office last year, it has experienced an increase in demand for ORIC services throughout the entire Northern

Territory, and even as far south as Coober Pedy in South Australia. The greatest interest has been from directors and members wanting to learn more about their roles and responsibilities and corporate governance principles. The regional office has worked with a wide range of groups from small corporations to large regional bodies, providing assistance and support with governance issues.

The office has also assisted a number of interested groups with their registration under the CATSI Act. This assistance has extended to providing information on the benefits of registering under the CATSI Act, attendance at pre-registration meetings, and assistance with the completion of registration documents. The regional office has also supported Canberra staff with the delivery of a range of services in the region including governance training, complaints assistance and dispute management, and a wide variety of compliance matters.



### CASE STUDY: Areyonga Sports Aboriginal Corporation

A small group of community members in Areyonga has been active for some time in supporting local youth and older people plan and organise a variety of sporting and recreational activities. Operating as a loosely affiliated group was becoming more difficult as their responsibilities and workload increased. Through the local government business manager the group approached ORIC's Alice Springs regional office in December 2011 for support with registration under the CATSI Act.

The Alice Springs regional office conducted a workshop in Areyonga on 18 January 2012. The workshop explained the pros and cons of becoming incorporated, the duties and responsibilities of directors and members and worked through a draft rule book with the group. Subsequently the local officers worked with the group to finalise their rule book and helped with the final pre-registration meeting and process. The pre-registration meeting was held on 14 March 2012 and the group was registered on 22 March 2012.

## Coffs Harbour, New South Wales



### Christian Lugnan

Compliance rate: 97 per cent

The local officer service has now been in the region for three years. An increasing number of corporations and groups who want to register are using the support and training assistance offered by the local officer. Contact is generally made in person where possible so that questions can be discussed and sorted out quickly and easily. Through face-to-face contact, corporations and ORIC benefit from a better understanding of each other's business.



Many of the corporations in the region lodged their annual returns through ORIC's online lodgment facility. Some corporations, however, prefer face-to-face assistance in completing and lodging their returns. This approach also provides the corporations with an opportunity to ask questions about governance.

The Coffs Harbour local officer also covers the Brisbane and Tamworth regions, mainly focusing on compliance follow-up work.

Brisbane compliance rate: 100%

Tamworth compliance rate: 98%

### CASE STUDY: Gloucester Mookibakh Traditional Owners Indigenous Corporation

A group based at Gloucester near the beautiful Barrington Tops, north-west of the Hunter Valley, recently registered with ORIC. The Gloucester Mookibakh Traditional Owners Indigenous Corporation was established to help Aboriginal people with education, training, housing, access to medical services and aged care support. The corporation heard about ORIC and the services ORIC provides through one of their directors who received assistance with the registration of another Aboriginal corporation.

To get the corporation registered, it only took one meeting with the assistance of the local officer guiding the members through the process. Discussion focused on what the rule book of the corporation would look like, particularly its objectives, membership and directors criteria.

Members of the corporation appreciated the one-on-one support ORIC could offer as it made the process of registration much quicker and easier for them. The corporation is now up and running with the members working towards promoting the corporation to the Aboriginal and non-Aboriginal community.

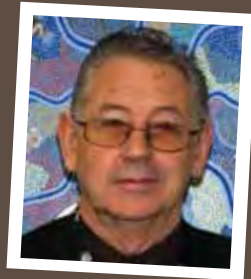
## Perth, Western Australia



### Arthur Hyde

Reporting compliance: 96 per cent

Since starting out in Perth on 10 April 2012, the Perth local officer has mainly focused on helping several Aboriginal corporations manage their mining agreement benefits packages. These packages are negotiated with mining companies on behalf of claimant groups in the Pilbara region of WA.



ORIC has provided training and support to three claimant groups—Kuruma & Marthudunera, Puutu Kunti Kurrama and Pinikura and Karlka Nyiyaparli.

The Perth local officer will continue to:

- ➔ provide assistance and guidance with the governance and effective operation of their corporations
- ➔ help corporations with their reporting compliance
- ➔ help new groups to register under the CATSI Act
- ➔ promote the role of the Registrar and the benefits of the CATSI Act in the region.

### CASE STUDY: Kuruma & Marthudunera Aboriginal Corporation

After initial corporate governance training for the new board of directors, ORIC provided support to the Kuruma & Marthudunera Aboriginal Corporation to engage a service provider through a rigorous tender process. This has enabled the corporation to establish sound business operational functions including executive, financial and legal procedures.

This has been a great benefit to the corporation in its early establishment phase and has positioned it to meet the stringent requirements and obligations of the mining agreements that determine the structure of the benefits package.

The local officer will continue to support the corporation with ongoing training and mentoring.

## Townsville, Queensland

### Pel'e Reuben

Compliance rate: 90 per cent

The local officer was based in Townsville from May 2012 to June 2012 to provide hands-on support for ORIC corporations in the local and surrounding areas.



During this time, the local officer:

- ➔ liaised with corporations to address inquiries about the CATSI Act and their rule books
- ➔ provided assistance to corporations to ensure they were compliant with their annual reporting requirements
- ➔ attended directors' meetings to provide training to directors
- ➔ attended an annual general meeting to assist a corporation transitioning to the CATSI Act
- ➔ conducted a radio interview to promote ORIC in the local region.

Pel'e was born and raised in Townsville. The face-to-face support she could provide to the Aboriginal and Torres Strait Islander people in her home community has been a very rewarding experience.

ORIC will provide a local officer in Townsville for a two-month period at least twice each financial year to continue its support of corporations in the region.

### **CASE STUDY:** Townsville Aboriginal and Torres Strait Islander Corporation for Health Services

This health service was set up in 1974 and provides community-based and culturally appropriate health care and community services to Aboriginal and Torres Strait Islander people living in the Townsville region.

At an extraordinary general meeting in December 2011, the members welcomed and approved the transfer of their health service to the CATSI Act. It was subsequently registered with ORIC on 13 March 2012.

In June 2012 the Townsville local officer was invited to attend the corporation's first annual general meeting. A successful annual general meeting was held in accordance with the CATSI Act and the corporation's rule book, and members elected the corporation's directors.

When based in Townsville, the local officer will continue to work with the corporation to ensure its future success. This will include training for the directors and members to ensure that they understand the requirements of their rule book and the CATSI Act.



## Recruitment, retention and succession service for corporation staff

In February 2011 the ORIC recruitment assistance (ORA) program was implemented as a further step in the ORIC recruitment and retention strategy. ORA offers recruitment assistance to corporations registered under the CATSI Act to fill vacant senior positions.

ORIC corporations have faced significant governance challenges in meeting their employment needs, including unsatisfactory recruitment processes, variable quality of staff, remoteness and high turnover rates. ORIC aims to help corporations operate in an effective, efficient, sustainable and accountable manner and the ORA program encourages best practice to build capacity by helping corporations recruit and keep suitable staff.

ORA can help corporations to:

- ➔ develop a job package
- ➔ advertise the position
- ➔ evaluate applicants
- ➔ set up the interview process
- ➔ prepare the selection report
- ➔ prepare template employment contracts.

Corporations remain responsible for all decisions in the recruitment process, including who to recruit and negotiating salary packages. ORIC only provides assistance and guidance in the process, but does not make decisions on behalf of individual corporations.

ORIC provides its services to eligible corporations free of charge. However, the successful corporations are expected to meet all the costs of recruitment and advertising.

During 2011–12, four corporations were assisted through the ORA program with the recruitment of senior management staff.

# ORIC RECRUITMENT ASSISTANCE

The ORIC Recruitment Assistance (ORA) program is designed to help corporations registered with ORIC to recruit senior staff.

Would you like more information?

See the ORA guidelines at [www.oric.gov.au](http://www.oric.gov.au) and click on the corporation jobs logo or freecall **1800 622 431** (not free from mobiles)

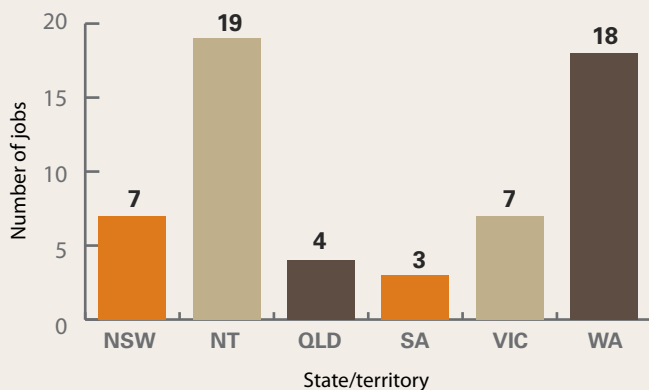
## Corporation jobs website service

Since 2010, ORIC has provided corporations with a service where they can advertise their employment opportunities free of charge on the ORIC website.

Since the service began, 143 jobs have been advertised on the ORIC corporation jobs website. Fifty-eight jobs were advertised on the corporation jobs website this financial year.

ORIC has also published a series of short, handy guides to explain the recruitment process, including how to draft a successful job advertisement and develop useful interview questions. Template employment contracts grouped by state and territory, and summaries of employment conditions and relevant industry awards developed under LawHelp by the Australian Government Solicitor can also be found on the ORIC website.

**Figure 8:** Corporation jobs advertised on the ORIC website by state, 2011–12



## ERICCA

The Electronic Register of Indigenous Corporations under the CATSI Act (ERICCA) is used by ORIC to help with the administration of the CATSI Act.

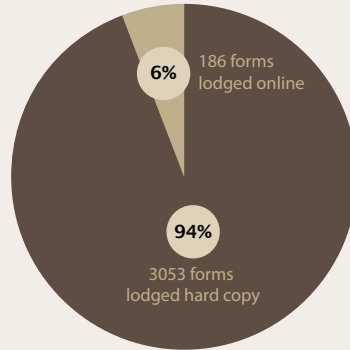
It includes two online public registers—the Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers. It also allows corporations to lodge forms with ORIC online.

### Lodging electronically

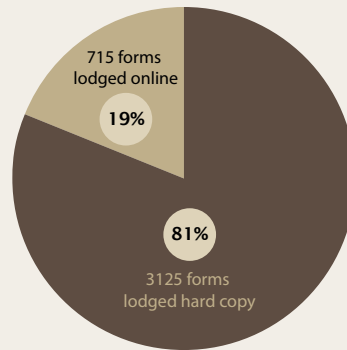
In 2011–12, 31 per cent of all forms were lodged electronically with ORIC. This represents a significant increase from the two previous financial years.

Forty-two per cent of all annual returns were lodged electronically, again a significant increase from last year's 18 per cent.

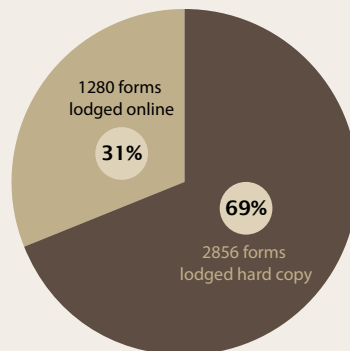
**Figure 9: Forms lodged online, 2009–10 to 2011–12**



2009–10 forms lodged online/hard copy



2010–11 forms lodged online/hard copy



2011–12 forms lodged online/hard copy

Lodging electronically through ORIC's online lodgment website (<https://online.oric.gov.au>) makes lodging forms easier and more convenient for corporations.

All 17 prescribed forms under the CATSI Act are available online, helping corporations to update their public information and/or submit change requests.

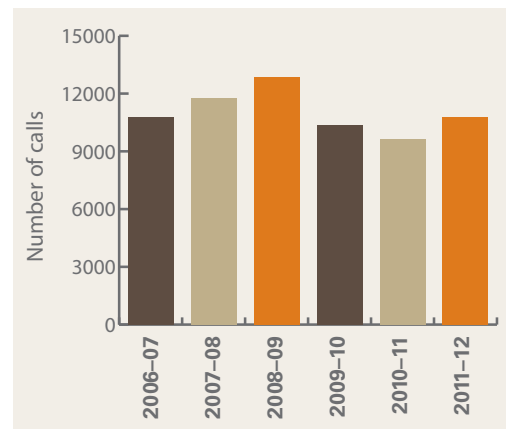
These forms are:

- ➔ general report
- ➔ notification of a change to corporation address/contact details
- ➔ notification of a change to corporation officers' details
- ➔ list of names and addresses of members
- ➔ exemptions (eight forms)
- ➔ application for registration (general)
- ➔ request to change corporation's rule book
- ➔ request to change corporation's name
- ➔ voluntary deregistration
- ➔ application for reinstatement.

## Call centre operation

ORIC provides a personal information and advice service to clients. A high percentage of initial contact with corporations is through the freecall telephone service. ORIC received 10 762 calls on its freecall number this financial year, compared to 9644 calls the previous financial year. In early 2012–13 ORIC will make enhancements to this service, introducing a call recording and monitoring system for training and coaching purposes.

**Figure 10:** Number of calls to ORIC's freecall number, 2006–07 to 2011–12



[Staff] were excellent. Very helpful and friendly as well as understanding and able to forward me to the appropriate area for support.

Client response, ORIC client survey



# Regulation

## Examinations

The CATSI Act provides the Registrar with the power to examine the books of an Aboriginal and Torres Strait Islander corporation.

The Registrar's annual examination program is aimed at improving the standards of corporate governance and financial management within corporations that are registered under the CATSI Act. Each corporation that is subject to an examination under the program is provided with extensive feedback on the outcomes of the examination. The feedback is designed to facilitate improved corporate governance.

ORIC has a monitoring program in place following the completion of an examination where ORIC works closely with the corporation for a period of time after each examination to help resolve governance issues of concern identified by an examination.

Examinations contribute towards the intent of the CATSI Act as a special measure to advance and protect the interests of Aboriginal and Torres Strait Islander people and their respective cultures. It is an important measure particularly where a corporation is publicly funded, provides essential services or community infrastructure, or holds interests in native title.

ORIC's policy statement 25: *Examinations* sets out more detailed information about examinations. The policy statement is available on the ORIC website.

ORIC completed 61 formal examinations of corporations in 2011–12 as set out in the following tables.

**Table 6: Examinations by state/territory, 2011–12**

Location by state/territory	Number of exams
Australian Capital Territory	0
New South Wales	17
Victoria	8
South Australia	0
Western Australia	10
Northern Territory	13
Queensland	13
Tasmania	0
<b>Total</b>	<b>61</b>

The 2011–12 examination program focused on the following sectors:

**Table 7: Examinations by sector, 2011–12**

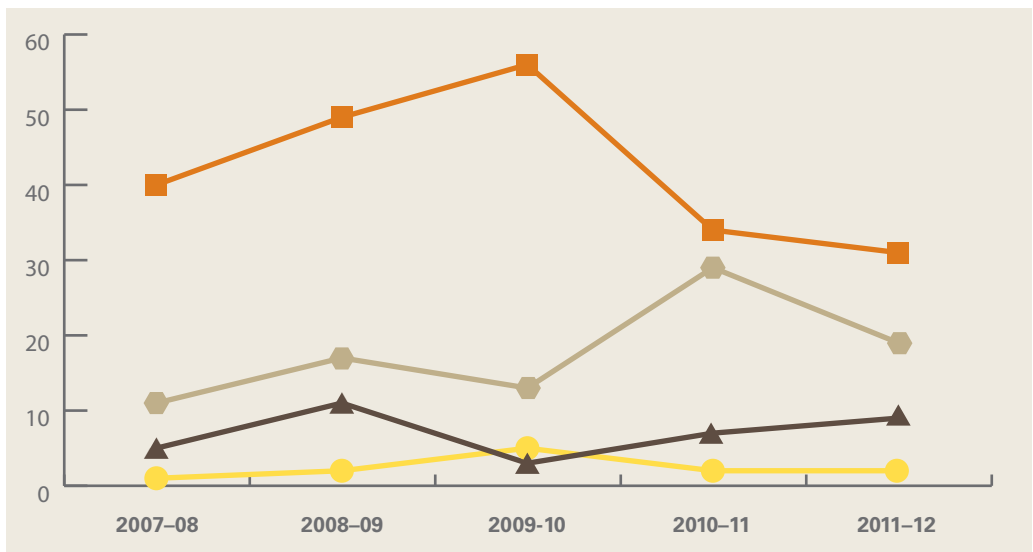
Sectors	Number of exams
Health (including aged care and child care)	11
Native title representative body (NTRB)	2
Native title	9
Community stores	3
CDEP	2
Community councils	6
Housing	10
Employment and training	2
Land management	8
Art centres	2
Schools	2
Other (Link-up, womens, legal services, municipal services)	4
<b>Total</b>	<b>61</b>

## Outcomes of examinations

Of the 61 examinations conducted on corporations in 2011–12, the outcomes were as follows:

- 19 corporations (31 per cent) were operating well and required no further action, they were sent a management letter
- 31 corporations (51 per cent) required rectification of less serious matters which were settled through the issue of a compliance notice under section 439-20 of the CATSI Act
- 9 corporations (15 per cent) had serious findings and were issued with notices under section 487-10 of the CATSI Act to show cause why the corporations should not be placed under special administration
- 2 corporations (3 per cent) were asked to seek advice about a possible insolvent position.

**Figure 11: Outcomes of examinations, 2007–08 to 2011–12**



Examination outcomes	2007-08	2008-09	2009-10	2010-11	2011-12
Management letters	11	17	13	29	19
Compliance notices (s. 439-20)	40	49	56	34	31
Show cause notices (s. 487-10)	5	11	3	7	9
Possible insolvencies and other	1	2	5	2	2
<b>Total</b>	<b>60</b>	<b>81</b>	<b>77</b>	<b>72</b>	<b>61</b>

## **CASE STUDY: Examination** resulting in a management letter

The Illawarra Aboriginal Medical Service Aboriginal Corporation was incorporated on 12 June 1984.

The corporation is based in Wollongong, New South Wales and has 98 members and a board of seven directors.

The corporation operates an Aboriginal medical centre which provides culturally appropriate services to the Aboriginal and Torres Strait Islander community in the Illawarra region. The services and programs currently offered include a general practice (GP) service, dental program and community health services.

The corporation is funded by the Commonwealth Department of Health and Ageing, NSW Department of Community Services, NSW Ministry of Health, South Coast Aboriginal Medical Service, South Eastern Sydney and Illawarra Area Health Service, Department of Families, Housing, Community Services and Indigenous Affairs and the Pharmacy Guild. The general practice and health services also generate Medicare income.

The corporation operates from two clinics based in Wollongong and Dapto. The Dapto health service is relatively new as it was established last year using Medicare funding.

The corporation was identified for examination as part of the Registrar's annual rolling program of examinations.

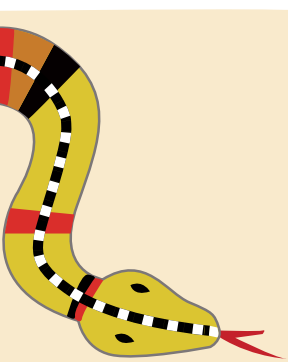
The examiners reported that the standard of corporate governance was sound and the financial management of the corporation very strong. The overall examination revealed that the directors of the corporation have a good understanding of governance principles as demonstrated by their knowledge of the corporation's rule book and objectives. Annual general meetings are conducted within the required timeframe and directors' meetings are generally held on a monthly basis.

ORIC issued the corporation with a management letter after the examination.





Mangroves, Lake Illawarra





## Special administrations

Special administrations enable the Registrar to provide early proactive regulatory assistance when corporations experience financial or governance difficulties.

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

Before a corporation is placed under special administration it is usually accorded natural justice through a show cause procedure. The corporation is invited to respond and say why it should not be placed under special administration. The length of time a corporation has in which to show cause to the Registrar will depend on the circumstances of a particular corporation, but it is the usual practice of the Registrar to allow at least 14 days.

The aims of every special administration are usually to achieve one or more of the following outcomes:

- ➔ restore good operational order to the corporation—usually when the corporation is not complying with a provision of the CATSI Act or its rule book, is experiencing financial difficulties or there is a dispute within the corporation
- ➔ restructure the corporation—for example, where the directors or members ask the Registrar to intervene to review the governance structures of the corporation or restructure its business.

The grounds for special administrations are broad. They are not restricted to insolvency or the inability to pay a debt. Section 487-5(1) of the CATSI Act outlines the grounds on which the Registrar can determine to place a corporation under special administration.

### Number of corporations placed under special administration

At the start of 2011–12, two special administrations continued on from the previous year, 11 new special administrations were commenced and nine ended during 2011–12, leaving four special administrations in progress as at 30 June 2012.

Six of the new special administrations (or 55 per cent) in 2011–12 were started after the directors asked the Registrar for assistance.

All nine special administrations (100 per cent) that ended during 2011–12 resulted in the corporation being handed back to its members.

**Table 8: Corporations where new administrators were appointed, 2011–12**

<b>Date appointed</b>	<b>ICN</b>	<b>Corporation</b>	<b>Special administrators</b>	<b>Date ended or due date</b>	<b>Outcome</b>	<b>Location</b>
18 Jul 2011	16	Mitakoodi Aboriginal Corporation	Glen Walker	9 Dec 2011	Handed back to members control	Qld
2 Sep 2011	2867	Dunghutti Elders Council (Aboriginal Corporation) RNTBC	Tim Gumbleton and Andrew Bowcher	1 Mar 2012	Handed back to members control	NSW
28 Nov 2011	27	Durri Aboriginal Corporation Medical Service	Peter McQuoid	31 May 2012	Handed back to members control	NSW
5 Dec 2011	7443	Pinanyi Store Aboriginal Corporation	Austin Taylor and Stuart Reid	9 Mar 2012	Handed back to members control	WA
5 Mar 2012	4641	North Australian Aboriginal Family Violence Legal Service - Aboriginal Corporation	Austin Taylor and Stuart Reid	29 Jun 2012	Handed back to members control	NT
12 Mar 2012	108	KASH Aboriginal Corporation	Glen Walker	25 Mar 2012	Handed back to members control	Qld
21 Mar 2012	7333	Western Australian Family Violence Prevention Legal Service Aboriginal Corporation	Jack James and Paula Cowan	29 Jun 2012	Handed back to members control	WA
12 Dec 2011	1816	Katungul Aboriginal Corporation Community and Medical Services	Alan Eldridge	28 Sep 2012	In progress as at 30 June 2012	NSW
23 Jan 2012	7657	Laynhapuy Homelands Aboriginal Corporation	Gerry Mier	31 Aug 2012	In progress as at 30 June 2012	NT
26 Apr 2012	1511	Six Rivers Aboriginal Corporation	Danny Keep and Natasha Keep	28 Sep 2012	In progress as at 30 June 2012	Tas
30 Apr 2012	3214	Walhallow Murri Enterprise Aboriginal Corporation	Peter Saunders	28 Oct 2012	In progress as at 30 June 2012	NSW

**Table 9: Corporations with administrations continuing from 2010–11**

<b>Date appointed</b>	<b>ICN</b>	<b>Corporation</b>	<b>Special administrators</b>	<b>Date ended</b>	<b>Outcome</b>	<b>Location</b>
2 Feb 2011	594	Angkerle Aboriginal Corporation	Andrew West	31 Aug 2011	Handed back to members control	NT
1 Mar 2011	3649	Karlka Nyiyaparli Aboriginal Corporation	Jack James	31 Aug 2011	Handed back to members control	WA



Broome, WA



Pilbara, WA

## CASE STUDY: Request from directors for assistance

The Western Australian Family Violence Prevention Legal Service Aboriginal Corporation (WAFVPLS) was incorporated on 22 February 2010 under the CATSI Act.

WAFVPLS operates a specialised legal service for Aboriginal and Torres Strait Islander people. The service also addresses education and prevention aspects and provides legal support for clients in cases of domestic and family violence and sexual abuse.

The service is funded primarily by grants provided by the Commonwealth Attorney-General's Department.

The corporation's head office is in Perth with service delivery conducted through six regional offices—Kununurra, Broome, Carnarvon, Geraldton, South Hedland and Kalgoorlie.

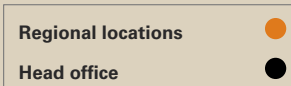
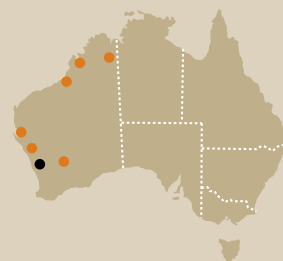
On 16 February 2012 the Registrar received a request from the corporation's chairperson on behalf of the directors asking for the appointment of a special administrator.

Mr Jack James and Ms Paula Cowan from the West Australian firm of Palisade Business Consulting were subsequently appointed as joint and several special administrators on 21 March 2012.

The special administration was undertaken for a period of six months. The main outcomes of the special administration were:

- stabilising the corporation to ensure its services continued
- putting a new board of directors in place with two independent professional directors
- developing a new rule book to provide a more appropriate governance framework
- engaging a new interim CEO while putting a process in place to fill the position
- filling senior management positions at the corporation
- holding the corporation's AGM for 2011
- undertaking broad consultation with members
- restoring funding bodies' confidence in the corporation and securing ongoing funding.

The special administration has delivered increased service levels and improved quality of services for clients.





## Investigations and prosecutions

### Reporting requirements under the CATSI Act

Each year medium and large corporations registered under the CATSI Act are required to lodge a general report, a financial report and an audit report with the Registrar of Indigenous Corporations, unless they receive an exemption. Reports must be lodged with the Registrar every year between 1 July and 31 December. Corporations that don't lodge their 2011–12 reports by 31 December 2012 could face prosecution, along with secretaries of large corporations. The maximum penalty for each report not lodged is \$13 750 for corporations and \$550 for secretaries. The required contents of reports for each corporation will vary.

### Criminal matters

#### Matters in progress

##### **Prosecutions for non-compliance with reporting requirements 2010–11**

On 27 April 2012 the Registrar completed the referral of briefs to the CDPP against 92 corporations who had failed to comply with their obligations to lodge reports.

The CDPP has commenced laying charges in these matters.

##### **Prosecutions for non-compliance with reporting requirement 2009–10**

Between 21 July 2011 and 21 June 2012 the remaining 22 prosecutions commenced in 2010–11 were finalised before the courts in the Northern Territory, Queensland, New South Wales and Western Australia.

Eight corporations were convicted and fined, while the remainder had their matters proved but no conviction recorded—section 19B of the *Crimes Act 1914* (Cwlth).

### Civil matters

#### Commenced

##### **Dunghutti Elders Council (Aboriginal Corporation) RNTBC v Registrar & Ors—HCA S290 of 2011**

Dunghutti Elders Council (Aboriginal Corporation) RNTBC challenged the right of the Registrar to place the corporation under special administration. The matter went

before the Federal Court, Full Federal Court and ultimately the High Court of Australia, which rejected an application by the corporation for an injunction to prevent the Registrar from placing it under special administration. The corporation was placed under special administration on 2 September 2011.

**Registrar v Gerald Hoskins—  
NSD 2281 of 2011**

On 16 December 2011 the Registrar applied for freezing orders under section 576-20 of the CATSI Act against the former CEO of Durri Aboriginal Corporation Medical Service (Durri). The orders were sought after ORIC conducted an examination of the corporation that revealed bonuses were paid to Mr Hoskins without evidence that these payments were approved by the directors.

**Registrar v Gerald Hoskins—  
NSD 717 of 2012**

On 25 May 2012 the Registrar commenced civil penalty proceedings in the Federal Court in Sydney against the former CEO of Durri. The proceedings alleged that in 2010 and 2011 Mr Hoskins arranged for bonus payments to himself, charged expenses of a personal nature to his corporate credit card and approved unauthorised payments to related parties of Durri.

**Registrar v Damien Matcham &  
Ors—NSD 119 of 2012**

On 25 January 2012 the Registrar applied for freezing orders under section 576-20 of the CATSI Act against

the former CEO of Katungul Aboriginal Corporation Community and Medical Services (Katungul). The orders were sought after ORIC conducted an examination of the corporation which revealed a number of unauthorised payments to Mr Matcham.

**Registrar v Damien Matcham—  
NSD 908 of 2012**

On 28 June 2012 the Registrar commenced civil penalty proceedings against the former CEO of Katungul, alleging contraventions of the CATSI Act. The Registrar is seeking a pecuniary penalty of up to \$200 000, compensation orders and an order disqualifying Mr Matcham from managing Aboriginal and Torres Strait Islander corporations.

**Registrar v Ponto & Ors—  
NTD 8 of 2011**

On 16 May 2011 the Registrar commenced a civil penalty action under the CATSI Act against four former directors and an employee of the Ngukurr Progress Aboriginal Corporation. The action seeks an order disqualifying them from managing Aboriginal and Torres Strait Islander corporations.

The matter had hearings in Darwin (8–10 August 2011) and in Canberra (11 November 2011), and the court received further affidavit evidence in May and June 2012. Judgment is pending.

# Governance: support services

## Training

Training is part of the Registrar's regulatory function to provide public education programs to improve the corporate governance of Aboriginal and Torres Strait Islander corporations.


ORIC's training programs aim to increase corporate governance knowledge, skills, efficiency and accountability within corporations. Training is available to directors, members and key staff through residential training in ORIC's Managing in Two Worlds program; and in workshops delivered in community through corporation-specific programs.

The Managing in Two Worlds (MITW) program includes:

- ➔ Introduction to Corporate Governance (ICG) workshops held over three days
- ➔ an accredited Certificate IV in Business (Governance) which is delivered in four one-week blocks
- ➔ an accredited Diploma of Business (Governance) which is delivered in five one-week blocks
- ➔ Building Strong Stores (BSS) which is a three-day program designed specifically for corporations that manage a community store.

Corporation-specific training (CST) is provided to individual corporations who request training. It is usually held at a corporation's premises or within the community. CST training is delivered over one or two days. The range of CST workshops includes:

- ➔ pre-incorporation doorway training (including transfers and amalgamations), provides information on the CATSI Act requirements and processes for an organisation to become incorporated under the CATSI Act
- ➔ rule book design and re-design which is targeted at helping corporations to develop a rule book under the CATSI Act
- ➔ corporation/post-administration governance training that addresses specific governance issues a corporation may have; post-administration training focuses on the underlying issues that led to the special administration
- ➔ general meetings training that provides practical information on preparing for and holding a general meeting of a corporation.



Albert Naruraidj and Ricky Gurruwiwi, directors from Yagbani Aboriginal Corporation, Goulburn Islands, NT with ORIC's Russell Styche (standing).

## Overall training delivered

The aim for 2011–12 was to deliver training to 400 people from 100 corporations with a satisfaction rating of 90 per cent. ORIC delivered training to 629 participants from 154 individual corporations with a satisfaction rating across all programs of 100 per cent where participants indicated that the training they had received was either 'satisfactory', 'good' or 'excellent'.

**Table 10: Overall training delivered, 2011–12**

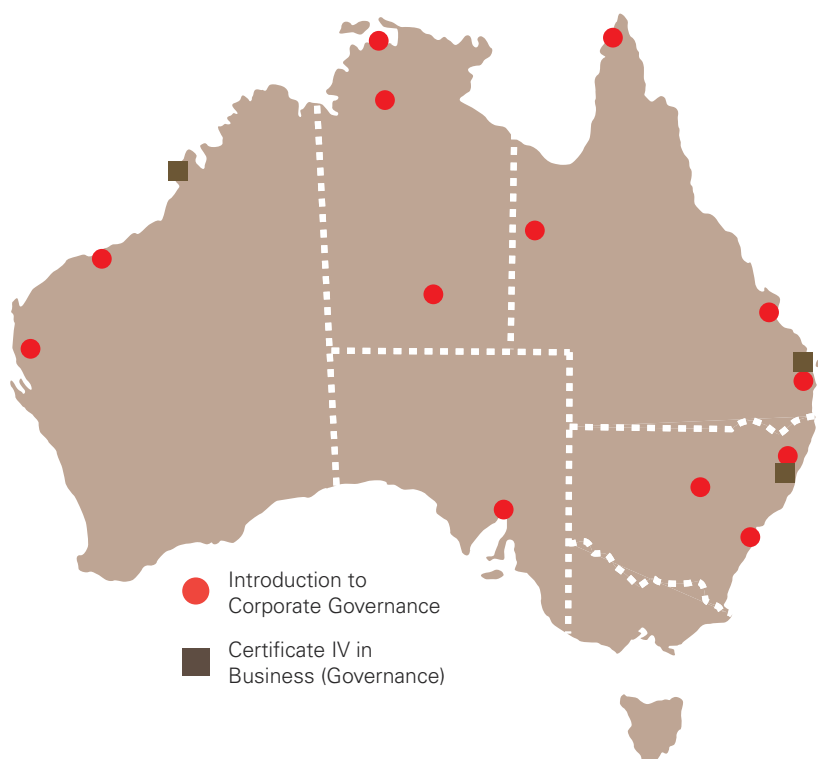
	Estimate	Actual
Participants	400	629
Corporations	100	154
Satisfaction	90%	100%

## Introduction to Corporate Governance (ICG)

The ICG workshops introduce key concepts and principles of good corporate governance for Aboriginal and Torres Strait Islander corporations. This program is the pre-requisite for the accredited Certificate IV in Business (Governance).

ORIC delivered 13 ICG workshops across Australia in 2011–12. A total of 290 people participated in an ICG, representing 122 corporations, as indicated on the following map and in the following table.

**Figure 12: Map of MITW training delivered, 2011–12**



**Table 11: Introduction to Corporate Governance, 2011–12**

Date	Location	Participants	Corporations
July 2011	Port Hedland (WA)	19	8
Sep 2011	Brisbane (Qld)	26	12
Sep 2011	Dubbo (NSW)	25	12
Sep 2011	Darwin (NT)	21	7
Oct 2011	Mt Isa (Qld)	18	7
Nov 2011	Port Augusta (SA)	20	9
Nov 2011	Thursday Island (TI)	23	13
Feb 2012	Batemans Bay (NSW)	21	9
Feb 2012	Geraldton (WA)	24	11
Feb 2012	Katherine (WA)	27	8
Mar 2012	Kempsey (NSW)	21	8
May 2012	Alice Springs (NT)	20	9
June 2012	Bundaberg (Qld)	25	9
<b>Total</b>	<b>13</b>	<b>290</b>	<b>122</b>

## Certificate IV in Business (Governance)

ORIC funded three Certificate IV courses in 2011–12. The final block of the Broome and Port Macquarie courses was delivered in August and September. Because of flooding in these areas, the start of both courses was postponed with the result that participants completed the courses in 2011–12. Four blocks of Certificate IV in Business (Governance) were delivered in Brisbane. The Broome course targeted participants from Western Australia while those for the Port Macquarie course came from Queensland and NSW. Participants in the Brisbane course were drawn from Queensland and ACT.

**Table 12: Certificate IV in Business (Governance), 2011–12**

Location	Number of students graduating
<b>Broome</b>	
Block 3: 25–29 July 2011	8
Block 4: 29 August to 2 September 2011	
<b>Port Macquarie</b>	
Block 3: 11–15 July 2011	11
Block 4: 15–19 August 2011	
<b>Brisbane</b>	
Block 1: 27 February to 2 March 2012	15
Block 2: 16–20 April 2012	
Block 3: 14–18 May 2012	
Block 4: 11–15 June 2012	



## Diploma of Business (Governance)

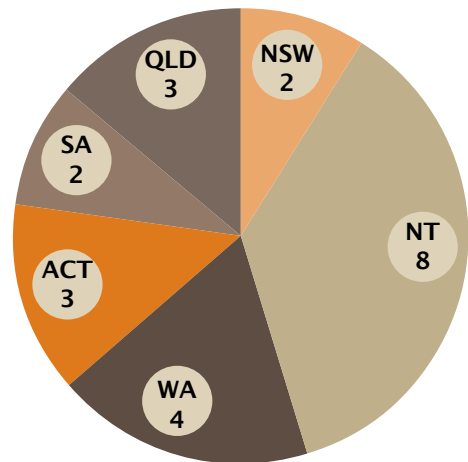
ORIC did not sponsor a diploma course in 2011–12.

## Corporation-specific training

In 2011–12 ORIC delivered 22 corporation-specific workshops to 280 participants from 25 separate corporations. The most commonly requested and delivered training was in governance with 17 workshops delivered, followed by doorway workshops (three workshops) and rulebook design and Building Strong Stores workshops (one each).

Most CST workshops were delivered in the Northern Territory which reflects the distribution of corporations registered under the CATSI Act. Many of the workshops were in remote locations including the APY Lands, far north Western Australia and the Goulburn Islands.

**Figure 13:** Corporation-specific training by state/territory, 2011–12



Certificate IV graduation, Brisbane

**Table 13:** Corporation-specific training workshops delivered, 2011–12

Date	Workshop/location	Participants	Corporations
July 2011	Bega (NSW)	10	1
July 2011	Maxwell Creek (Tiwi Islands)	15	1
Aug 2011	Carnarvon (WA)	6	1
Aug 2011	Mutitjulu (NT)	13	1
Aug 2011	Congress (NSW)	8	1
Sep 2011	Canberra (ACT)	8	1
Oct 2011	APY Lands (SA)	28	7
Nov 2011	Tjuntjunjara Community via Kalgoorlie (WA)	9	1
Feb 2012	Darwin (NT)	11	1
Mar 2012	Townsville (QLD)	73	1
Mar 2012	Canberra (ACT)	8	1
Apr 2012	Katherine (NT)	13	1
Apr 2012	Kempsey (NSW)	9	1
May 2012	Craiglie (NSW)	14	1
May 2012	Cloncurry (QLD)	5	1
May 2012	Alice Springs (NT)	8	1
May 2012	Alice Springs (NT)	2	1
May 2012	Goulburn Island (NT)	12	1
June 2012	Halls Creek (WA)	9	1
June 2012	Halls Creek (WA)	8	1
June 2012	Kununurra (WA)	2	1
June 2012	Yarralin (NT)	9	1
<b>Total</b>	<b>22</b>	<b>280</b>	<b>25</b>



CST training, directors from Yagbani Aboriginal Corporation, Goulburn Islands, NT

## Corporate governance training and support program

A pilot program for corporate governance training and mentoring for Local Aboriginal Corporations (LACs) in the Pilbara region began in March 2011. The program was specifically designed for four traditional-owner groups in the Pilbara region of Western Australia with whom Rio Tinto was negotiating historic mining agreements.

ORIC developed one-day and two-day training programs, both programs were designed to suit the specific governance requirements of the LACs. To date the following formal programs have been delivered by ORIC:

- ➔ Kuruma Marthudunera Aboriginal Corporation, one-day induction training for new directors
- ➔ PKKP Aboriginal Corporation, one-day induction training for new directors and two-day corporate governance training workshop
- ➔ Karlka Nyiyaparli Aboriginal Corporation, one-day induction training for new directors

**Table 14: Corporation-specific training (LAC) workshops delivered, 2011–12**

Date	Location	Participants
November 2011	Karratha	5
December 2011	Karratha	8
January 2011	Karratha	4
March 2012	Port Hedland	6
<b>Total</b>		<b>23</b>

## Partnerships

ORIC has entered into training partnerships with a number of state and territory governments as follows:

### Victorian partnership

ORIC has had a partnership with Aboriginal Affairs Victoria and Consumer Affairs Victoria since 2006. The current MOU was re-signed on 12 March 2010 for another three years. ORIC continues to provide the Victorian partners with a non-exclusive licence to use the Managing in Two Worlds training packages.

### NSW partnership

A memorandum of understanding with New South Wales Fair Trading was signed in October 2010. Under this MOU, ORIC delivers workshops in NSW which are open to participants from NSW-registered associations.

### Western Australia partnership

A memorandum of understanding with the Department of Indigenous Affairs Western Australia and Department of Commerce Western Australia was signed in September 2010. Under this MOU, ORIC delivers training in WA which is open to participants from WA-registered associations.

## Highlights

In December 2010 the National Quality Council endorsed ORIC's Certificate IV in Business (Governance) BSB41910 and the Diploma of Business (Governance) BSB50710. These qualifications came into effect in January 2011.

The Brisbane Certificate IV in Business (Governance) was the first course delivered by ORIC under the new qualification. ORIC and Aboriginal Affairs Victoria worked together to develop 12 new learning resources to support students in this qualification.




ICG training, Bundaberg, Qld



## **CASE STUDY:** Cherbourg Indigenous Corporation Men's Empowerment

In early February 2012 the Cherbourg men's group contacted ORIC for help to register a corporation. Despite hurdles such as flooding which prevented face-to-face meetings, ORIC officers teleconferenced with the men's group to draft the organisation's rule book. The Cherbourg Indigenous Corporation Men's Empowerment was registered on 19 April 2012. Directors of the newly formed corporation then attended ORIC's ICG training in Bundaberg from 5–7 June 2012. One of the directors, Noel Blair, provided ORIC with the following feedback:



The Governance Training for me provided new energy and hope for our people and communities ... who need to have an understanding of their roles and responsibilities for good management. Over the years I have observed and witnessed activities and behaviours that required action, but because of intimidation and community politics it was difficult for people to voice their concerns. ORIC and the CATSI Act provide that mechanism for concerned people to raise the issues, and as long as they are justified with evidence, they will have the confidence and assurance that something will happen.

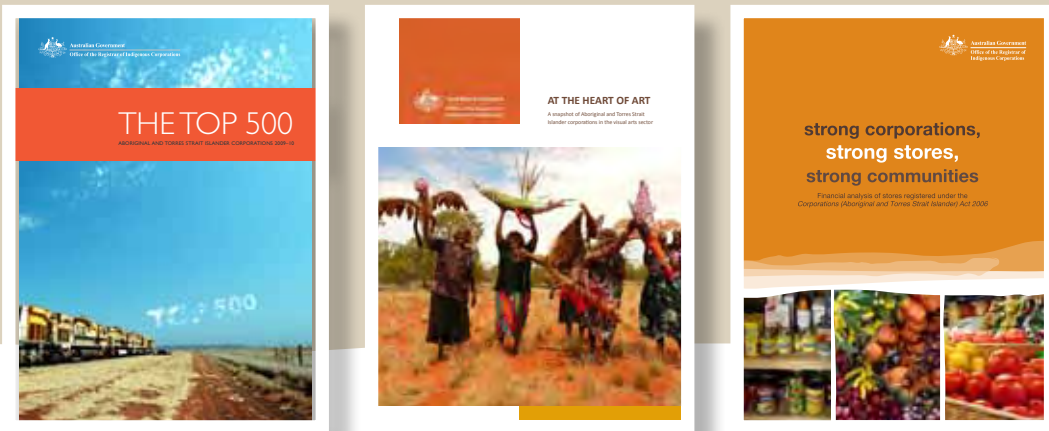


ORIC training materials

## Communications and research

The communications and research section has responsibility for overseeing ORIC's communications and policies, including managing ORIC's publications, research, events, key corporate documents, website and media liaison.

Research publications published in this financial year include:



### The top 500 Aboriginal and Torres Strait Islander corporations 2009–10

In August 2011 ORIC published its third report on the 500 highest earning corporations registered under the CATSI Act for the financial year 2009–10. The detailed analysis collates and compares a range of data provided by corporations as part of their annual reporting obligations.

*The top 500 Aboriginal and Torres Strait Islander corporations 2009–10* ranks corporations according to their income.

Among key findings the report shows that the combined income of the top 500 corporations in 2009–10 totalled \$1.6 billion which, when compared to the 2008–09 financial year, represents a decrease of 1.6 per cent (\$18.8 million).

In comparison to 2008–09, the report also finds that the average income of the top 500 corporations decreased by 1.6 per cent to \$2.33 million.

Yet, pleasingly, 286 corporations improved their rankings from 2008–09.

Aboriginal-owned Bawinanga Aboriginal Corporation (BAC) in Maningrida, several hundred kilometres east of Darwin, ranked second in the top 500 and is included in the report as a case study. In 2009–10, with total revenue in excess of \$34 million and approximately \$15 million in assets, BAC is a significant contributor to the local economy.

## **At the heart of art: a snapshot of Aboriginal and Torres Strait Islander corporations in the visual arts sector**

In early June 2012 ORIC published its findings of Aboriginal and Torres Strait Islander corporations active in the visual arts sector over the past four financial years. The sample group comprised 101 corporations. The aim was to find out how corporations immersed in the visual arts sector were faring.

Although the visual arts sector experienced rapid growth over the past three decades, the report found a noticeable downturn since 2007, in some part due to the global financial crisis. For example, the report confirmed that average art sales revenue generated per corporation decreased by over 51 per cent.

The report also finds a number of common characteristics among corporations involved in the visual arts—for example most have:

- ➔ membership of one or more peak industry body
- ➔ registered for tax concessions and/or exemptions
- ➔ adapted their rule book to reflect the specialised nature of their activities
- ➔ women directors
- ➔ an 'open door' policy insofar as any community member is welcome to participate in art activities.

At the heart of art report includes a number of diverse corporation profiles.

## **Strong corporations, strong stores, strong communities**

Published in August 2011, this report provides an overview of the compliance and financial trends of community stores owned by corporations registered under the CATSI Act from 2005–06 to 2009–10.

The report looks at 61 Aboriginal and Torres Strait Islander corporations around Australia that provide community store facilities. Among its findings:

- ➔ a significant increase in the level of reporting compliance under the CATSI Act
- ➔ overall growth in annual income
- ➔ improved liquidity (as shown by an overall rise in the ratio of current assets to current liabilities)
- ➔ a rise in the percentage of stores trading profitably.

The report also concludes that increased financial transparency under the CATSI Act has helped to eradicate poor financial management practices of community stores.

**All ORIC reports can be downloaded from the ORIC website ([www.oric.gov.au](http://www.oric.gov.au)).**

## Spotlight on

Every month ORIC features a good news story on its website about a CATSI Act corporation. ORIC encourages corporations to share their special projects, awards or good news stories.



**July 2011:** Barengi Gadjin Land Council  
Aboriginal Corporation



**August 2011:** Red Lily Health Board  
Aboriginal Corporation



**September 2011:** Orana Haven  
Aboriginal Corporation



**October 2011:** Karlka Niyiyaparli  
Aboriginal Corporation



**November 2011:** Maari Ma Health  
Aboriginal Corporation



**December 2011:** Ngaanyatjarra Council  
(Aboriginal Corporation)





**January 2012:** Kalkadoon Native Title Aboriginal Corporation



**February 2012:** Saltwater Freshwater Arts Alliance Aboriginal Corporation



**March 2012:** Bina-waji Nyurra-nga Aboriginal Corporation



**April 2012:** Karrabing Indigenous Corporation



**May 2012:** Budamurra Aboriginal Corporation



**June 2012:** Jabalbina Yalanji Aboriginal Corporation RNTBC

## Fact sheets

There are a range of fact sheets and guides about the legislation. For example, *Get in on the Act* and *Corporation reporting guide*.

Current fact sheet topics include:

- ➔ Amalgamation—information for existing corporations
- ➔ Special administrations: what members and directors should know
- ➔ Special administrations: what funding agencies, creditors and employees should know
- ➔ Disqualification from managing corporations under the CATSI Act
- ➔ Secretaries and contact persons
- ➔ Corporation size and financial reporting
- ➔ Related party financial benefits
- ➔ Meetings
- ➔ What's in the corporation's rule book?
- ➔ What the CATSI Act means for funding bodies
- ➔ Duties of directors and other officers
- ➔ Native title
- ➔ The CATSI Act and the Corporations Act—some differences

Guidance on legislation is also provided through policy statements. There were 24 policy statements available at 30 June 2012.

Forty-four media releases were issued in 2011–12, compared to 32 in the previous year.











Outside Tjuntuntjara community, WA





# Other initiatives

# LawHelp

LawHelp is a pro bono legal scheme designed to assist not-for-profit Aboriginal and Torres Strait Islander corporations registered under the CATSI Act. It was set up by the Registrar, with the support of the Australian Government Solicitor, volunteer lawyers and major Australian legal firms, in response to a clear need.

Between 1 July 2011 and 30 June 2012 there were 11 participating lawyers and law firms on the LawHelp panel:

- ➔ Allens
- ➔ Ashurst
- ➔ Australian Government Solicitor (AGS)
- ➔ Clayton Utz
- ➔ DLA Piper Australia
- ➔ HWL Ebsworth Lawyers
- ➔ Jackson McDonald
- ➔ Minter Ellison Lawyers
- ➔ Peter Tree SC—Derwent and Tamar Chambers, Tasmania
- ➔ Williams, Love and Nicol
- ➔ Tress Cox

**LawHelp is a great service; appreciated the follow up too.**

Client response, ORIC client survey



**Above:** Anton Hermann, Minter Ellison Lawyers; David Hillard, Clayton Utz and Nicola Arvidson, TressCox Lawyers provided pro bono advice through LawHelp

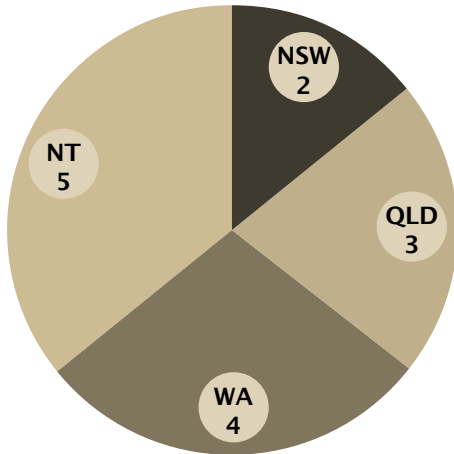
The LawHelp assessment panel consists of three members—the manager of pro bono services from the Australian Government Solicitor, a lawyer formerly from ACT Legal Aid (now in community services) and an Aboriginal lawyer with the Department of Health and Ageing. ORIC manages the LawHelp secretariat and provides administrative support.

Approximately 60 per cent of Aboriginal and Torres Strait Islander corporations are located in remote or very remote parts of Australia and do not have ready access to quality legal services.

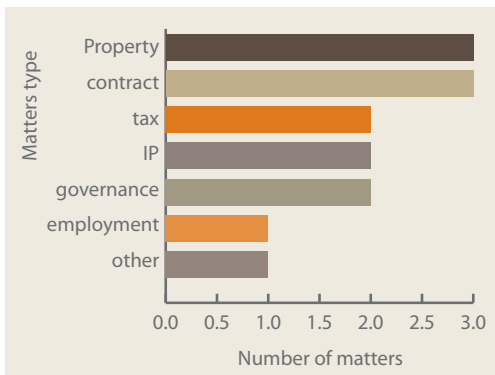
Corporations registered under the CATSI Act can apply to LawHelp for assistance with a range of legal matters, from basic tax issues to drafting employment contracts to interpreting the law. The scheme cannot help with matters already funded by government such as native title, criminal matters, or legal action in any court or tribunal, or matters that could conflict with the interests of the Australian Government. LawHelp can only help corporations not individuals.

During the year 14 applications were received. Twelve of these applications were approved and successfully referred to some of Australia’s top law firms. The two remaining applications were pending further action.

**Figure 14: LawHelp applications by state and territory, for 2011–12**



**Figure 15: Lawhelp, types of matters received for 2011-12**



LawHelp application forms and guidelines are available at [www.oric.gov.au](http://www.oric.gov.au) or by emailing [LawHelp@oric.gov.au](mailto:LawHelp@oric.gov.au) or by telephoning freecall on 1800 622 431 (not free from mobiles).

## Partnering with the ANU

In partnership with the Australian National University (ANU), ORIC was awarded an Australian Research Council linkage project over a period of three years. ORIC will contribute a total of \$90 000 over the three years as well as in-kind support. The project began in July 2010 and is scheduled to end on 30 June 2013.

The main objective of this project is to evaluate how Aboriginal and Torres Strait Islander corporations can improve their accountability to government and to the Aboriginal and Torres Strait Islander communities they represent. The research is conducted by a post-doctoral fellow and a PhD scholar from the ANU. After an initial year of research, collecting data directly from corporations, as well as extracting information contained in ORIC’s databases, this phase is now completed. The data has been analysed and both researchers have written papers on the outcome of the research. The PhD scholar is in the process of finalising his thesis. The research will inform ORIC’s governance training in communities and assist in measuring the effectiveness of ORIC services to Aboriginal and Torres Strait Islander communities.

# Secondment



Jon Rogers, CEO of Katungul, meeting members of the community



Former interim CEO David Kennedy (left) and current CEO Jon Rogers flank the Gulaga dancers— Warren Foster Jnr, Trey Parsons, Nicholas Hoskins, Trey Baxter, group leader Warren Foster and Matthew Parsons.  
Photo: Narooma News

When a secondment opportunity came up for ORIC's Jon Rogers at the Katungul Aboriginal Corporation Community and Medical Services, he grabbed it with both hands.

Katungul, a CATSI corporation located in Narooma in NSW, was originally established in 1993. The corporation's focus is on delivering culturally appropriate and holistic health care to clients and to ensure that they are treated with dignity and respect. The corporation delivers services to members of Aboriginal communities between Batemans Bay and Eden.



On 12 December 2011 Katungul was placed under special administration after an examination by the Registrar revealed some serious anomalies in the corporation's financial statements.



Reception area at Katungul



Briefing new directors: Alan Eldrige (special administrator), Graham Moore, Anthony Beven (Registrar), Bunja Smith, Melissa Ellis

A few months down the track of the special administration, it became apparent that there was a need for management support to stabilise the corporation. The members and the community at large were at risk of not receiving essential medical and other services. At the time the special administrator had dismissed some management staff and the corporation had no available funds to hire anyone with the right skills to help the corporation through this difficult time.

The Registrar decided to provide managerial support for the corporation in the form of a secondment opportunity. Jon Rogers, then an ORIC employee and a qualified accountant, applied for the secondment.

Jon had some prior dealings with the corporation and its members and was eager to get involved in the process of rebuilding financial and governance capacity at Katungul.



Dr Mike Kelly MP, Melissa Ellis, Anne Greenaway, Graham Moore, Bunja Smith and Warren Snowdon MP

'The biggest challenge was to restore the confidence of major funding providers to give Katungul an opportunity to reinvent itself,' Jon said. 'Another challenge was to reinvigorate the confidence of the community in Katungul so that they could re-engage with the corporation—in short: get the money back and get the people back.'

To get the money back, Jon worked with the special administrator to put in place a range of financial mechanisms to highlight all the gaps in the service provision that needed to be addressed.

Jon's secondment term (23 April to 13 July 2012) was so successful that when the recruitment round came up for a new CEO, he applied for the job and was appointed in August 2012.

'With the Registrar's support and that of my former team members who had to pick up my workload, ORIC could put the corporation's health first. That is powerful stuff when you are trying to make a difference for the benefit of the community.'

Katungul was handed back to its members on 28 September 2012.



Alan Eldridge (special administrator) hands back the keys to one of the directors Melissa Ellis



Warren Foster and Waruu Penrith



Community members at the hand back ceremony



Anthony Beven addressing community members

# NAIDOC week

This year's NAIDOC week theme was *Spirit of the tent embassy: 40 years on*. It was held from 1–8 July 2012. This is always a special week in ORIC's calendar and staff participated in the following activities:

- ➔ the NAIDOC ball, black tie event on Saturday evening, 30 June
- ➔ ORIC stall on the Acton Peninsula, Canberra on Sunday, 1 July
- ➔ the Aboriginal and Torres Strait Islander memorial service at the Australian War Memorial on Wednesday, 4 July—as in previous years, ORIC organised a wreath and an embroidered sash
- ➔ the inter-departmental touch footy competition on Wednesday, 4 July
- ➔ the Aboriginal Hostels Limited luncheon on Friday, 6 July.



Above: ORIC wreath; ORIC staff at the 2012 Family Day NAIDOC stall and ORIC promotional materials



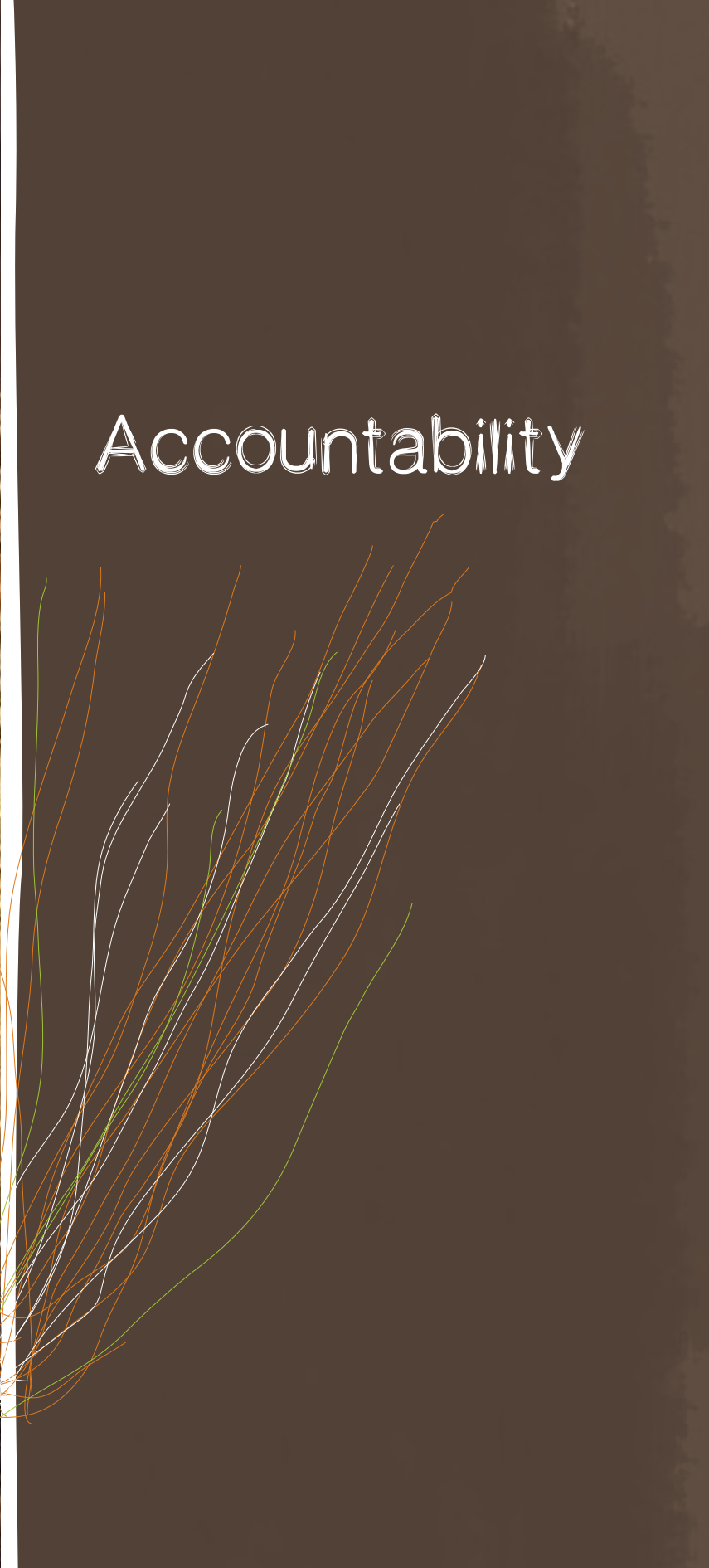
ORIC Geckos touch footy team at 2012 NAIDOC







# Accountability



## Freedom of information

The Registrar's website implements Office of the Australian Information Commissioner's model webpage, including an FOI disclosure log and the Information Publication Scheme.

Five FOI requests were made to the Registrar between 1 July 2011 and 30 June 2012. Three requests were finalised. Two requests were in progress at 30 June 2012.

## Complaints about ORIC staff

ORIC responds to complaints about its staff and contractors in accordance with policy statement 3: *Complaints about the Registrar's staff and contractors*. ORIC tries to respond promptly, thoroughly and with sensitivity to complaints. During 2011–12, three complaints about staff and contractors were received. All complaints have been resolved.

## Commonwealth Ombudsman

In 2011–12 ORIC received seven section 8 letters from the Commonwealth Ombudsman under the *Ombudsman Act 1976* in which the Ombudsman requested information to help investigate complaints to the Ombudsman.

The Registrar responded to all issues raised in the Ombudsman's letters. The Ombudsman advised that no further investigation was warranted in six complaints. One complaint still remains under consideration by the Ombudsman.

## Legal services expenditure

Table 14 is a statement of legal services expenditure by ORIC for 2011–12. The legal services expenditure is also included in the annual report of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) in compliance with paragraph 11.1(ba) of the Commonwealth’s Legal Services Directions 2005.

**Table 14: ORIC’s legal services expenditure, 2011–12**

<b>Total internal legal services expenditure (GST inclusive)</b>	<b>\$375,226.34</b>
Australian Government Solicitor	\$253,113.09
Minter Ellison	\$54,035.52
HWL Ebsworth	\$5,423.00
Total professional fees paid	\$312,571.61
Counsel briefs	\$120,355.24
Other disbursements on external legal services	\$40,107.50
<b>Total external legal services expenditure (GST inclusive)</b>	<b>\$473,034.35</b>
Number of male counsel briefed	3
Value of briefs to male counsel	\$107,389.91
Number of female counsel briefed	2
Value of briefs to female counsel	\$12,965.33





[www.oric.gov.au](http://www.oric.gov.au)

