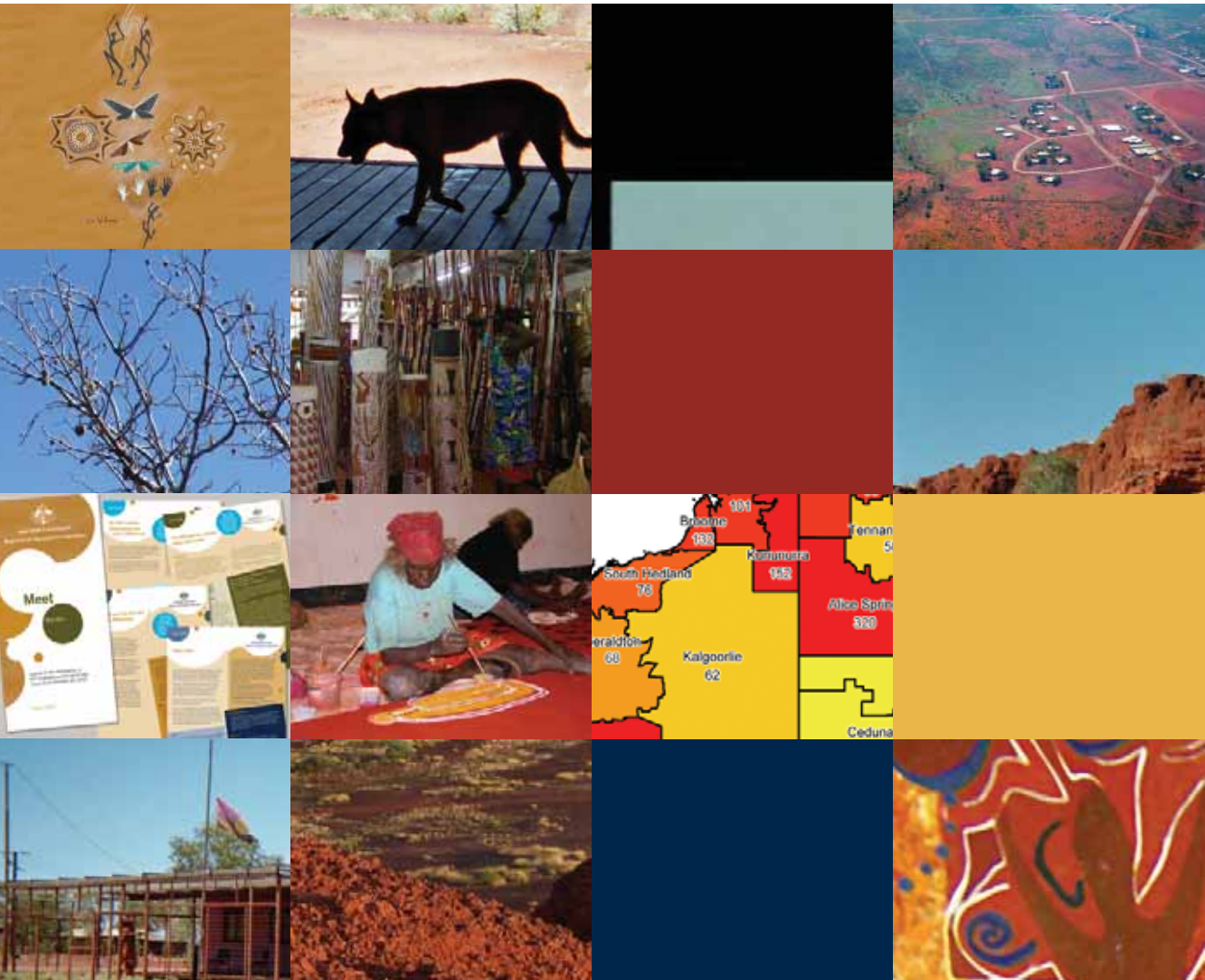




Australian Government
Registrar of Aboriginal Corporations

YEARBOOK 2004-05



How we performed in 04–05

Number of corporations

The number of corporations dropped by 128 (almost 5 per cent) to 2585, reflecting ORAC's emphasis on promoting responsible and necessary incorporation.

Information and training

46.5 one-day and half-day information sessions plus eight three-day introductory workshops, making a total of 70.5 days. Sessions were attended by more than 600 people in total.

Eight accredited courses delivered in four five-day blocks (160 days). 57 graduates received their Certificate IV in Business (Governance) in the year to 30 June 2005 (see p. 42).

ORAC conducted a review of its training in September 2005, looking at external evaluations, internal data, as well as an independent impact assessment of the Certificate IV in Business (Governance). The training was found to be working well, contributing to:

- safer communities (with good corporate governance contributing to communities being functional and effective)
- building Indigenous wealth, employment and an entrepreneurial culture, which in turn boosts economic development and reduces poverty and dependence on welfare.

From 4 May 2006 the placement of the Registrar of Aboriginal Corporations changed from the then Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) to the Department of Families, Community Services and Indigenous Affairs (FaCSIA).

Examinations and 'healthy organisation' checks

61 examinations were conducted, an increase of 13 per cent on 2003–04. Corporations for examination were selected in response to evidenced problems or as part of a program of rolling examinations to assess their 'health'. The criteria used to identify risk included size, purpose, time since last examination, compliance status and history of member or other complaints (see page 40 and Attachment 4).

Compliance with reporting

At 30 June 2005 compliance against the three key reports required under the ACA Act was 40 per cent, an improvement over the year of 7 per cent. This improvement is a result of ORAC analysing non-compliance and implementing a plan for appropriate follow-up (see page 35). The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 when enacted will further help reduce non-compliance by providing a reporting regime that can be tailored to different sized corporations.

Corporations (Aboriginal and Torres Strait Islander) Bill 2005

A new law—the Corporations (Aboriginal and Torres Strait Islander) Bill 2005—was successfully introduced into the Australian Parliament in June 2005. It will start on 1 July 2007 if the parliament passes it. It will replace the ACA Act and will affect all corporations that are registered with ORAC.



Australian Government
Registrar of Aboriginal Corporations

YEARBOOK 2004-05

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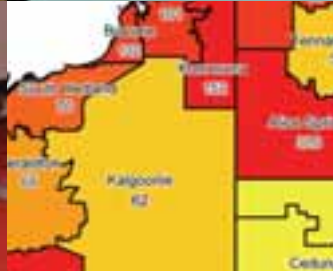
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Please be aware that this publication may contain the names and images of deceased people. The Registrar strives to treat Indigenous culture and beliefs with respect. We acknowledge that to some communities, it is distressing and offensive to show images of people who have died.

Produced by ORAC 09/06.



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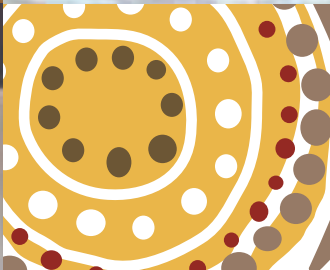
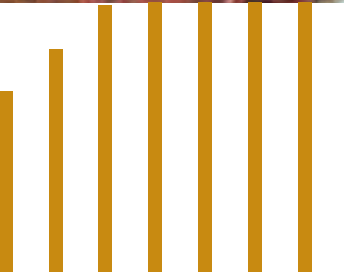
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Year in review

Welcome to the Office of the Registrar of Aboriginal Corporations' yearbook for 2004–05. Publishing a yearbook gives ORAC an opportunity to showcase our work and that of our client corporations, highlighting the particular achievements and challenges encountered during the year.

The Registrar of Aboriginal Corporations is a statutory appointed officer with 40 departmental staff at 30 June 2005. The office delivers incorporation, regulation and related services to Indigenous people in accordance with the *Aboriginal Councils and Associations Act 1976* (ACA Act). ORAC performs its work in a way that takes account of the special needs, requirements and risks of Indigenous corporations, consistent with the races power of the Australian Constitution and the *Racial Discrimination Act 1975*. Also it performs its functions within the context of Australian and international best practice on sound corporate governance.

From the outset I want to praise the contribution that Indigenous corporations make to achieving outcomes in Indigenous affairs and corporation affairs, sometimes lost in the bad news. I refer you to two case studies of successful corporations we have assisted—Bawinanga Aboriginal Corporation, one of the largest employers in the Northern Territory and one of ORAC's biggest corporations (see p. 38) and Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council which is a resource support and advocacy organisation for its 3500 members in Aboriginal communities in the cross border region of Western Australia, South Australia and the Northern Territory (see p. 43).

This yearbook complements ORAC's contribution to our annual report (contained in the DIMIA Annual Report 2004–05¹) by providing more comprehensive analysis of key information and issues and more explanation of the thinking behind our work. As in the annual report, we explain our relationships with key agencies, and outline our performance: in incorporation support, regulation, training and legislative reform.

ORAC has published a new service charter and a new corporate plan (2005–07) which set out the principles that guide its work, and what it hopes to achieve over the two years (see p. 13). Our new vision is: Aboriginal and Torres Strait Islander peoples securing strong and viable futures through good governance of their corporations.

In 2004–05 ORAC consolidated its unique role as a very active regulator. ORAC is the third arm in the Commonwealth's regulation of corporations, the other two being the Australian Securities and Investments Commission (ASIC) under the *Corporations Act 2001*, and the Australian Competition and Consumer Commission (ACCC) under the *Trade Practices Act 1974*. ORAC operates in a complex policy and compliance environment driven by developments in both corporations affairs (Treasury) and Indigenous affairs (DIMIA, and from 4 May 2006 FaCSIA).

Unlike many government programs in Indigenous affairs which employ executive powers of government, as a regulator ORAC has legislative powers which are broader in scope and can be coercive. ORAC's regulation work is coupled with delivering a suite of responses to support improved corporate performance especially in remote areas. ORAC uses these powers carefully, especially given the disadvantage experienced by many Indigenous people. ORAC is guided by the law on prevention of racial discrimination in its work. The law provides for different and valid treatment of Indigenous peoples in certain circumstances. Indeed the law accepts that different treatment may be required to achieve equality. Sometimes 'special measures' are needed to rectify disadvantage. Valid special measures need to be for the sole purpose of securing the advancement of Indigenous peoples.

1 From 4 May 2006 the reporting arrangements for the Registrar of Aboriginal Corporations changed from the then Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) to the Department of Families, Community Services and Indigenous Affairs (FaCSIA).

During 2004–05 we also prepared for commencement of the new legislative package (the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 and related legislation, see p. 45 and Attachment 13), expected to commence on 1 July 2007. We have also been carefully managing the steady expansion of our work without compromising the quality of our services—the next phase of this expansion will be significant with the budget measure for 2006–07 to 2010–11 (Strengthening Indigenous Communities—reforming the delivery capacity of Indigenous Corporations, see p. 78).

ORAC continued to meet or exceed its targets set out in the Portfolio Budget Statements, including the number of non-accredited and accredited training days undertaken with Board members and staff of corporations (see p. 42); and the number of good governance audits (or examinations) of corporations completed (see p. 38). Compliance with reporting by Indigenous corporations was 40 per cent, an improvement over the year of 7 per cent. This improvement is a result of ORAC analysing non-compliance and implementing a plan for appropriate follow up. The new Bill when enacted will further help reduce non-compliance by streaming corporations into reporting regimes appropriate for small, medium and large sizes.

There are no quick fixes in Indigenous affairs. Our work, usually done in close cooperation with many others, shows improvements at a grass roots level through improved community stability upon appointment of administrators (see p. 38) and assistance with resolving disputes (see p. 34), better reporting and general compliance by our corporations (see p. 35) and increased governance skills for training graduates (see p. 43). Key systemic issues often delay further improvements. Such issues range from Australia-wide structural issues connected to the delivery of municipal services to the need for effective capacity building of corporations which are located in the most remote parts of Australia where members and Board members may speak English as a second, third and even sixth language. ORAC increasingly works with others on key systemic issues—many key issues are summarised in our report from our *Forum on risk issues for programs funding Indigenous corporations* (see p. 47) and in our *Report from Corporate Governance [Training] Forum* (see http://www.orac.gov.au/about_orac/publications.aspx).

As I said in the 2003–04 year book, to move beyond the ‘surface of coordination’ we now focus on sharing knowledge and information and also ensuring that ORAC’s suite of services are delivered in a coordinated and highly targeted manner. ORAC’s unique information about Indigenous corporations is now largely available through an online Public Register at http://www.orac.gov.au/searches/register_corporations.aspx. This and other information now available online has contributed to a 106 per cent growth in ORAC website visits, and allowed ORAC’s staff to focus on providing more complex services such as operating an expanding complaints service about corporations, assisting more effectively with resolving disputes (see p. 34), training in corporate governance and doing more good governance audits or examinations (see p. 38). In regard to its coordinated service delivery, ORAC developed a coordinated plan for the Kimberley where there is a high concentration of Indigenous corporations. We began implementing it in cooperation with client corporations and key stakeholders including the lead agency under the COAG trial site arrangement, the Department of Transport and Regional Services.

In this yearbook, we continue the practice of analysing our corporate clients, identifying their size, location and source of funding. Summarising the trends, during the year the total number of corporations dropped by 128 (almost 5 per cent) to 2585, with new incorporations falling by about 10 per cent, in line with ORAC’s and other’s emphasis on promoting responsible and necessary incorporation. During the year ORAC worked with groups thinking of incorporating to check that they need to and are ready to incorporate, and also deregistered corporations that are no longer functioning and no longer needed. Corporations incorporated under the ACA Act are an extremely diverse bunch—diverse by location, size, function and structure. Most depend on government funding—local, state and federal—but increasingly we are incorporating groups with private sources of funds such as mining payments or income from art works (see p. 27 for profile of assets and income of Indigenous corporations). ORAC estimates that the 40 per cent of corporations which are compliant with reporting receive in total around \$1741 million of income from various government and private sources. The assets of these corporations are also very significant, probably representing the majority of assets in many remote and regional localities including power plants and other essential infrastructure.

Additional to the information in the annual report, in this yearbook we provide a new map showing the location of corporations by ICC, and another showing non-compliant corporations sorted by ICC region.

The additional information presented in this yearbook mentioned above confirms that there is a significant number of large Indigenous corporations, displacing a common stereotyping of Indigenous corporations as small and voluntary. ORAC is using this information to fine tune its risk analysis and will target larger corporations and those that have a history of non-compliance and/or interventions for its regulatory work and capacity building.

Like last year, I commend ORAC staff for their dedication and professionalism. They always strive to provide the best possible service to our corporations and are committed to personal and excellent cross-cultural work across Australia. That such a small team can achieve so much is remarkable.

I do hope you enjoy browsing through this yearbook.

L. Beavis-H



OUR VISION

Aboriginal and Torres Strait Islander people securing strong and viable futures through good governance of their corporations.

About ORAC

ORAC's objective

To support the delivery of incorporation, regulation and related services for Indigenous people in accordance with the *Aboriginal Councils and Associations Act 1976* (ACA Act). We aim to deliver our services in a way that takes account of the special needs, requirements and risks of Indigenous corporations and within the context of Australian and international best practice on sound corporate governance.

What is ORAC?

The ACA Act establishes the Registrar of Aboriginal Corporations—an independent statutory office holder appointed by the Minister for Families, Community Services and Indigenous Affairs (FaCSIA).² Ms Laura Beacroft, a solicitor, was appointed to the position from 1 August 2002 for three years and was reappointed for a further two years to 31 August 2007.

The Registrar administers the ACA Act through the Office of the Registrar of Aboriginal Corporations (ORAC).

The ACA Act is a regime under which Indigenous organisations can incorporate. It allows some scope for flexible incorporation in line with cultural practices. It also provides for active monitoring and regulation

² *ibid.*

of Indigenous corporations, some of which pose special risks and have special requirements.

The ACA Act was reviewed in 2002, and in response to that review new legislation has been drafted that will better serve Indigenous corporations. The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 was introduced into the Australian Parliament on 23 June 2005.

If agreed to by the parliament, the Bill will start on 1 July 2007, replacing the ACA Act. Some parts of the Bill are likely to impact after that date to make it easier for corporations to switch over to it.

Consistent with the key recommendation of the review, the Bill specifies that it is a special incorporation law designed to meet the special needs of some Indigenous people (see Attachment 13).

While many Indigenous corporations are incorporated under the ACA Act, others are not and are instead covered by state/territory and other Commonwealth legislation. Although incorporation under the ACA Act is largely voluntary, for some it isn't—for example, the prescribed bodies corporate established through the *Native Title Act 1993*.

ORAC works closely with other regulating bodies and funding agencies, in line with the principle of whole-of-government service delivery, to achieve better results for our clients.

ORAC'S CORPORATE DIRECTION

As an organisation with a focus on good corporate governance, we aim to:

- administer the ACA Act efficiently and effectively
- provide support services for all matters arising out of the administration of the Act
- improve governing committees' awareness and understanding of, and compliance with, their roles and responsibilities under the Act and in their corporations
- promote the accountability of corporations to their members.

Our guiding principles

The following principles guide ORAC's work.

Building sustainability—encouraging corporations to adopt good practices in management and governance that maximise the use of resources and help them achieve their purpose.

Eliminating poverty—commitment to eliminating poverty in Indigenous communities and making sure we include the most disadvantaged and marginalised people in communities in any strategies to build capacity (e.g. women, children, the disabled).

Supporting economic development—recognising that economic development is a foundation for eliminating poverty and improving other social outcomes.

Being accountable—raising awareness that accountability to members, beneficiaries of corporations' services and communities underpins good governance and management practices. Organisations should meet their legal and other requirements in line with expectations of funding agencies, members and the communities they serve.

Managing conflict and disputes—helping organisations to resolve conflicts and develop effective conflict resolution processes. These processes should acknowledge different interests, build capacity and fit within cultural and community contexts.

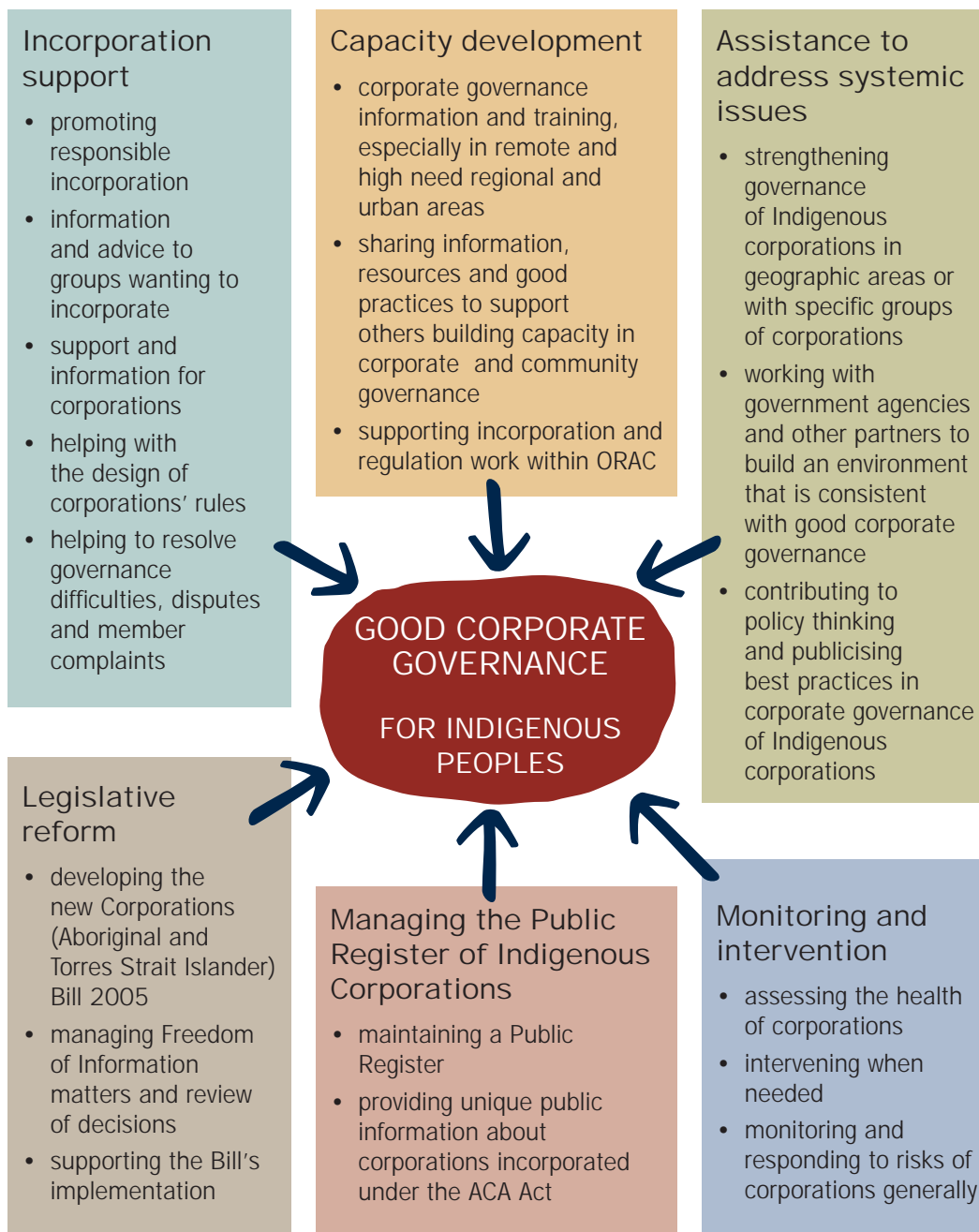
Promoting knowledge management—recognising that access to information, experience and knowledge is an empowering process and making sure any management processes are user friendly and accessible.

Fitting with culture—making sure incorporation models and processes fit with culture in specific communities and localities, and that interactions with Indigenous corporations are relevant to communities and localities.

Being responsive and accessible—tailoring our information and services to the needs of our clients and making sure they are easy to access and use.

Building capability and social assets—developing capacity, knowledge and social assets to help build the sustainability of organisations.

Figure 1: ORAC’s key roles



Powers of the Registrar

The ACA Act gives the Registrar powers to intervene in a corporation's affairs, similar to those exercised by the Australian Securities and Investments Commission.

Some of the Registrar's powers require ministerial approval before they can be exercised. As a statutory officer, the Registrar is not under direction for decisions made under the ACA Act. The Registrar exercises their powers and functions according to the ACA Act, responding to the special needs, requirements and risks of Indigenous corporations. Ultimately, the aim is to build the independence and capacity of Indigenous individuals, groups and corporations.

See Attachment 1 for a summary of the Registrar's existing regulatory powers.

THE CATSI BILL

A new law, the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, is expected to start on 1 July 2007 if the Australian Parliament passes it. It will replace the Aboriginal Councils and Associations Act (ACA Act) and will affect all corporations that are registered with the Office of the Registrar of Aboriginal Corporations (ORAC).

It is a 'special measure' intended to benefit Indigenous people:

- It is a flexible law—most corporations will have less reporting to do once the new law has begun.
- It confirms that ORAC will provide support and training to help corporations succeed.
- The Registrar can intervene earlier to prevent corporations failing.
- It extends directors' duties to senior managers to make sure they act in a corporation's best interest. This offers more protection to boards and members.
- It will set up a new register to record people who are disqualified from managing a corporation.

For more information, see Attachment 13.

Our clients

Our clients include:

- Aboriginal and Torres Strait Islander individuals, groups and corporations
- people accessing the Public Register of Indigenous Corporations
- the Minister for Families, Community Services and Indigenous Affairs, and agencies supporting the minister
- the Australian Government and state and territory governments
- agencies with interests in funds and/or assets controlled by Indigenous corporations
- other agencies regulating the Indigenous corporate sector, e.g. the Australian Taxation Office, the Australian Securities and Investment Commission, and state and territory incorporating agencies
- Indigenous peak bodies in critical sectors such as medical, housing, land holding and legal.

Our services

ORAC offers a range of support for Indigenous corporations, and responds to their special needs and risks.

Our key services are:

- providing accessible information about corporations incorporated under the ACA Act on the Public Register of Indigenous Corporations
- assisting groups that are considering incorporation and supporting them through the process if incorporation proves necessary
- assisting groups once they are incorporated, including support for dispute management, helping with meetings and answering queries about corporate governance
- assisting with concerns or complaints about corporations and taking action when necessary
- delivering training and learning materials to clients

- monitoring compliance of corporations with reporting requirements under the ACA Act and other key requirements such as tax
- examining corporate governance 'health'
- intervening where necessary
- deregistering where necessary
- referring or conducting matters against individuals and corporations.

The Public Register

ORAC maintains the Public Register of Indigenous Corporations, which lists corporations incorporated under the ACA Act. The Public Register provides useful and unique information to Indigenous corporations, members of the public and funding agencies.

The information in the Public Register includes certificates of incorporation, applications for incorporation, rules (constitutions), details of public officers, annual financial statements, exemptions from some reporting requirements, and some documents relating to regulatory action—for example, monitoring, administration, liquidation and deregistration.

A list of all documents held by ORAC for any individual corporation since 1978 is available electronically. These documents are available in hard copy from ORAC and some, including corporations' rules (constitutions), are accessible online. A few corporations have requested that their lists of members not be published electronically, for justifiable reasons.

ORAC is in the process of developing online training and constitution design tools that will help corporations move to the new CATSI Bill, while building the platform for some online lodgment of documents.

Corporate plan and service charter

ORAC revised its corporate plan and service charter. They are in place until the end of 2007. They establish ORAC's performance priority as providing quality services in line with its statutory functions under the ACA Act and the new Corporations (Aboriginal and Torres Strait Islander) Bill.

The service charter explains the services ORAC provides and the standards ORAC's clients can expect. It includes a tear-off feedback form.

The corporate plan sets out ORAC's vision, purpose, roles and priorities for the coming two years, which expand on its obligations set out in its Portfolio Budget Statements.

Relationships with agencies

Relationship to Office of Indigenous Policy Coordination (OIPC)

During 2004–05 the Registrar and staff of ORAC were employees of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)³, although the changes announced by the Prime Minister in portfolio arrangements in February 2006 mean that ORAC now sits with the Department of Families, Community Services and Indigenous Affairs. Funding for ORAC was \$6.6 million for 2004–05, coming within the DIMIA appropriation.

During 2004–05 the Registrar was a member of the OIPC Corporate Leadership Group, participating in decisions on administrative matters. Various arrangements were in place, including an agreement to enable ORAC and OIPC to manage possible conflicts of interest.

With the move to FaCSIA, a formal agreement will be put in place to support the Registrar and ORAC's placement within the department, consistent with the Uhrig report. This report, conducted by John Uhrig and released by the government in August 2004, recommended a broad template of governance principles and arrangements that the government could extend to statutory authorities and office holders. It sets out measures for ensuring the boundaries of responsibilities are better understood and clarifies the relationship between Australian Government authorities, ministers and portfolio departments.

³ *ibid.*

Relationship to other agencies

ORAC's primary clients are individuals, groups and corporations linked to the ACA Act and also users of the Public Register maintained by ORAC on Indigenous corporations incorporated under the ACA Act. ORAC builds close working relations with agencies that have an interest in the funds and/or assets held by corporations. ORAC also works with state and territory government agencies to improve outcomes for Indigenous people across Australia (see Figure 2).

In recent years ORAC has developed a relationship with the Australian Securities and Investments Commission (ASIC) and the state/territory incorporation and regulation agencies to foster better coordination nationally of incorporation and regulation services and responses. ORAC and ASIC agreed in principle to a memorandum of understanding (MOU) during the year, which will be finalised once the Corporations (Aboriginal and Torres Strait Islander) Bill has commenced.

ORAC's focus is on identifying and targeting key systemic issues that undermine the viability of Indigenous corporations and has been building closer relationships with the following agencies for this purpose: the Australian Taxation Office, agencies linked to the Council of Australian Governments (COAG) whole-of-government trial sites, individuals and agencies involved in corporate governance training, and state/territory government agencies, particularly in Queensland, Northern Territory and Western Australia.

Figure 2: ORAC's key relationships

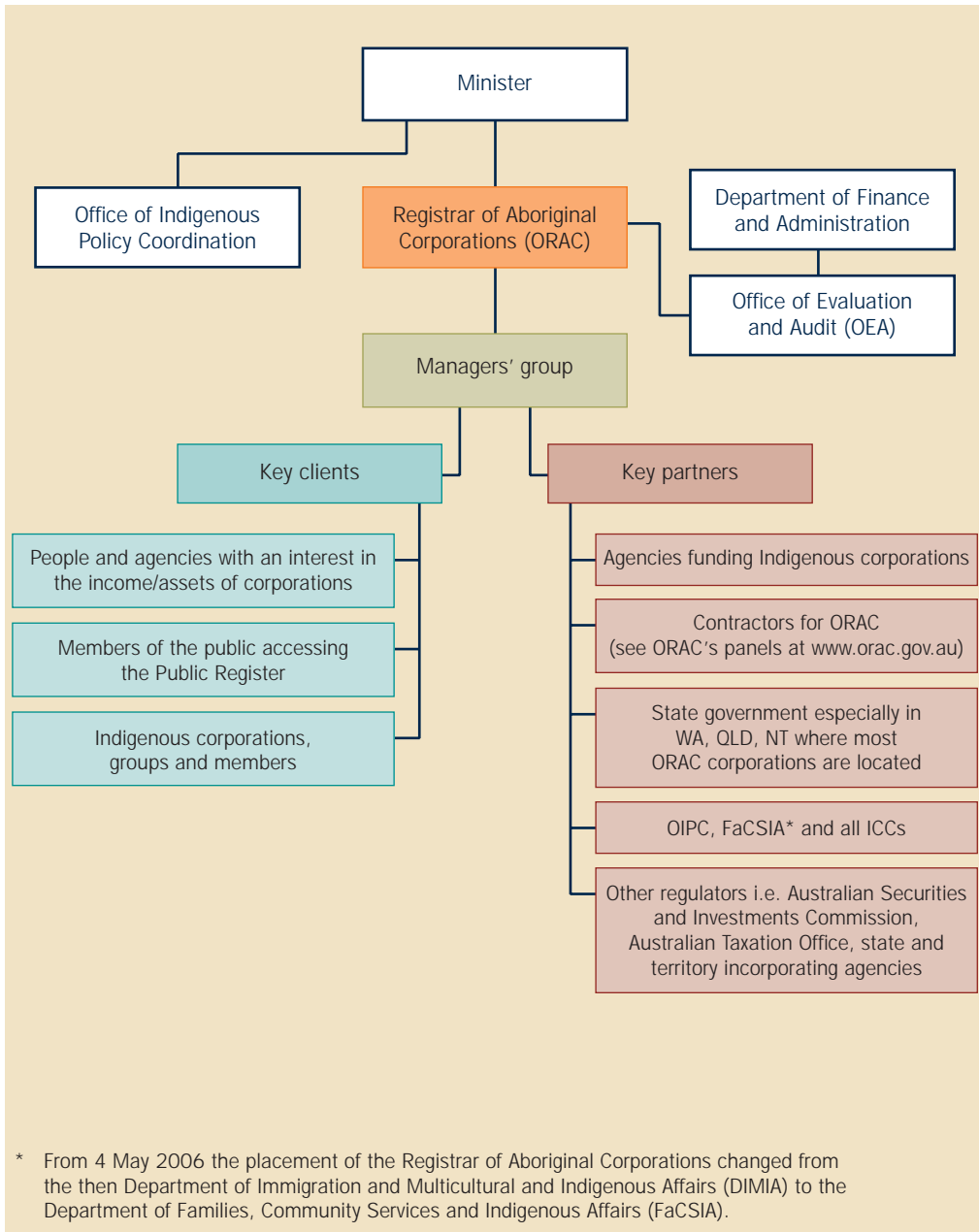
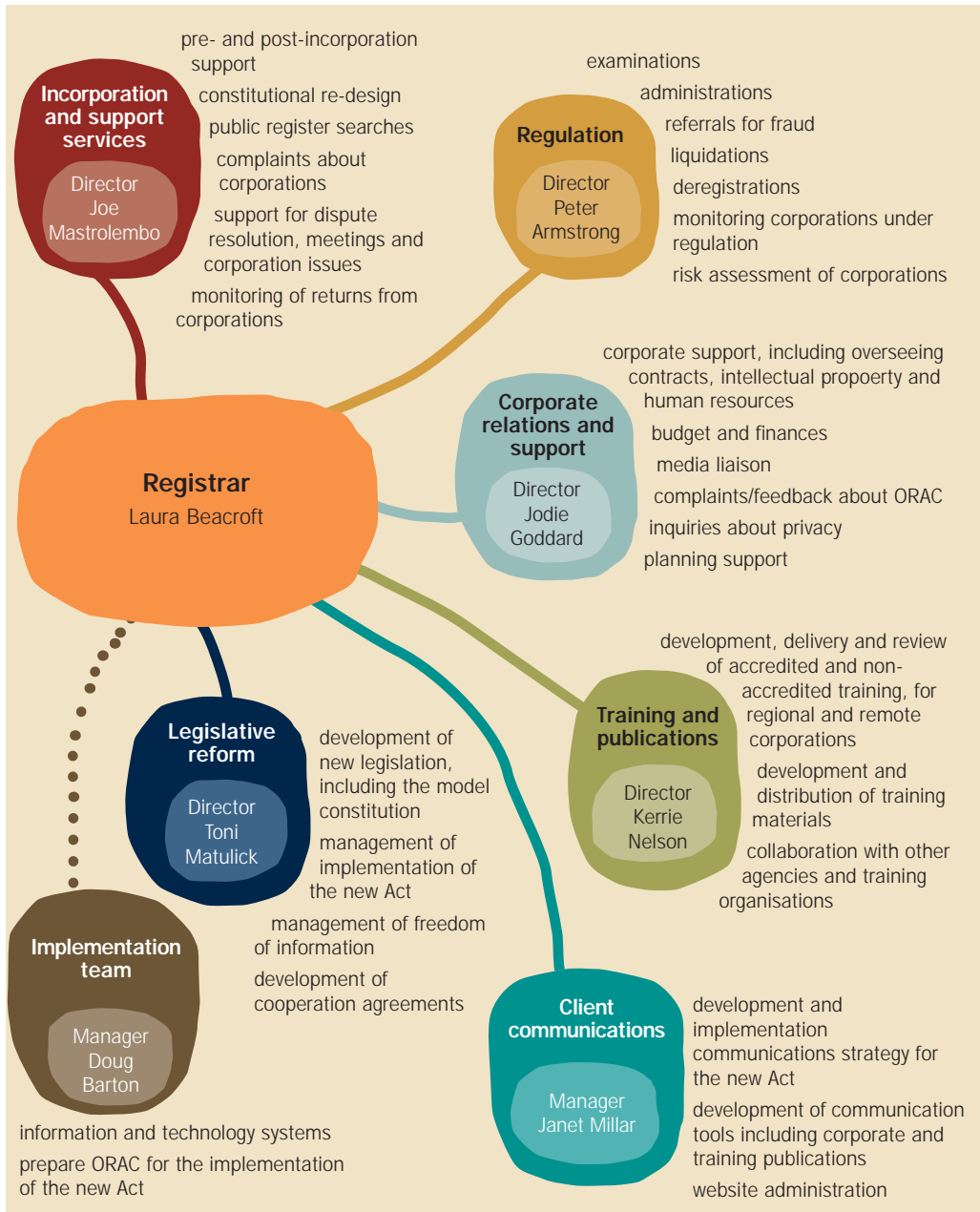
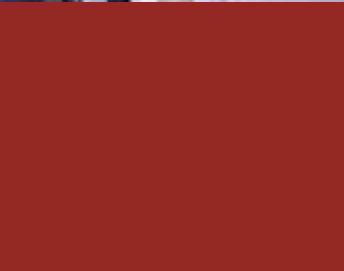


Figure 3: ORAC’s organisation structure





Our clients

Performance of Indigenous corporations

Profile of corporations incorporated with ORAC

At the end of 2004–05, 2585 corporations were registered under the ACA Act. This is a targeted reduction of nearly 5 per cent reflecting a new emphasis on responsible and necessary incorporation. After rapid growth in Indigenous corporations under the ACA Act in the early 1990s, the number of incorporations annually remained steady for some years and has now started to decline (see Figure 4). It is estimated that at least as many Indigenous corporations are incorporated under other legislation. However, some corporations incorporated under other legislation are interested in transferring to ORAC when the new CATSI Bill commences to gain the benefits of ORAC's support and preventative work.

Corporations vary in size, from unfunded groups through to organisations with millions of dollars of income and assets (see Map 1 and Attachment 12 for 25 Indigenous corporations with highest known income). Corporate functions are diverse, from providing services such as health care and power supply to simply holding land, and many corporations are multifunctional.

Figure 4: Registered and new corporations, by year, 1987–88 to 2004–05

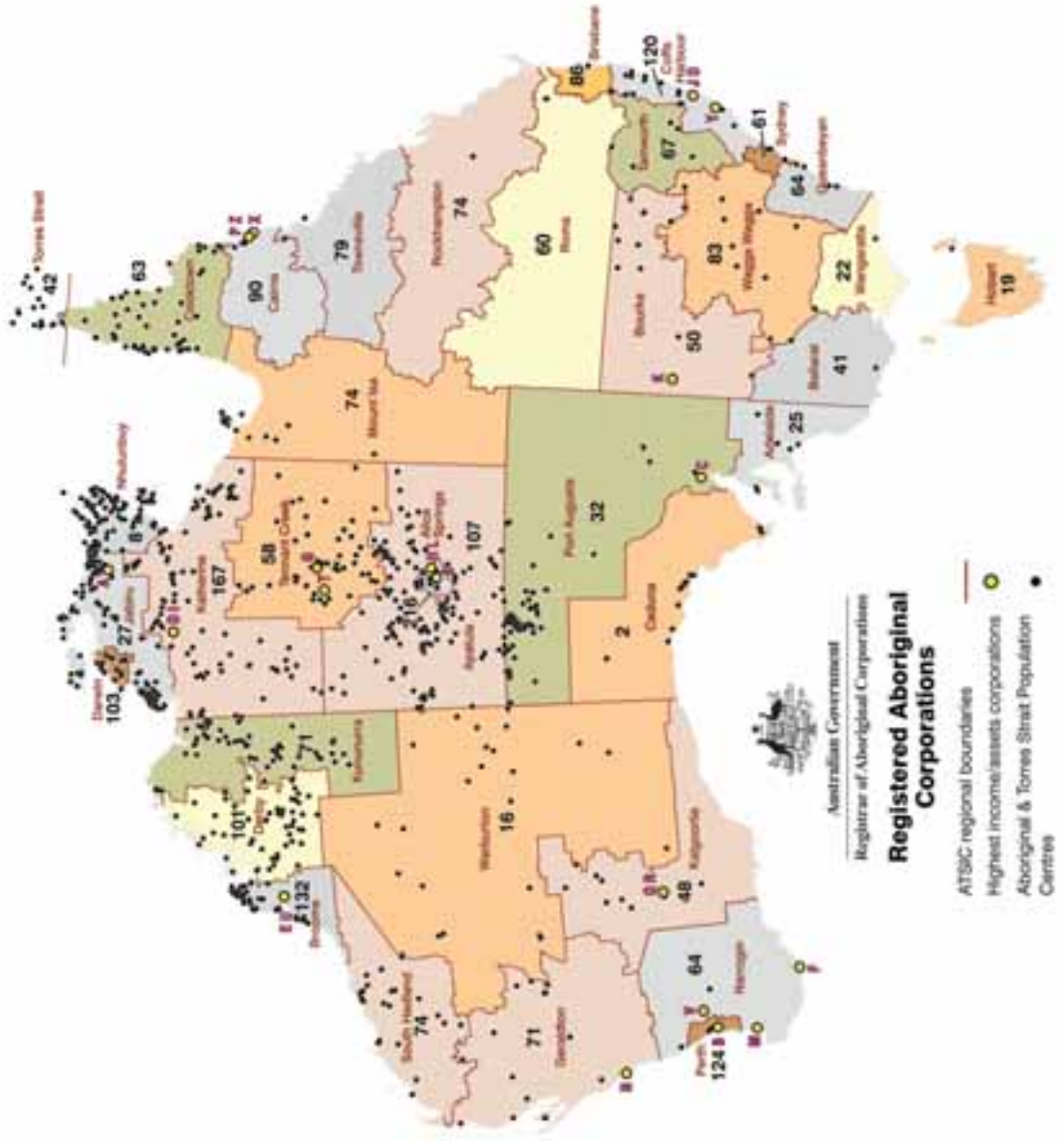


Note: The number of registered corporations is the total number of corporations registered less the total number deregistered.

Most groups incorporated under the ACA Act are located in remote areas (56 per cent), as Table 1 shows (on p. 23), and are publicly funded. However, some generate substantial private income—for example, corporations linked to mining compensation or to the Indigenous arts industry. Many hold significant community assets that were funded publicly and are now held privately by the corporations.

During 2004–05 corporation numbers fell in all states and territories or remained stable, with the highest falls recorded in NSW and Queensland of 62 and 40 respectively. This was due to the deregistration program undertaken by ORAC (see page 40 and Attachment 11). Breakdowns of locations of ACA Act corporations by Indigenous Coordination Centres (ICCs) and by ATSIC regions are shown in Tables 2 and 3, and Maps 1 and 2. (ATSIC regions ceased to exist from 1 July 2005, and ICC regions have taken their place.)

Map 1: Location of corporations by ATSC region, state/territory, with location of 25 highest income registered corporations at 30 June 2005



Map 2: Location of corporations by ICC region, state/territory

Total corporations as at 30 June 2005 = 2585
 (2540 mapped, 45 address unknown)

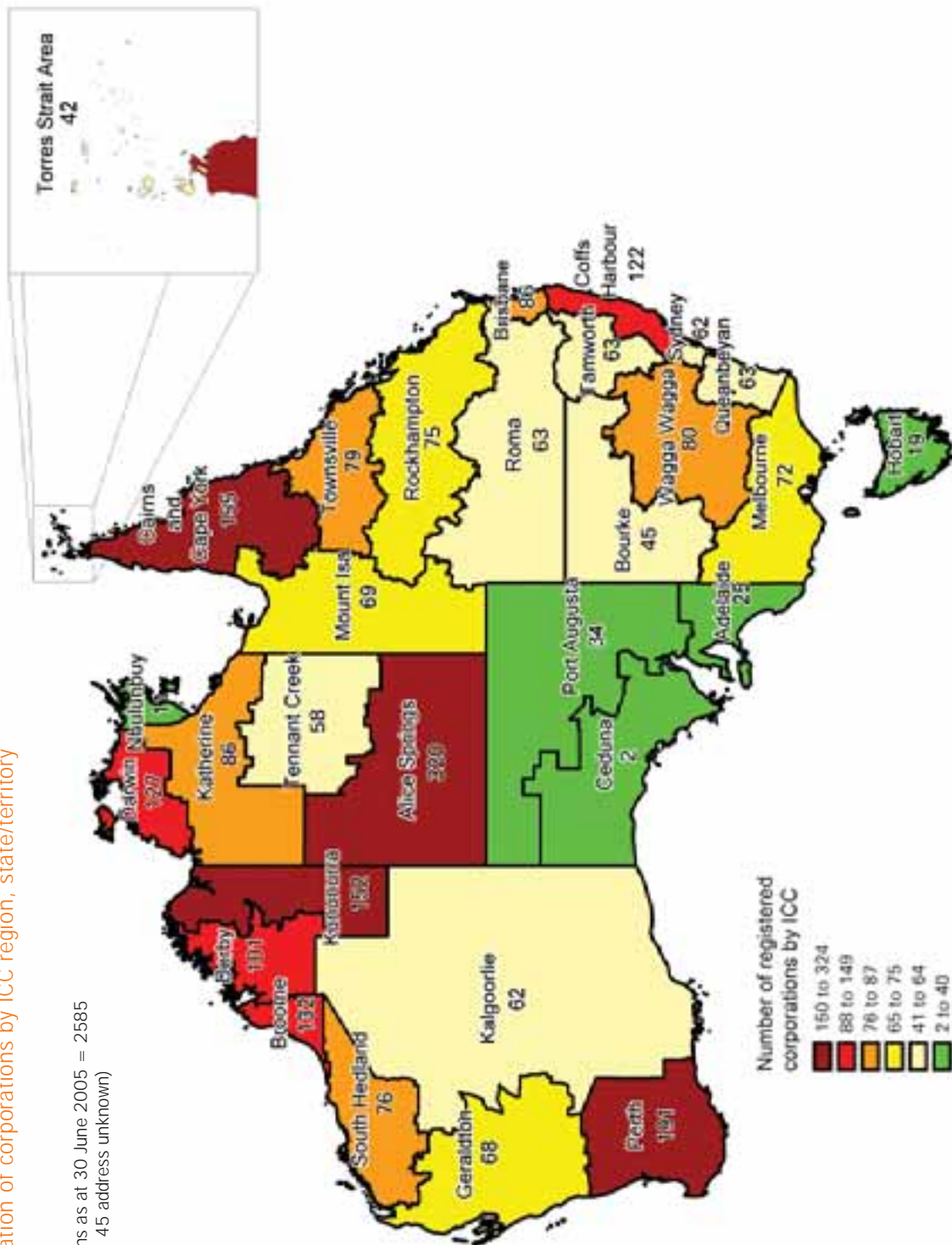
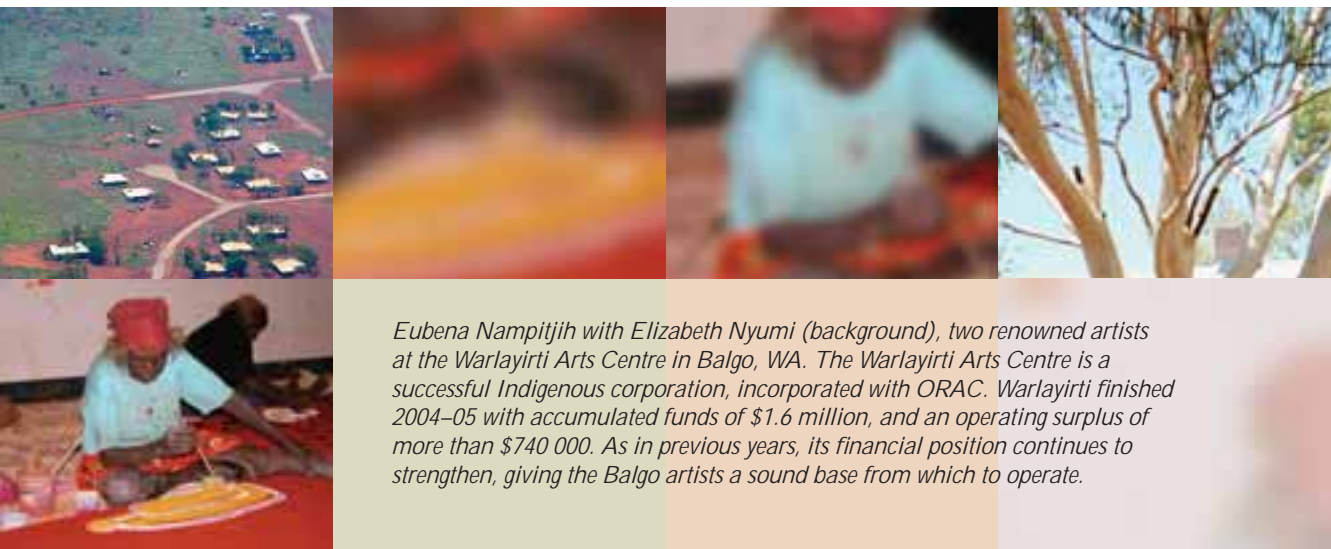


Table 1: Location of registered corporations, by remoteness and state/territory, 2004–05

State	Major cities	Inner regional	Outer regional	Remote	Very remote	Unknown	Total 2004–05	Total 2003–04
ACT	19	0	0	0	0	0	19	21
NSW	73	108	166	51	17	0	415	477
NT	0	0	100	267	236	0	603	619
QLD	65	65	175	93	171	0	569	609
SA	17	4	20	4	15	0	60	61
TAS	0	13	4	1	1	0	19	21
VIC	18	25	22	8	1	0	74	74
WA	106	33	64	81	498	0	782	797
Unknown						44	44	34
Australia	298	248	551	505	939	44	2585	2713
Percentage of total	11.5%	9.6%	21.3%	19.6%	36.3%	1.7%	100%	



Eubena Nampitjih with Elizabeth Nyumi (background), two renowned artists at the Warlayirti Arts Centre in Balgo, WA. The Warlayirti Arts Centre is a successful Indigenous corporation, incorporated with ORAC. Warlayirti finished 2004–05 with accumulated funds of \$1.6 million, and an operating surplus of more than \$740 000. As in previous years, its financial position continues to strengthen, giving the Balgo artists a sound base from which to operate.

Table 2: Location of registered corporations by ICC regions at 30 June 2005

ICC region	Corporation numbers	% Total
Alice Springs	320	12.38%
Binaal Billa (Wagga Wagga)	80	3.09%
Cairns and District	107	4.14%
Cape Yorke	48	1.86%
Central Queensland (Rockhampton)	75	2.90%
Garrak-Jarru (Katherine)	86	3.33%
Goolburri (Roma)	63	2.44%
Gulf and West Queensland (Mount Isa)	69	2.67%
Kamilaroi (Tamworth)	63	2.44%
Kullari (Broome)	132	5.11%
Malarabah (Derby)	101	3.91%
Many Rivers (Coffs Harbour)	122	4.72%
Melbourne	72	2.79%
Miwatj (Nhulunbuy)	11	0.43%
Murdi Paaki (Bourke)	45	1.74%
Noongar (Perth)	191	7.39%
Nrarda-Ngarli-Yarndu (South Hedland)	76	2.94%
Nulla Wimila Kutja (Port Augusta)	34	1.32%
Patpa Warra Yunti (Adelaide)	25	0.97%
Queanbeyan	63	2.44%
South East Queensland Indigenous Council (Brisbane)	86	3.33%
Sydney	62	2.40%
Tasmanian Regional Aboriginal Council (Hobart)	19	0.74%
Torres Strait Regional Authority	42	1.62%
Townsville	79	3.06%
Wangka Wilurrara (Ceduna)	2	0.08%
Wongatha (Kalgoorlie)	62	2.40%
Wunan (Kununurra)	152	5.88%
Yamatji (Geraldton)	68	2.63%
Yapakurlangu (Tennant Creek)	58	2.24%
Yilli Rreung (Darwin)	127	4.91%
Unknown	45	1.74%
Total	2585	100.00%

Table 3: Location of registered corporations by ATSI regions at 30 June 2005

ATSI region	Corporation numbers			% of total	Variation number	Variation %
	2002–03	2003–04	2004–05		2003–04/ 2004–05	2003–04/ 2004–05
Alice Springs	220	224	216	8.35%	-8	-3.57
Binaal Billa (Wagga Wagga)	77	86	83	3.21%	-3	-3.49
Binjirru (Wangaratta)	21	25	22	0.85%	-3	-12.00
Cairns and District	96	91	90	3.48%	-1	-1.10
Central Queensland (Rockhampton)	85	74	74	2.86%	0	0.00
Central Remote Regional Council (Apatula)	111	106	107	4.14%	1	0.94
Garrak-Jarru (Katherine)	98	93	167	6.46%	74	79.57
Goolburri (Roma)	79	66	60	2.32%	-6	-9.09
Gulf and West Queensland (Mount Isa)	76	77	74	2.86%	-3	-3.90
Jabiru	35	34	27	1.04%	-7	-20.59
Kamilaroi (Tamworth)	72	75	67	2.59%	-8	-10.67
Kullari (Broome)	130	129	132	5.11%	3	2.33
Malarabah (Derby)	108	106	101	3.91%	-5	-4.72
Many Rivers (Coffs Harbour)	122	133	120	4.64%	-13	-9.77
Miwatj (Nhulunbuy)	13	9	8	0.31%	-1	-11.11
Murdi Paaki (Bourke)	47	48	50	1.93%	2	4.17
Noongar (Perth)	92	85	74	2.86%	-11	-12.94
Noongar Country (Narrogin)	140	126	124	4.79%	-2	-1.59
Nrarda-Ngarli-Yarndu (South Hedland)	76	65	64	2.48%	-1	-1.54
Nulla Wimila Kutja (Port Augusta)	34	33	32	1.24%	-1	-3.03
Patpa Warra Yunti (Adelaide)	23	25	25	0.97%	0	0.00
Peninsula (Cooktown)	72	66	63	2.44%	-3	-4.55
Queanbeyan	76	79	64	2.48%	-15	-18.99
South East Queensland Indigenous Council (Brisbane)	102	96	86	3.33%	-10	-10.42
Sydney	77	77	61	2.36%	-16	-20.78
Tasmanian Regional Aboriginal Council (Hobart)	21	21	19	0.74%	-2	-9.52
Torres Strait Regional Authority	45	46	42	1.62%	-4	-8.70

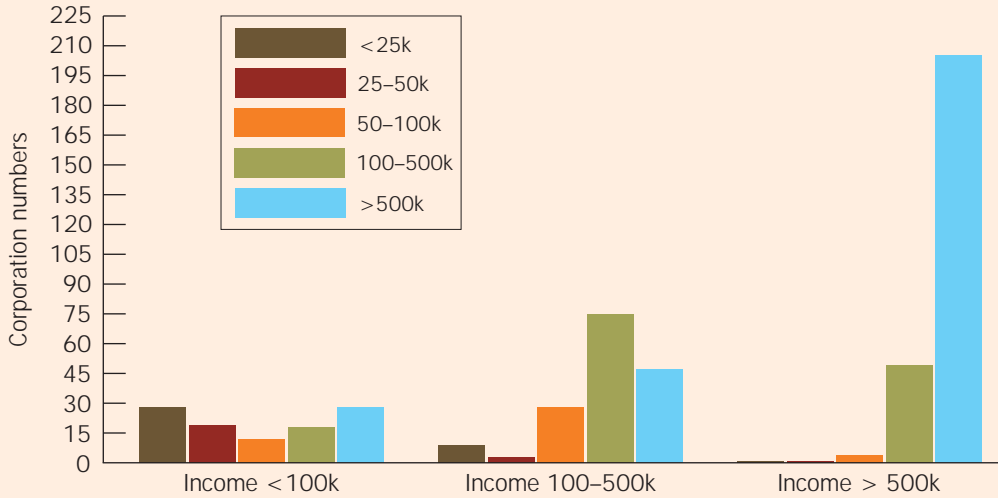
ATSIC region	Corporation numbers			% of total	Variation number	Variation %
	2002–03	2003–04	2004–05		2003–04/ 2004–05	2003–04/ 2004–05
Townsville	108	93	79	3.06%	-14	-15.05
Tumbukka (Ballarat)	46	50	41	1.59%	-9	-18.00
Wangka Wilurrara (Ceduna)	2	2	2	0.08%	0	0.00
Western Desert (Warburton)	15	16	16	0.62%	0	0.00
Wongatha (Kalgoorlie)	45	47	48	1.86%	1	2.13
Wunan (Kununurra)	153	146	71	2.75%	-75	-51.37
Yamatji (Geraldton)	79	74	71	2.75%	-3	-4.05
Yapakurlangu (Tennant Creek)	57	57	58	2.24%	1	1.75
Yilli Rreung (Darwin)	98	99	103	3.98%	4	4.04
Unknown	110	34	44	1.70%	10	29.41
Total	2861	2713	2585	100.00%	-128	-4.72

Note: Queanbeyan number included ACT corporations

Income of corporations

Figure 5 and Table 4 show the wealth of Indigenous corporations (where known). Those corporations with significant incomes usually also have significant assets. Analysis by ORAC indicates that most corporations under the ACA Act are small to medium in their income, assets and number of employees. However, a growing number are large in that they have substantial income (see Attachment 12). Also, a significant number have little income and substantial assets. These findings have implications for many aspects of ORAC's work, especially legislative reform and risk management.

Figure 5: Number of registered corporations, by income and assets, at 30 June 2005



Note: Information on income and assets is not known for all corporations; this figure shows income and assets where known.

Table 4: Number of corporations by income and assets at 30 June 2005

Income and assets	<25k	25-50k	50-100k	100-500k	>500k	Total
Income < 100k	28	19	12	18	28	105
Income 100-500k	9	3	28	75	47	162
Income > 500k	1	1	4	49	205	260
Total	38	23	44	142	280	527

Funding of corporations

The major known funding bodies of corporations under the ACA Act in 2004–05 were the Department of Employment and Workplace Relations, the then Department of Family and Community Services, and the Office of Aboriginal and Torres Strait Islander Health (OATSIH) at the Department of Health and Ageing.

Table 5: Funding by major Australian Government agencies of registered corporations at 30 June 2005

	2004–05	No. of corporations
Department of Employment and Workplace Relations	\$221 880 611*	105
Department of Family and Community Services	\$52 007 508	95
Office of Aboriginal and Torres Strait Islander Health	\$104 573 471	103

*This amount is the budgeted funding by the Department of Employment and Workplace Relations (DEWR) of registered corporations for 2004–05 rather than actual expenditure at 30 June 2005.

Other sources of public funds include a wide range of Australian Government agencies and state/territory agencies, especially in Western Australia, Northern Territory and Queensland.

Our performance

ORAC was the mechanism through which the then Department of Immigration and Multicultural and Indigenous Affairs delivered its Output 5.5.4: Incorporation, regulation and building capacity of Indigenous corporations.

Table 6: Performance information—ORAC

MEASURES	RESULTS
Quantity:	
Accessible incorporation for Indigenous groups: <ul style="list-style-type: none"> • 2650 corporations incorporated under the <i>Aboriginal Councils and Associations Act 1976</i>. 	Number of registered corporations dropped by 128 (almost 5 per cent) to 2585, in line with Office of the Registrar of Aboriginal Corporations (ORAC) and others' emphasis on promoting responsible and necessary incorporation (see page 34).
Enhanced training in corporate governance: <ul style="list-style-type: none"> • 70 days of non-accredited training • 150 days of accredited training including Certificate IV in Business (Governance) and Diplomas. 	46.5 one-day and half-day information sessions plus eight three-day introductory workshops, making a total of 70.5 days. Sessions were attended by more than 600 people in total. Eight accredited courses delivered in four five-day blocks (160 days). 57 graduates received their Certificate IV in Business (Governance) in the year to 30 June 2004. This training is a rolling program (see page 41).
Increased early diagnosis of corporation problems: <ul style="list-style-type: none"> • 50 examinations or similar reviews. 	61 examinations were conducted, an increase of 13 per cent on 2003–04. Corporations for examination were selected in response to evidenced problems or as part of a program of rolling examinations responding to risk analysis involving criteria such as size, purpose, time since last examination, compliance status and history of member or other complaints (see page 35 and Attachment 4).

MEASURES	RESULTS
Quality:	
Corporations are compliant with reporting requirements under the <i>Aboriginal Councils and Associations Act 1976</i> .	Compliance against the three key reports at the end of the period was 40 per cent, an improvement over the year of 7 per cent. This improvement is a result of ORAC analysing non-compliance and implementing a plan for appropriate follow up (see page 37). The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 when enacted will further help reduce non-compliance.
Quality support to the minister including timeliness for responses to ministerial correspondence.	Key support provided for the development of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, and the Bill was successfully introduced in June 2005.



Balgo in the Kimberley, WA, from the air, where ORAC is delivering a range of services supported by coordinated planning



Accountability

External scrutiny

Five requests were made under the *Freedom of Information Act 1982* in 2004–05, four of which have been resolved and one is still pending.

There was one internal application for review and one application for review to the Administrative Appeals Tribunal, both of which had been resolved by August 2005.

FOI applications and applications for review of decisions are growing in number and complexity each year.

Corporate publications

Although the Act does not require it, ORAC publishes a yearbook, in addition to contributing to the Department's annual report. These publications are available at www.orac.gov.au.

As previously mentioned, ORAC revised its corporate plan and service charter (see page 13). They are in place until the end of 2007. The service charter explains the services ORAC provides and the corporate plan sets out ORAC's vision, purpose, roles and priorities for the coming two years.

Accessibility and responsiveness

Hotline

ORAC provides a personal service to clients. Much initial communication with ORAC is through the toll-free telephone service. In 2004–05 ORAC received 12 693 calls on its toll-free line, finalising 682 inquiries about corporate governance (nearly 8 per cent more than last year) and 119 complaints and dispute alerts (9 per cent fewer than received on the hotline last year). Complaints and disputes are becoming more complex as Indigenous corporations are becoming more complex in their affairs. Many of these require sustained assistance over a long period of time (see Attachment 2).

Website

ORAC encourages access to its website. There was a 106 per cent increase in the number of visits to the ORAC website (www.orac.gov.au) in 2004–05. Visitor sessions per month grew from 6268 in July 2004 to 12 895 in July 2005. Electronic communication is increasing as the number of corporations with email and Internet access continues to grow. The Public Register of Indigenous Corporations maintained by ORAC is now partly accessible on the website, with document images becoming available in stages during 2005–06. This is encouraging higher usage of the site.

Case coordination

Where necessary, ORAC will work on site with clients. During 2004–05 ORAC built on its communication with remote communities through language initiatives, the use of case management where appropriate, new communication methods such as talking paper, and expanded field work. ORAC has embarked on an ambitious regional exercise in the Kimberley to coordinate all ORAC services and initiatives provided to corporations in that area and to work closely with their stakeholders. The East Kimberley plan involves ORAC contributing more to solving some difficult systemic issues, for example, inadequate infrastructure in communities.

Complaints about ORAC staff and contractors

A complaints system ensures that ORAC responds to issues raised about its staff and consultants. During the year ORAC received three complaints and dealt with them as follows:

- One matter was outside the jurisdiction of ORAC. The complainant was advised of this and referred elsewhere.
- ORAC responded to one matter where the complainant raised further issues after receiving an initial response. ORAC responded to these additional issues and the complainant took no further action.
- One matter was referred to the Investigations and Compliance unit within OIPC for resolution. The complainant took no further action.

CASE STUDY

Redesigning the rules

In early June 2005 an ORAC team travelled to Hermannsburg in the Northern Territory to help a long-standing Aboriginal corporation review and redesign its constitution.

The way was prepared by the Central Australian Aboriginal Congress whose knowledge of community and preparatory work was vital to the success of the process.

The Western Aranda Health Aboriginal Corporation (WAHAC) was incorporated in September 1993, and currently operates health services for the Hermannsburg in the Northern Territory community and surrounding areas, additional to those operated by the NT Department of Health and Community Services.

It is 130 kilometres west of Alice Springs and provides crucial services to the region, employing a doctor, public health nurse and casual drivers. Last year it devised a 10-year health plan with the end goal being a health service controlled by the Aboriginal community.

This workshop—the first that ORAC had conducted with this corporation—was attended by nine corporation representatives, including the governing committee and interested members.

The purpose of the workshop was to help the group revise WAHAC's constitution so that it was up-to-date, easy to understand, reflected the corporation's and the community's specific needs, and supported good governance practices.

At the beginning of the workshop, most participants had not seen the constitution before. By the end, they had a comprehensive understanding of the roles and responsibilities of everyone involved in running the corporation.

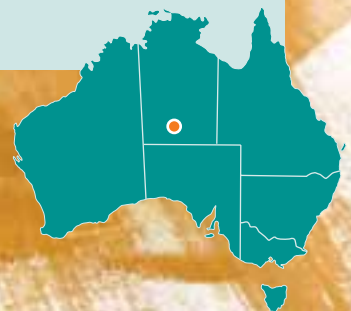
To give corporations ownership and control of the rules that they operate by, it is crucial that members themselves develop the ideas and solutions in redesigning their constitutions—which is precisely what happened during the one-day workshop.

At the start of the workshop, participants gave a snapshot of the nature of the communities that the corporation served, the health problems they experienced and identified how WAHAC could address those problems.

Having established the context, it was then down to the hard work of reviewing all the elements of the constitution—for example, deciding issues such as membership qualifications, the size and structure of the governing committee, the types of meetings and how they should be held.

The ORAC team facilitated all the sessions using various learning tools such as 'talking paper' (a new participative training tool used widely by ORAC), group work, discussions and the use of pictures to encourage extensive participation.

Feedback was overwhelmingly positive. ORAC looks forward to working further with the group to promote good corporate governance practices within the corporation.



Incorporation support

An essential part of ORAC's incorporation work is providing information and assistance to groups before and after they incorporate. ORAC also helps corporations to manage disputes although it does not act as a mediator.

Incorporation facts and stats

- New incorporations again fell for the second year in a row—by over 10 per cent from 134 in 2003–04 to 120 in 2004–05. This reflects ORAC's and others' determination to encourage responsible and successful incorporation (see Attachment 2). This involves deregistering corporations not needed any more and making sure new corporations are necessary.
- Applications to incorporate also fell for the second year in a row by 25 per cent—from 160 in 2003–04 to 120 in 2004–05—partly a result of encouraging only necessary incorporation. Incorporating is not always the best or most appropriate solution for groups wanting to deliver services or hold assets in Indigenous communities. ORAC may encourage an established and successful corporation to auspice a group.
- Inquiries involving requests for information, support and referrals that were resolved during the year grew by 8 per cent (682 in 2004–05 from 634 in 2003–04) continuing the trend of recent years. For complex inquiries, ORAC can issue an 'advisory opinion'.
- The number of requests for assistance with complaints and disputes (from corporations, members and boards on ORAC's toll-free line, by email and by letter) fell by 16 per cent (see Attachment 2). However, because of their increasing complexity and the serious consequences they can have for corporations if unresolved, ORAC is devoting more resources to assist with these matters. Reflecting the fall in requests for assistance received, the number of successfully resolved complaints also fell (by 9 per cent). ORAC's key roles in dispute management assistance are:
 - embedding good dispute resolution processes into the corporation's rules (constitution)
 - bringing disputing parties together to discuss issues and, if necessary, conducting general meetings

- issuing advisory opinions on issues of fact or law to assist in the resolution of these matters.
- Changes to constitutions completed during the year rose by 15 per cent from 114 to 131. Significant resources are devoted to these matters, since issues and the compliance environments within which corporations operate are becoming increasingly complex. Also ORAC is devoting more resources to a proactive program encouraging the development and review of constitutions as part of its new focus on preventing problems through better designed corporations, and a new model constitution is near completion.

Monitoring, examination and regulation

Under the ACA Act all corporations are required to submit certain documents to ORAC which are placed on the Public Register, including a list of members and financial reports, unless the corporation is exempted by the Registrar.

Approximately 40 per cent of corporations have provided the three key reports (audit report, balance sheet, income and expenditure) under the ACA Act for 2003–04. Compliance with reporting is set out in Figure 6 and Attachment 3.

The rate of compliance (where corporations are either partially or fully compliant with reporting under the ACA Act) for those funded by the big funding agencies is well above the average rate of 40 per cent—in the range of 74 per cent and upwards. This is due to the improved capacity of funded corporations to meet reporting requirements and also the extra scrutiny given to funded corporations by ORAC and funding bodies.

Many more corporations are now obtaining exemptions from some reporting requirements, in recognition of their lack of capacity to report—that is, if they are not funded then they are not normally required to provide an audited financial statement and ORAC will usually grant an exemption.

Although most corporations (60 per cent) remain non-compliant with reporting requirements under the ACA Act, partial compliance improved in 2004–05 by 7 per cent (that is, providing three key reports—audit report, balance sheet, income and expenditure—as required under the ACA Act).

CASE STUDY

A strong culture of governance

The Bawinanga Aboriginal Corporation is a very large Indigenous corporation. With an estimated income in 2004–05 of \$25 million and highly diverse spheres of operation, Bawinanga provides employment and opportunity to a large proportion of the Arnhem Land population. (See its location on Map 1.)

Bawinanga is one of the largest individual employers in the Northern Territory.

In June 2005 ORAC completed an examination of Bawinanga and found it very well run, with good governance and accounting systems in place.

This was not only due to the continuity of service of the senior management group but also its strong culture of training in corporate governance.

The corporation, based in Maningrida on the Northern Territory coast, began operations in 1973 and was incorporated in 1979.

It was originally formed as a support agency for people who chose to live on their homelands, rather than in Maningrida itself. The region consists of 13 groups, each speaking different languages and with deep connections to family and country.

The outstation population is now about 800 people on 32 outstations, requiring not just housing and services but land management and employment.

The services Bawinanga provides includes housing maintenance, water, roads and communication. But business development is the strategy that will help the corporation reach its major goal—that is, to achieve economic independence and self-determination through the sustainable economic development of its resources.

The corporation is underpinned by its CDEP (Community Development Employment Projects). It owns and runs a number of business units that employ CDEP participants and sometimes places them with other agencies and businesses. According to its general manager, CDEP is an essential element in its progress and prosperity, employing 590 participants.

It is important for the corporation that its businesses and projects reinforce its links to traditional Aboriginal culture—therefore, they include such enterprises as the breeding of turtles for the pet industry, the harvesting of crocodile eggs and the development of the renowned Maningrida Arts Centre.

In 2004 the partnership of LoTech Aquaculture Pty Ltd, the Bawinanga Aboriginal Corporation and Waruwi Community Corporation won the NT Small Business Award by working with local Aboriginal communities and providing training, jobs and income in establishing sponge aquaculture projects.

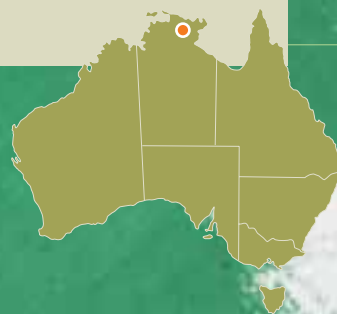


Figure 6: Compliance of corporations, by number of corporations, 1998-99 to 2003-04



Note: 'Fully or partially' compliant means that either 5 or 3 key annual return documents respectively have been provided by the corporation for the relevant 2 consecutive year period. The above figure shows all returns received by ORAC as at 30 June 2005. Corporations are not required to provide annual returns for 2004-05 until 31 December 2005.

This improvement is a result of ORAC analysing non-compliance and implementing a plan for appropriate follow-up. Many of the non-compliant corporations are not funded at all, hold land only and may have no capacity to apply for even an exemption (see Map 3). The new Corporations (Aboriginal and Torres Strait Islander) Bill 2005 will enable more streamlined exemptions for some reporting—that is, exemptions for audited financial statements when warranted.

Because of its productive relationships with funding bodies ORAC has been able to establish which corporations are technically non-compliant but have in fact submitted reports required under the ACA Act to

funding bodies and are operating well. Avoiding duplicate reporting by corporations is an aim of the new legislation. Therefore, once the new legislation becomes law these corporations will be classed as compliant. Corporations that should be compliant under the ACA Act were targeted for regulation such as formal follow-up and examination. Non-compliant corporations that are no longer operating were deregistered.

Regulation facts and stats

- ORAC initiated 61 examinations of corporations—an increase of 13 per cent on the previous year, and well over the target of 50. Corporations for examination were selected in response to evidenced problems or as part of a program of rolling examinations responding to risk analysis involving criteria such as size, purpose, time since last examination, compliance status and history of member or other complaints.

Of the 61 examinations initiated in 2004–05:

- 6 (or 10 per cent) are operating well and require no further action
- 22 (or 31 per cent) remain under consideration for further action
- 22 (or 36 per cent), plus a further 15 carried over from 2003–04, required rectification of less serious matters, involving the issue of a section 60A notice under the ACA Act
- 13 (or 21 per cent), plus a further 5 carried over from 2003–04, raised serious matters and have been required to advise why an administrator should not be appointed, involving the issue of a section 71 notice under the ACA Act. Of these 18:
 - 7 administrators were subsequently appointed during 2004–05
 - 3 section 60A notices were subsequently issued
 - 1 monitoring agreement was undertaken
 - 4 MOUs with the corporations were entered into
 - 3 matters are pending
- 1 corporation required a liquidator to be appointed
- 9 administrations continued from previous years, and with the 7 appointed in 2004–05, 16 administrations were in progress at 30 June 2005.

The trends for examinations initiated, administrations appointed and deregistrations completed are shown in Table 7.

Map 3: Non-compliant corporations ICC region, state/territory

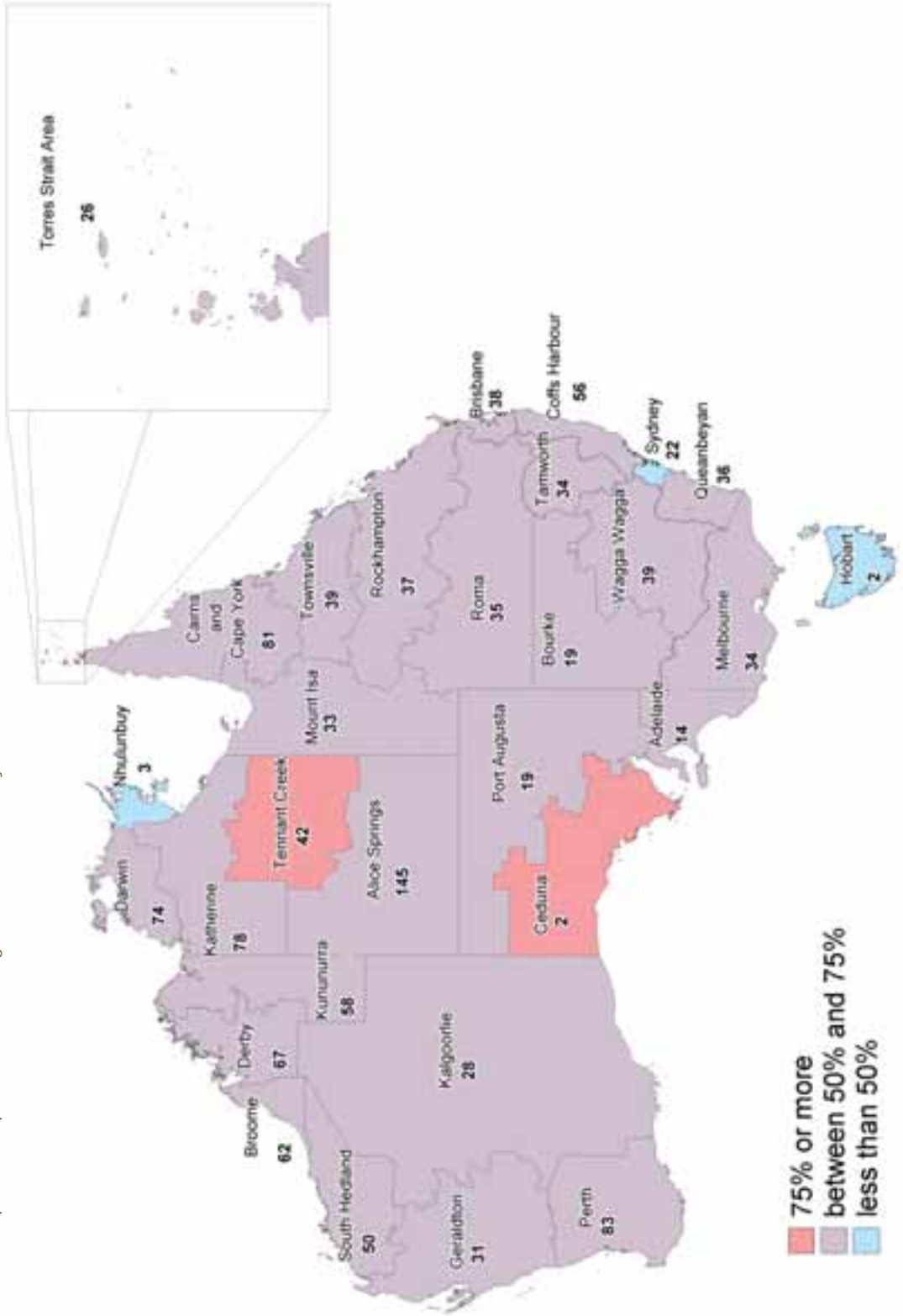


Table 7: Number of examinations initiated, administrations appointed and deregistrations completed 2002-03 to 2004-05

Regulatory actions	2002-03	2003-04	2004-05
Examinations initiated	35	54	61
New administrations appointed	8	7	7
Deregistrations completed	116	282	269

Attachment 4 contains a list of corporations where examinations were initiated during 2004-05 and shows the follow-up action taken by the Registrar at the time of writing, not necessarily during 2004-05. Attachments 5 and 6 show the corporations issued with a section 60A notice or section 71 notice respectively during 2004-05. Some of the actions in these attachments are follow-up to examinations conducted during 2003-04.

Strong emphasis remained on requiring corporations to put things right rather than appointing an administrator. Seven corporations were placed under new administration in 2004-05 (see Attachment 7), the same as the previous year and significantly less than the highest annual number of 17 in 1998-99. At 30 June 2005 a further nine administrations were still in progress following appointments in previous years, making 16 all together (see Attachment 8). Administrations are usually positively received once arrangements are settled because they offer an alternative to liquidation and achieve turnaround for a struggling corporation.

ORAC started the year with 44 liquidations in progress, reduced this number to 34 and is continuing to aim to reduce the time that liquidations take (see Attachments 9 and 10).

Deregistrations continued to be initiated, and 269 were completed during the year (see Attachment 11).

Information and training

The ORAC training team consolidated its regional program of training in Queensland during 2004–05 and began adapting the three-day workshop and Certificate IV in Business (Governance) for use in remote areas, where 56 per cent of ORAC's corporations are located.

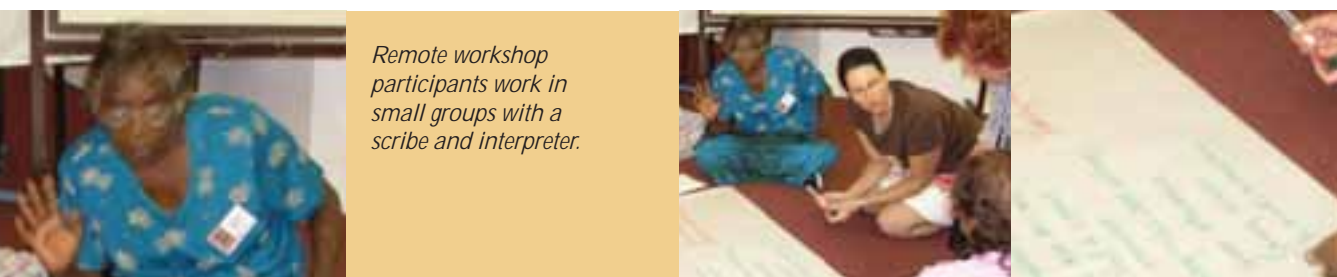
Training is based on ORAC's commitment to develop the capacity of corporations (that is, helping them to build on their strengths) and is undertaken using a tailored training method and materials. The training, which complements rather than duplicates mainstream programs, is offered to targeted localities and groups around Australia. The Certificate IV in Business (Governance) is increasingly being run through some TAFE and private registered training organisations.

An independent impact assessment of the Certificate IV in Business (Governance) concluded it is a successful training program that develops the capacity of individuals, corporations and communities over the longer term (see p. 44). The graduates were found to be largely very satisfied with the program and its outcomes. Overall, graduate experiences of the training program, its content, style, logistics and delivery were extremely positive. A copy of the impact assessment is located on the website (www.orac.gov.au).

ORAC conducted a further review of its training in September 2005, looking at external evaluations, internal data, as well as the impact assessment. Its key findings were:

- The training has met its original objectives and has performed well against relevant indicators.
- The scale of social capital built in communities as a result of the training is far greater than anticipated and will assist communities to engage with government.
- The training addresses an important need, and the consequence of not addressing this need will be high levels of corporate failure and poor corporate practices which will ultimately undermine efforts to improve Indigenous outcomes.
- It has contributed to improved Indigenous governance and management by targeting Indigenous directors and Board members and key staff involved with critical sectors (e.g. family violence, women's organisations), highest risk essential service organisations and in high need regions.

ORAC also focuses on developing the capacity of its staff to deliver information and training more effectively. This year, ORAC introduced a new tool, talking paper, into its way of working with corporations. Through a simple but effective participative process, a facilitator elicits ideas, encourages dialogue, clarifies, organises and prioritises the ideas to get agreement in groups. Feedback from staff and the groups they work with is that talking paper is very effective, especially if there is limited English and/or literacy.



Remote workshop participants work in small groups with a scribe and interpreter.

Training facts and stats

ORAC's 2004–05 target of 220 training days (represented by 70 non-accredited and 150 accredited training days) has been exceeded.

- 46.5 one-day and half-day information sessions were run
- 8 three-day introductory corporate governance workshops were held
- 8 accredited Certificate IV in Business (Governance) courses were delivered over four five-day blocks (160 days)
- 80 students have completed the course since it was made available two years ago—74 have completed all assessments to the standard required to be awarded the Certificate IV, giving a retention rate of nearly 93 per cent—and 57 people actually graduated with a Certificate in Business (Governance)
- 144 attended ORAC's three-day workshops.

In the past year ORAC has produced a range of plain English publications and audiovisual materials aimed at making information more accessible to corporations in remote areas. Publications include visual tools and materials targeted toward Indigenous language speakers.

CASE STUDY

Adapting the three-day introductory corporate governance workshop for use in remote areas

The ORAC training team has learnt from experience that they must deliver an introductory governance workshop before they deliver their training programs in regional and remote areas. They took up the challenge to adapt their regional governance workshop for use in remote areas.

A collaborative approach was necessary. ORAC approached the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC) in Alice Springs to see if they would work with ORAC, and they agreed.

'When ORAC asked for our help, the organisation was as usual under a lot of pressure just coping with its day-to-day operational functions, but we had already secured a very small grant to run governance training ... We sent the Deputy Chairperson and a staff member to one of the ORAC workshops. The Deputy spoke up strongly about what was hard to understand, and what worked well at that workshop. She could also see that this training was something that all the other Executive would want to have and was keen to continue helping ORAC adapt the program.'

Vicki Gillick, Coordinator, NPYWC

Based on detailed feedback from NPYWC, ORAC came up with a draft approach and program. A planning meeting was held at the NPYWC's Alice Springs office where staff from both organisations, the trainer and board members agreed on content, activities, the use of an interpreter, and the training team. A date was set. In effect the regional workshop content was spread over more workshops to accommodate the needs of participants.

NPYWC also acted as ORAC's community agent, obtaining applications from participants, explaining details of the workshop, and completing joint learning agreements about attendance and participation.

These are some of the comments from participants after the workshop.

'This was the first governance workshop I ever had in Alice Springs. I was excited and also knowing other executives and from Waltja. For me, I did learn about how to run the organisation and I learned and understand some of the hard words, so it was great at the workshop. I think this was the best workshop I ever had. I didn't understand some of the meanings. But I've learned a new way of being a good executive.'

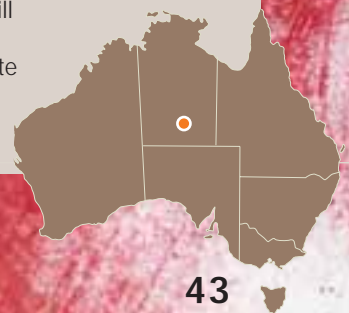
'Law and culture is what makes governance strong. It comes first. We come together to keep us strong and then we can look after the organisation.'

'The most important thing is for executive and staff to have a "good heart", to be kind and look after each other, not to speak badly. Attending the workshop and participating proper way is what governance is all about. You make the commitment.'

'It's important to learn these big words, to help keep the organisation to go straight, not curly-curly—that's when we have problems.'

Major differences between the new adapted program and the original regional workshop include that learning activities are based on oral not written responses, that an interpreter and scribes are present and that participants belong to the same ethno linguistic group.

ORAC will continue to collaborate with NPYWC on the remainder of the introductory workshop content and trial the program in 2005–06. This trial will greatly benefit similar training in other remote areas such as the East Kimberley.



Impact assessment of Certificate IV in Business (Governance) training pilot (Queensland)

—undertaken by Social Compass in 2005

The aim of the impact assessment was to measure:

- the extent the training program has brought about sustained and transformative change in the lives of those participating in the program
- the extent the change in individual participants has impacted on boards/governing committees and/or corporations
- the ways the training program provides evidence of ORAC's more contemporary capacity building role.

Key findings

- 1) *The training program is an enabling mechanism for individual, organisational and, ultimately, community empowerment.*
 - Learnings lead to a transformation in the way in which graduates understood their roles and responsibilities and equipped them with necessary skills to perform their core functions effectively and efficiently.
 - Training provides a platform for graduates to extend their knowledge and increase their involvement in their communities, some taking on leadership or mentoring roles in community.
 - Graduates empower others through transference of knowledge and skills.

- 2) *The training program is instrumental in 'two worlds' coming together in a way that allows for Indigenous culture to be supported by the objectives of the course.*

- The style of delivery 'respects' participants' ways of learning.
- Respect makes learnings accessible and builds rapport and trust between trainer and students.
- The style of delivery fosters a mutual learning environment where students also teach the trainer.

- 3) *Social capital is being generated as a result of the training program.*

Social capital refers to the resources available within social groups and the networks of mutual support, reciprocity, trust and obligation that exist within and between them. The presence of social capital is said to facilitate cooperation within and/or between groups. It is a critical component of successful capacity building programs.

- 4) *The training program has increased participants' understanding of the roles of ORAC.*

ORAC has also developed materials explaining the new Corporations (Aboriginal and Torres Strait Islander) Bill, including:

- a national Indigenous radio campaign
- information booklet
- fact sheets
- website animation.

Legislative reform

During the year ORAC continued its development of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, which was introduced into the Australian Parliament on 23 June 2005. ORAC is also developing the supporting Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill, due to be introduced into parliament in 2006-07.

Why a new Bill?

Currently about 2600 Aboriginal and Torres Strait Islander corporations are registered under the ACA Act. Many play a central role in delivering essential services to remote Indigenous communities, for which substantial amounts of public funds are provided and/or hold land for remote Indigenous groups. Most native title corporations are registered under the ACA Act, similarly many remote Indigenous arts centres.

Since 1976 there have been substantial changes in the legal environment for corporate regulation. The ACA Act is 30 years old and is out of line with modern corporate governance and accountability standards reflected in the *Corporations Act 2001*. Also it needed modernising to respond to contemporary risks and requirements of Indigenous corporations.

Therefore, in 2000 it was decided to review the ACA Act and its administration. The Bill has been developed in the light of this review. Because all provisions of the Corporations Act had to be examined in the light of Indigenous corporations and the Native Title Act, and because of the extensive consultation period during the course of the review, it has taken until now to fully finalise the new legislation.

Date of effect

The Bill will probably start on 1 July 2007, to coincide with the start of the financial year 2007–08. A ‘machinery’ Bill—the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill—is currently being drafted to support this first Bill, and it is proposed that it will be introduced into parliament in 2006–07. It will help corporations move from the old ACA Act to the new Bill.

Implementation

The Registrar’s office is already delivering a range of capacity building programs for Indigenous corporations. These existing programs, coupled with a variety of other strategies, will be employed during implementation to support Indigenous corporations and stakeholders shift to the new Act and requirements. An important goal of implementation is to enable Indigenous corporations to take up opportunities the Bill offers such as improving ‘cultural and local match’ in corporate design.

An up-to-date summary of the Bill can be found at www.orac.gov.au and in Attachment 13.

Improving corporate governance

All ORAC’s work strives for improved corporate governance in Indigenous corporations. ORAC’s goal is to enable effective decisions in Western law, while maximising Indigenous cultural legitimacy for that decision making.

In Western law, corporate governance arrangements are those through which an organisation directs and controls itself and the people associated with it. Corporate governance is primarily the responsibility of the board as a group.

Managing risk

On 14 October 2004 ORAC, together with the Office of Evaluation and Audit (OEA) and OIPC, hosted the inaugural forum on risk issues for programs funding Indigenous corporations. The forum was attended by key funding agencies to identify key risks and to work out how to improve the treatment of those risks.

The forum sponsors nominated five priority risks and the forum identified a further four. They were:

- failure to achieve government outcomes for Indigenous Australians
- capacity of communities and governments
- failure to implement risk management strategies
- not working as one / contract management failure
- failure of dialogue between communities and government
- new program and restructure program ‘sprints’
- loss of corporate reputation (macros and micro)
- slack on tax
- misuse of funds.

Working groups analysed seven of these risk and found that:

- The contribution that individual risk treatments can make in mitigating high priority risks should not be underestimated.
- Dependencies between priority risks are important and need to be understood and incorporated in risk work.
- There are complexities in implementing whole-of-government approaches for Indigenous policy and programs, and related risk work, which need attention.

As a result, ORAC has worked on a range of strategies, including a joint initiative with the Australian Taxation Office and OIPC to help Indigenous corporations meet their GST obligations—a common cause of corporate failure.

People and systems

Although not under direction for statutory decisions, the Registrar is subject to performance management and review in administrative matters. The Registrar had a performance agreement as part of an Australian Workplace Agreement with the Associate Secretary of OIPC. The Registrar was supported by 40 staff at 30 June 2005 in ORAC (see Table 8).

ORAC's focus is on building staff skills and aligning systems and processes with reforms to the ACA Act and, as of 4 May 2006, the Families, Community Services and Indigenous Affairs portfolio.

ORAC's Electronic Register of Indigenous Corporations (ERIC)—a workflow and information management system—has continued to help staff in a number of areas, such as highlighting corporations that may require assistance or review. ERIC also continues to provide clients with faster and more streamlined services. During 2004–05 significant progress was made in making public information available online. More improvements are planned for 2005–06 and later.

A project to improve ORAC's services, processes, systems and procedures is in progress and will also enable support for the Bill when it commences. A number of its recommendations are being implemented, including working towards online processing of some material.

Staff training

ORAC continues to encourage staff to improve their skills. Examples of learning opportunities taken up included:

- Three staff members pursued tertiary/professional qualifications.
- Training was provided in project management, procurement and contract management, financial processing, leadership development, systems analysis, Freedom of Information and mediation. Whole-of-office sessions on reforms to the ACA Act were conducted.
- Staff participated in ORAC's corporate governance training for clients.

Table 8: Staff profile at 30 June 2005

	APS 2	APS 3	APS 4	APS 5	APS 6	Exec 1	Exec 2	SES	Total
Aboriginal and Torres Strait Islander staff	0	1	2	0	1	2	0	0	6
Non-ATSI staff	0	5	2	6	4	10	6	1	34
Male	0	2	2	2	1	7	3	0	17
Female	0	4	2	4	4	5	3	1	23
Ongoing	0	3	4	5	4	9	5	0	30
Non-ongoing	0	3	0	1	1	3	1	1	10
Full-time	0	3	4	5	5	12	6	1	36
Part-time	0	3	0	1	0	0	0	0	4
Totals	0	6	4	6	5	12	6	1	40
Non English-speaking background	0	1	0	2	0	2	1	0	6
People with disabilities	0	0	0	0	0	2	0	0	2

ORAC has a relatively diverse workforce by Australian Public Service (APS) standards (as reflected in the Australian Public Service Commission's *State of the service report 2004–05*):

- 15 per cent Indigenous employment (the APS standard is 2.2 per cent)
- 57.5 per cent women (54.2 per cent)
- 5 per cent people with disabilities (3.8 per cent)
- 15 per cent people from non-English speaking backgrounds (5.3 per cent).

Outlook

The Corporations (Aboriginal and Torres Strait Islander) Bill when enacted provides a unique opportunity for the Indigenous corporate sector to have a more modern and tailored option. It allows for less red tape for smaller community corporations, especially unfunded land holding corporations. It provides for more effective accountability for corporations and their boards and senior managers, in line with mainstream corporations law. Most importantly, the Bill allows 'space' for culture and local practices to be recognised in corporations' rules and processes, which is a well-evidenced success factor. ORAC has a key role in enabling the opportunity of the Bill to be harnessed by the Indigenous corporate sector, and looks forward to this work.



Attachment 1

Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

Request updated list of members—section 58(4)

The Registrar can at any time request the board of a corporation to provide an updated copy of the register of members of the corporation. The board must comply within 14 days or such other time as specified by the Registrar. Failure to comply results in a fine of \$200 for each board member, unless the board member can prove they were not knowingly involved in the contravention, and did not contribute to it. Keeping the members' register up to date is extremely important, in particular for clarifying voting rights at meetings.

Call and conduct a special general meeting—sections 58B(3), (4), (5)

The Registrar has the power to call and/or conduct special general meetings in three different circumstances:

- when a special general meeting was not held within 14 days of the date advertised by the corporation's board
- when a meeting is requested by the greater of five or more members or 10 per cent of the members of a corporation
- at any time, if, in the opinion of the Registrar, a meeting is needed.

Examination of documents—section 60

The Registrar may authorise a person under section 60 to examine the documents of a corporation, and report on any irregularities in financial affairs. This is a very broad discretionary power that does not require any specific grounds for its exercise. It can therefore be used to perform spot checks on corporations.

ORAC has initiated a program of rolling examinations of corporations. These will be conducted on all corporations over a number of years and more frequently on corporations at risk of breaching the ACA Act, where breaches could have serious consequences for the community concerned. A corporation's risk level is assessed against a range of criteria, including size, purpose, time since last examination, compliance status and history of member or other complaints.

Attachment 1: Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

Issue compliance notice—section 60A

Where the Registrar suspects on reasonable grounds that a corporation has failed to comply with the ACA Act, the regulations or the corporation's constitution, or that there has been an irregularity in the corporation's financial affairs, the Registrar may issue a compliance notice. The compliance notice can require the board to take specified action, within specified timeframes, to remedy the suspected breach or irregularity.

Issue injunction show cause notice—sections 61(2), (3)

Where the Registrar believes that the board of a corporation is not complying with the ACA Act, the regulations or the corporation's constitution, the Registrar may issue a 'show cause' notice. This requires the board to show cause, within a specified reasonable period, why the Registrar should not seek an injunction to prevent their breaching action.

Injunction application—sections 61(2), (3)

After considering a board's response to an injunction 'show cause' notice, the Registrar may apply to the court for an injunction. The court may then grant an injunction to require the board to not breach, or cease from breaching, the ACA Act, regulations or constitution.

Winding-up application (liquidation)—sections 62A, 63, 65

The Registrar may apply to the court to wind up a corporation if this is recommended by an administrator, or if the Registrar believes that this would be in the public interests or the interests of the members of the corporation.

The Registrar may apply for winding up on any of a number of grounds, including:

- that the corporation has not commenced business within one year of incorporation, or has suspended its operation for a continuous period of one year
- that there are fewer than five members of the corporation
- that the corporation is unable to pay its debts (that is, it is insolvent)
- that board members have acted in their own interests rather than the interests of the members, or in any other manner that is unfair or unjust to other members

Attachment 1: Summary of the Registrar’s existing regulatory powers under the Aboriginal Councils and Associations Act 1976

- that the complexity or magnitude of the activities of the corporation is such that incorporation under the ACA Act is inappropriate
- that it is just and equitable to wind up the corporation.

If satisfied, the court appoints a liquidator to take over control of the corporation’s affairs and discharge its liabilities in preparation for its eventual deregistration. This will typically involve selling off the corporation’s assets to pay its debts.

If there are any surplus assets after the debts have been paid, these must be distributed in accordance with the corporation’s constitution. If there are no specific rules in the constitution, or the court considers the rules unjust, then the court must make orders for the distribution of the assets, having regard to the objects of the corporation.

Investigation—sections 68, 69, 70

The Registrar is given very broad powers to investigate the affairs of a corporation under the ACA Act. The Registrar can investigate a corporation where the Registrar suspects on reasonable grounds that the corporation has failed to comply with the ACA Act, the regulations or its constitution, or that there has been an irregularity in the corporation’s financial affairs.

Under the investigation powers, the Registrar can:

- require any person who the Registrar believes to have knowledge of the affairs of a corporation to attend before the Registrar, answer questions, and produce documents to which the person has access and which the Registrar requires
- enter onto land or premises occupied by the corporation, and examine, take or copy any books on the premises relating to the affairs of the corporation.

Failure to attend, answer a question or produce a document results in a penalty of \$200. Knowingly making false or misleading responses, and hindering or obstructing the Registrar’s access to premises and books, carry fines of \$1500.

Issue administration ‘show cause notice’—section 71(1)

If the Registrar considers there may be grounds for appointment of an administrator, the Registrar may serve a notice on the public officer of a corporation calling on the corporation to show cause, within a specified time, why an administrator should not be appointed.

Attachment 1: Summary of the Registrar's existing regulatory powers under the Aboriginal Councils and Associations Act 1976

Appointment of administrator—sections 71–77E

Following the issue of an administration 'show cause' notice, the Registrar can appoint an administrator to take over and manage the affairs of a corporation. Administrators are often positively received because they offer an alternative to winding up, and aim to achieve turnaround for a struggling corporation.

An administrator can only be appointed if the Registrar is satisfied that any of certain grounds have been established, including:

- that the corporation has been trading at a loss for at least six of the previous 12 months
- that the board has failed to comply with the ACA Act, the regulations or the constitution, and has failed to give a satisfactory explanation for the failure
- that board members have acted in their own interests rather than the interests of the members, or in any other manner that is unfair or unjust to other members
- that the appointment is required in the interests of members and creditors
- that the appointment is otherwise required in the public interest.

The approval of the minister is required before the appointment of an administrator.

Upon the appointment of an administrator, the board is dismissed. The administrator takes control of the affairs of the corporation, has the functions and duties of the public officer, and has an express power to cancel or vary contracts of employment. The administrator must report to the Registrar from time to time, as required.

Upon termination of the administration, the Registrar must conduct an election for a new board.

The Registrar can also determine the administrator's remuneration, and who should pay it.

Attachment 1: Summary of the Registrar’s existing regulatory powers under the Aboriginal Councils and Associations Act 1976

Deregistration—section 82, regulation 18

Deregistration is the cancellation of a corporation’s registration so that it will cease to exist as a corporation. It is intended to be used for corporations which are ‘defunct’ and essentially non-operational but without debts (if a corporation had debts, winding up would be required).

The process for deregistration operates under provisions of the *Corporations Act 2001*, imported through Regulation 18 of the Aboriginal Councils and Associations Regulations. Under those provisions, the Registrar may deregister a corporation if the following three conditions are met:

- the annual report is at least six months overdue
- no other documents have been lodged in the previous 18 months
- the Registrar has no reason to believe that the corporation is carrying on business.

On deregistration, any property of the corporation vests in the Registrar.

Deregistration is also the end result of a winding up (liquidation).

Attachment 2

Incorporation and support services, 2001–02 to 2004–05

	2004–05	2003–04	2002–03	2001–02
Incorporation services				
Incorporations				
Applications received	120	160	211	206
Total applications actioned during the year	134	143	205	207
Applications approved	120	134	183	187
Applications refused	–	–	–	–
Application lapsed/withdrawn	14	9	22	20
Constitution change requests				
Requests received	116	122	138	134
Total requests actioned during the year	131	114	127	143
Requests approved	112	106	94	98
Requests refused	4	4	22	21
Requests lapsed/withdrawn	15	4	11	24
Name change requests				
Requests received	27	26	20	24
Total requests actioned during the year	25	18	16	32
Requests approved	18	14	8	22
Requests refused	2	–	2	1
Requests lapsed/withdrawn	5	4	6	9
Post incorporation services				
Public register searches				
Search requests received	543	283	551	858
Search requests finalised	501	272	557	844
Members' complaints and dispute assistance				
Matters received	117	139	123	120
Matters finalised	119	131	107	119
Annual general meeting extensions				
Matters received	140	106	–	–
Matters finalised	137	104	–	–
Advice on corporation issues				
Inquiries received	662	774	668	251
Inquiries finalised	682	634	622	245

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

Attachment 3

Compliance trend

This table outlines the trends in corporations' compliance with ORAC reporting requirements between 1998-99 and 2003-04.

Compliance period	No. of corporations	Fully compliant	Partially compliant	Not fully or partially compliant	% fully compliant	% partially compliant	% not fully or partially compliant
1998-99 to 1999-00	2488*	855	251	1528	34%	10%	61%
1999-00 to 2000-01	2490*	739	195	1727	30%	8%	69%
2000-01 to 2001-02	2497	576	26	1895	23%	1%	76%
2001-02 to 2002-03	2308	528	264	1516	23%	11%	66%
2002-03 to 2003-04	2304	652	283	1369	28%	12%	59%

*These figures are approximations due to the limitations of the data collection system in place at the time.

Note: 'Fully or partially compliant' means that either 5 or 3 key annual return documents respectively have been provided by the corporation for the relevant 2 consecutive year period. The above table shows all returns received by ORAC as at 30 June 2005. Corporations are not required to provide annual returns for 2004-05 until 31 December 2005.

The number of corporations are the number of corporations that were incorporated as at 31 March 2002, being the first financial year of the compliance period.

Attachment 4

Corporations where examinations were initiated 2004–05

This table lists corporations for which examinations under section 60 of the ACA Act were initiated during 2004–05, and summarises follow-up action by the Registrar to the time of writing.

ICN	Corporation	Examination action
449	Abmusic (Aboriginal Corporation)	Section 60A notice issued 16 June 2005
2226	Amaroo Aboriginal Corporation	Section 60A notice issued 29 September 2004
1902	Ananga Pitjantjatjara Services Aboriginal Corporation	Section 60A notice issued 13 May 2005
258	Anilalya Council (Aboriginal Corporation)	Decision pending
3615	Ashburton Aboriginal Corporation	Section 60A notice issued 31 December 2004
29	Bawinanga Aboriginal Corporation	No further action—management letter
3805	Billa Downs Aboriginal Corporation	Section 71 notice issued 15 June 2005
2058	Brisbane Council of Elders Aboriginal Corporation	No further action—management letter 10 January 2004
12	Broome Regional Aboriginal Medical Service (Aboriginal Corporation)	No further action—management letter issued 17 January 2005
1637	Burabi Aboriginal Corporation	Section 60A notice issued 14 June 2005
67	Central Australian Aboriginal Media Association (Aboriginal Corporation)	Section 60A notice issued 13 May 2005
1269	Dubbo Googars Aboriginal Corporation – CDEP	Section 71 notice issued 24 January 2005 Administrator appointed 18 May 2005
2912	Eidsvold Wakka Wakka Aboriginal Corporation	Decision pending
469	Ellimatta Housing Aboriginal Corporation	Section 60A notice issued 24 January 2005
4050	Gangali Aboriginal Corporation	Decision pending
3830	Ghungalou Aboriginal Corporation	Report pending
1508	Giangurra Aboriginal Corporation	Decision pending
2824	Goreta Aboriginal Corporation	Section 71 notice issued 13 July 2005
3864	Hopevale Community Learning Centre Aboriginal Corporation	Section 60A notice issued 7 June 2005
2974	Horn Island Aboriginal Corporation	Section 60A notice issued 26 November 2004
244	Injilinj Aboriginal and Torres Strait Islanders Corporation for Children and Youth Services	Section 71 notice issued 22 March 2005 Section 60A notice issued 28 April 2005
638	Joorook Ngarni Aboriginal Corporation	Section 60A notice issued 10 January 2005
3712	Kaiwalagal Aboriginal Corporation	Section 60A notice issued 26 November 2004
2375	Kamilaroi Aboriginal Housing Aboriginal Corporation	Report pending
1754	Kamilaroi Employment Aboriginal Corporation	Report pending

Attachment 4: Corporations where examinations were initiated 2004–05

ICN	Corporation	Examination action
108	KASH Aboriginal Corporation	Section 60A notice issued 11 March 2005
1816	Katungal Aboriginal Corporation Community and Medical Service	Section 60A notice issued 11 March 2005
35	Kununurra Waringarri Aboriginal Corporation	Section 60A notice issued 29 April 2005
2250	Kutkabubba Aboriginal Corporation	Report pending
1369	Mackay and District Aboriginal and Torres Strait Islanders Corporation for Legal Aid Services	No further action—management letter
964	Magabala Books (Aboriginal Corporation)	Section 71 notice issued 24 January 2005 Monitoring agreement 23 February 2004
1807	Manyallaluk Aboriginal Corporation	Decision pending
2416	Marruwayura Aboriginal Corporation	Report pending
1061	Mungoorbada Aboriginal Corporation	Report pending
500	Murchison Region Aboriginal Corporation	Decision pending
2761	Nalta Ruwe Aboriginal Corporation	Section 71 notice issued 4 April 2005 Section 60A notice issued 29 May 2005
2804	Ngunnawal Aboriginal Corporation	Section 60A notice issued 29 March 2005
2062	Nindethana Aboriginal Corporation	Report pending
1917	Northern Star Aboriginal Corporation	Section 71 notice issued 31 December 2004
584	Papulu Apparr-Kari Aboriginal Corporation	Decision pending
942	Parnngurr Aboriginal Corporation	Section 71 notice issued 9 May 2005
334	Pintubi Homelands Health Service (Aboriginal Corporation)	Decision pending
629	Pitjantjatjara Yankunytjatjara Media (Aboriginal Corporation)	Section 60A notice issued 6 May 2005
2999	Pulikutjarra Aboriginal Corporation	Decision pending
1071	Pulkurru Aboriginal Corporation	Report pending
232	Southern Aboriginal Corporation	No further action—management letter 9 March 2005
442	The Arrernte Council of Central Australia Aboriginal Corporation	ORAC wind up action—Liquidator appointed 24 November 2004
918	Umpi Korumba Aboriginal and Torres Strait Islander Corporation for Housing	Section 71 notice issued 9 December 2004
2	Urapuntja Health Service Aboriginal Corporation	Decision pending
703	Western Australian Aboriginal Media Association (Aboriginal Corporation)	Section 71 notice issued 8 April 2005 Section 60A notice issued 8 June 2005
360	Wheatbelt Aboriginal Corporation	Section 60A notice issued 7 October 2004
2249	Windida Aboriginal Corporation	Report pending
548	Winton District Aboriginal Corporation	Section 60A notice issued 7 July 2005

Attachment 4: Corporations where examinations were initiated 2004–05

ICN	Corporation	Examination action
1302	Wongatha Wonganarra Aboriginal Corporation	Decision pending
235	Yagga Yagga Community Aboriginal Corporation	Decision pending
2091	Yagga Yagga Enterprises Aboriginal Corporation	Decision pending
742	Yakanarra Aboriginal Corporation	No further action—management letter issued 12 July 2005
3840	Yandruwandha Yawarrawarka Traditional Land Owners Aboriginal Corporation	Section 71 notice issued 9 December 2004 Administrator appointed 11 April 2005
4088	Yapatjarra Aboriginal and Torres Strait Islander Corporation for Health Services	Section 71 notice issued 22 March 2005 Administrator appointed 27 June 2005
620	Yarrowarra Aboriginal Corporation	Section 71 notice issued 18 January 2005
309	Yulella Aboriginal Corporation	Section 60A notice issued 3 January 2005

Attachment 5

Corporations issued with notices to rectify matters 2004–05

This table lists corporations that were issued with notices to rectify matters under section 60A of the ACA Act during 2004–05.

ICN	Corporation
419	'Kootana' Women's Centre Palm Island Aboriginal Corporation
449	Abmusic (Aboriginal Corporation)
2226	Amaroo Aboriginal Corporation
2542	Ampilatwatja Health Centre Aboriginal Corporation
1902	Ananga Pitjantjatjara Services Aboriginal Corporation
3615	Ashburton Aboriginal Corporation
1637	Burabi Aboriginal Corporation
3239	Carnarvon Aboriginal Corporation
499	Carnarvon Medical Service Aboriginal Corporation
67	Central Australian Aboriginal Media Association (Aboriginal Corporation)
1276	Danila Dilba Biluru Butji Binnilutlum Health Service Aboriginal Corporation
3726	Edgerton-Kwiembal Aboriginal Corporation

Attachment 5: Corporations issued with notices to rectify matters 2004–05

ICN	Corporation
469	Ellimatta Housing Aboriginal Corporation
2708	Gunida Gonyah Aboriginal Corporation
1784	Guriwal Aboriginal Corporation
3864	Hopevale Community Learning Centre Aboriginal Corporation
2974	Horn Island Aboriginal Corporation
181	Illawarra Aboriginal Corporation
244	Injilinj Aboriginal and Torres Strait Islanders Corporation for Children and Youth Services
638	Joorook Ngarni Aboriginal Corporation
3712	Kaiwalagal Aboriginal Corporation
113	Kalumburu Aboriginal Corporation
108	KASH Aboriginal Corporation
1816	Katungal Aboriginal Corporation Community and Medical Service
35	Kununurra Waringarri Aboriginal Corporation
285	Kuwinywardu Aboriginal Resource Unit Aboriginal Corporation
2761	Nalta Ruwe Aboriginal Corporation
651	Ngoonjuwah Council Aboriginal Corporation
2804	Ngunnawal Aboriginal Corporation
1519	Orana Aboriginal Corporation
629	Pitjantjatjara Yankunytjatjara Media (Aboriginal Corporation)
2645	Shoalhaven Community Development Aboriginal Corporation
703	Western Australian Aboriginal Media Association (Aboriginal Corporation)
360	Wheatbelt Aboriginal Corporation
3411	Wonnarua Nation Aboriginal Corporation
3255	Woodgamia CDEP Aboriginal Corporation
309	Yulella Aboriginal Corporation

Attachment 6

Corporations issued with notices to show cause why an administrator should not be appointed 2004–05

This table lists corporations that were required to show cause why an administrator should not be appointed under section 71 of the ACA Act during 2004–05.

ICN	Corporation
3805	Billa Downs Aboriginal Corporation
499	Carnarvon Medical Service Aboriginal Corporation
768	Cudjallagong Aboriginal Corporation Lake Cargelligo
1269	Dubbo Googars Aboriginal Corporation – CDEP
244	Injilnji Aboriginal and Torres Strait Islanders Corporation for Children and Youth Services
964	Magabala Books (Aboriginal Corporation)
2761	Nalta Ruwe Aboriginal Corporation
55	New England Aboriginal Corporation
1917	Northern Star Aboriginal Corporation
942	Parnngurr Aboriginal Corporation
560	Piccadilla Aboriginal Corporation
2379	Southside Housing Aboriginal Corporation
2749	Three Ways Aboriginal Corporation
918	Umpi Korumba Aboriginal and Torres Strait Islander Corporation for Housing
703	Western Australian Aboriginal Media Association (Aboriginal Corporation)
3840	Yandruwandha Yawarrawarrka Traditional Land Owners Aboriginal Corporation
4088	Yapatjarra Aboriginal and Torres Strait Islander Corporation for Health Services
620	Yarrowarra Aboriginal Corporation

Attachment 7

Corporations where new administrators were appointed 2004–05

This table lists corporations for which administrators were appointed under section 71 of the ACA Act during 2004–05.

ICN	Corporation	Date appointed
2749	Three Ways Aboriginal Corporation	29 September 2004
768	Cudjallagong Aboriginal Corporation Lake Cargelligo	29 September 2004
560	Piccadilla Aboriginal Corporation	1 November 2004
2379	Southside Housing Aboriginal Corporation	15 November 2004
3840	Yandruwandha Yawarrawarka Traditional Land Owners Aboriginal Corporation	18 April 2005
1269	Dubbo Googars Aboriginal Corporation—CDEP	18 May 2005
4088	Yapatjarra Aboriginal and Torres Strait Islander Corporation for Health Services	27 June 2005

Attachment 8

Corporations with administrations continuing from previous years at 30 June 2005

This attachment lists corporations with administrations continuing from previous years, and when the administrator was appointed.

ICN	Corporation	Date appointed
49	Gilgandra Aboriginal Corporation	10 October 2001
2133	Goomburrup Aboriginal Corporation	16 July 2002
2452	Brewarrina Aboriginal Cultural Museum Aboriginal Corporation	3 December 2002
662	Munjuwa Health Housing and Community Aboriginal Corporation	24 March 2003
289	Wirrimanu Aboriginal Corporation	31 October 2003
2541	Kununurra Region Economic Aboriginal Corporation	21 November 2003
2885	Central Queensland Aboriginal Corporation for Media	22 March 2004
1716	Armidale Employment Aboriginal Corporation	5 April 2004
54	Mount Morgan Aboriginal Corporation	12 April 2004

Attachment 9

Liquidations in progress at 30 June 2005

This table lists corporations where liquidation was in progress under the ACA Act at 30 June 2005.

ICN	Corporation	Date appointed
2293	Aboriginal and Torres Strait Islander Corporation for All Sports, Health and Recreation	29 May 2003
2690	Aboriginal Building Corporation (Aboriginal Corp)	21 March 2000
227	Balangarri Aboriginal Corporation	28 July 1999
893	Boree Aboriginal Corporation	
2452	Brewarrina Aboriginal Cultural Tourism Aboriginal Corporation	29 May 2003
2911	Cairns & District Indigenous Families Aboriginal & Torres Strait Islanders Corporation	1 December 2004
1449	Carnma CDEP Aboriginal Corporation	13 February 2004
164	Central Queensland Aboriginal Corporation for Training Resources	30 May 1997
1766	Coolgaree Youth Movement Aboriginal Corporation	18 August 2004
1228	Doonooch Self-Healing Aboriginal Corporation	12 December 2000
1930	Durahrwa Training and Development Aboriginal Corporation	10 May 2005
2412	Euston Aboriginal Corporation	10 March 1999
1122	Gubrun Aboriginal Corporation	19 January 2000
1696	Guddoo Marddah Aboriginal Corporation	23 February 2000
1674	Gundabooka Aboriginal Corporation	14 August 2002
1579	Gunyah Construction Aboriginal Corporation	12 June 2001
1192	Karijini Aboriginal Corporation	6 May 2003
328	Kerrup Jmara Elders Aboriginal Corporation	2 April 2001
1562	Manth-Thayan Aboriginal Corporation	14 September 1999
3639	Martidja Bunyjima Aboriginal Corporation	29 May 2003
549	Mearu Djarula Aboriginal Corporation	20 April 1999
3553	Murrin Bridge Vineyard Aboriginal Corporation	7 March 2005
1476	Narrogin Aboriginal Corporation	16 August 2001
147	Narwon Housing Aboriginal Corporation	15 May 1998
272	Ngaku Aboriginal Corporation Multi-Purpose Centre	3 November 2004
957	NSW Women's Aboriginal Corporation	2 May 2000
2704	Orana Borellan Aboriginal Corporation	12 June 1999
87	Sports Aboriginal Corporation of Tasmania	6 October 2000
77	Theodore Aboriginal Corporation	19 April 2000
1551	Wandanooka Aboriginal Corporation	4 October 1999
2323	Warrego Aboriginal Corporation	28 November 2002
3221	Wiri/Yuwiburra "Touri" Aboriginal Corporation	7 June 2002
778	Yabu Bindalynga Aboriginal Corporation	5 September 1995
1825	Youth Activities Services Torres Strait Islander Corporation	2 October 2003

Attachment 10

Liquidations finalised during 2004–05

The corporations listed in this table were liquidated under the ACA Act, and the liquidations were finalised during 2004–05.

ICN	Corporation	Date appointed
480	Allambi Aboriginal Corporation	19 March 1999
1853	Bidunggu Aboriginal Corporation	7 November 2000
2018	Birri Gubba Aboriginal Corporation	27 January 2000
1700	Bogong Community Aboriginal and Torres Strait Islanders Corporation	10 December 1996
2441	Brisbane North Aboriginal and Torres Strait Islanders Corporation for Aged Care	11 July 2003
1174	Camu Goun-Doi Aboriginal Corporation	15 July 1999
699	Dhunghulla Economic Development Aboriginal Corporation	12 July 1999
1465	Murri Aid Inala Aboriginal and Torres Strait Islanders Corporation	7 May 2004
1887	Ngadju Bugarla Mirning Wamu Wamu Aboriginal Corporation	21 July 1999
166	North Queensland Aboriginal and Torres Strait Islanders Corporation for Child Care	16 December 2002
509	Nurapai Torres Strait Islanders Corporation	25 January 2000
442	The Arrernte Council of Central Australia Aboriginal Corporation	24 November 2004
10	Tingha Aboriginal Corporation	4 October 1999
233	Waratah Aboriginal Corporation	12 May 1999
1237	Wattle Hill Housing and Advancement Aboriginal Corporation	21 August 1998
310	Yuddika (Aboriginal and Torres Strait Islander Corporation)	13 February 2004

Attachment 11

Deregistrations completed

The corporations listed in this appendix were deregistered under the ACA Act during 2004–05.

ICN	Corporation
3	Warran Aboriginal Corporation
32	Leeton and District Aboriginal Corporation
172	Kaltukatjara Nguratjaku Council (Aboriginal Corporation)
233	Waratah Aboriginal Corporation
310	Yuddika (Aboriginal and Torres Strait Islanders Corporation)
387	Yanangu Stores Association (Aboriginal Corporation)
424	Darlots Creek (Saunders Family) Aboriginal Corporation
480	Allambi Aboriginal Corporation
509	Nurapai Torres Strait Islanders Corporation
699	Dhunghulla Economic Development Aboriginal Corporation
783	Jukurpa Aboriginal Corporation
995	Gillawarra (Aboriginal Corporation)
1174	Camu Goun-Doi Aboriginal Corporation
1224	Yurundiali Aboriginal Corporation
1237	Wattle Hill Housing and Advancement Aboriginal Corporation
1308	Deloraine Aboriginal Culture Association Aboriginal Corporation
1465	Murri Aid Inala Aboriginal and Torres Strait Islanders Corporation
1526	Waljjukurru Aboriginal Corporation
1589	Wiimpatja Wana Aboriginal Corporation
1650	Southern and Western Regional Aboriginal Corporation For Justice
1700	Bogong Community Aboriginal and Torres Strait Islanders Corporation
1772	South West Community Care Aboriginal Corporation
1783	Napranum Aboriginal Corporation
1818	Yuroke Investments Aboriginal Corporation
2018	Birri Gubba Aboriginal Corporation
2033	Wambali Aboriginal Corporation
2052	Disability Services Aboriginal Corporation
2060	Gamilaroi Women's Group Aboriginal Corporation
2103	Waagul Aboriginal Corporation
2107	Euraba Store Aboriginal Corporation
2153	South West Queensland Aboriginal Corporation for Sports and Recreation
2159	Wandra Wandian Aboriginal Corporation

Attachment 11: Deregistrations completed

ICN	Corporation
2163	Western Suburbs Enterprise Development Aboriginal Corporation
2187	Wellington Aboriginal Corporation Sports Club
2208	Cullendulla Aboriginal Corporation
2305	Aboriginal and Torres Strait Islanders Corporation for Community Development
2343	North Star Construction Aboriginal Corporation
2363	Marle Yaragan (Swan River) Aboriginal Corporation
2401	Sydney Aboriginal Corporation
2405	Bungaree Aboriginal Corporation
2406	Cutwill Aboriginal Corporation
2407	Too Much Dreamtime Aboriginal Corporation
2434	Gubbi Land Council Aboriginal Corporation
2435	Paruna Aboriginal Corporation
2438	Florina Station Aboriginal Corporation
2441	Brisbane North Aboriginal and Torres Strait Islanders Corporation for Aged Care
2445	Unit Committee T.S. Carpentaria (Aboriginal and Torres Strait Islanders Corporation)
2457	Katiny Aboriginal Corporation
2468	Menindee Family Support Group Aboriginal Corporation
2478	Palm Island Gospel Outreach Family Care Aboriginal Corporation
2486	Georgina River Aboriginal Corporation
2505	National ATSI Student Network Aboriginal Corporation
2524	Wiradjuri Amaroo Land Kommittee (Walk) Aboriginal Corporation
2534	Muli Youth & Sport Club Aboriginal Corporation
2548	Gnurra Yilla Aboriginal Corporation
2550	Dhaura Housing Aboriginal Corporation
2552	Mindaribba Aboriginal Corporation
2553	Karluk Muujt Aboriginal Corporation
2554	Roma Gorge Aboriginal Corporation
2559	Walter McGuire & Sons Aboriginal Corporation
2567	Wiputa Aboriginal Corporation
2572	Five Corners Aboriginal Corporation
2580	Inverell and District Aboriginal & Torres Strait Islanders Corporation
2581	Waukaba Aboriginal Corporation
2584	Wodi-Wodi Youth Committee Aboriginal Corporation
2587	Yinarr Bambar Aboriginal Corporation
2595	South East Queensland ATSI Corporation for Sport, Recreation, Social and Economic Activities

Attachment 11: Deregistrations completed

ICN	Corporation
2596	Goombungee Aboriginal Corporation
2602	Trad-Art Aboriginal Corporation
2615	Wayah Aboriginal Corporation
2619	The Emanuel Cooper Drop-in Centre Aboriginal Corporation
2639	Yabuna Ooloma Council of Elders Aboriginal Corporation
2650	Gimuy Cultural Development Aboriginal Corporation
2652	Euraajuri Heritage Aboriginal Corporation
2659	Nyoongah Sport and Recreation Council (Aboriginal Corporation) for the Central Wheatbelt
2667	Bindook Aboriginal Corporation
2671	Durahrwa Aboriginal Corporation
2678	Woodray Murridge Aboriginal Corporation
2683	Kaltarra Aboriginal Corporation
2694	Atheympelengkwe Aboriginal Corporation
2707	Wunnamurra Aboriginal & Torres Strait Islanders Corporation for Sport
2709	Yamba All Blacks Rugby League Aboriginal Corporation
2721	Inland Rivers Land Council Aboriginal and Torres Strait Islanders Corporation
2725	Daiwul Gidja Culture Group Aboriginal Corporation
2726	Balun Community Health Place Aboriginal Corporation
2728	Wuyagiba Numamurdiridi Aboriginal Corporation
2737	Binbi – Yungah Employment of Aboriginal and Torres Strait Islanders Corporation
2739	Pitjantjatjara Outreach Ministry Crusade (Aboriginal Corporation)
2770	Jilakin Aboriginal Corporation
2778	Bindarray Aboriginal Corporation for Youth and Education
2800	Bourke Boxing Club Aboriginal Corporation
2803	Googunah Land Council Aboriginal Corporation
2812	T.I Meriam Group Torres Strait Islanders Corporation
2825	Tourism Manjimup Aboriginal Corporation
2826	Nanga-Ngoona Moora-Joorga Aboriginal Corporation
2838	Deili Aboriginal Corporation
2848	Bagal Marragabula Babal Aboriginal Corporation
2850	Aray Tours (Laughton and Associates) Aboriginal Corporation
2861	Booringa Aboriginal Corporation
2871	Kulintjuri Aboriginal Corporation
2889	Woonghi Youth, Sport & Recreation Aboriginal Corporation

Attachment 11: Deregistrations completed

ICN	Corporation
2900	Marda Aboriginal Corporation
2901	Black Duck Womens Aboriginal Corporation
2919	Traditional Tribal Mutthi-Mutthi Aboriginal Corporation
2921	Kiana Aboriginal Corporation
2935	Nukara Indigenous Womens Aboriginal Corporation
2939	Wangkumarra Land Council Aboriginal Corporation
2944	Oomari Aboriginal Corporation
2946	Yagungu-Nya Aboriginal Corporation
2950	The Bok Bok Gallery Aboriginal Corporation
2952	Bralbin Boxing Club Aboriginal Corporation
2965	The Ngarigo of the Maneroo Aboriginal Corporation
2971	National Indigenous Aboriginal Rugby League (Aboriginal Corporation)
2975	Kullarri Patrol Aboriginal Corporation
2988	Pituri Pastoral Aboriginal Corporation
2994	Ngoorabul Elders Aboriginal Corporation Glen Innes
3004	Djunuwidj Business Enterprises Aboriginal Association
3018	Morwell Aboriginal Education Consultative Aboriginal Corporation
3026	Ngaaga Aboriginal Corporation
3041	Bigambul Land Management Aboriginal Corporation
3042	Cobar Aboriginal C.D.E.P. Aboriginal Corporation
3043	Bungu Marras Aboriginal Corporation
3044	Barjai Aboriginal Corporation
3048	Ngwely Aboriginal Corporation
3052	Barrun-Bari Aboriginal Corporation
3073	Jayedi Aboriginal Corporation
3077	Juvenile Advancement Aboriginal Corporation
3081	Bondrildich Yongagarup Aboriginal Corporation
3082	Upper Clarence Jabiros Rugby League Aboriginal Corporation
3095	Thithaarr-Warra Aboriginal Corporation
3102	Broulee Aboriginal Corporation
3105	Pujawujalki Aboriginal Corporation
3112	Keriba Lagau Traditional Land and Sea Claimants Torres Strait Islanders Corporation
3117	MKMGMK Ailanesians (Malu Lewer) Torres Strait Islander Corporation
3131	Woghun Web-Barrd Aboriginal Corporation

Attachment 11: Deregistrations completed

ICN	Corporation
3133	KREAC Financial Services Aboriginal Corporation
3136	Intelyape-lyape Aboriginal Corporation
3140	Ngijambandi Yaam Yuludarra Aboriginal Corporation
3151	Black Tracks Aboriginal Corporation
3152	Yuturminyi Aboriginal Corporation
3167	Miri Aboriginal Corporation
3175	Gudang Aboriginal Corporation
3177	Munyunga Training and Development Aboriginal Corporation
3179	Maddington Christian Aboriginal Corporation
3184	Noongar Aboriginal Corporation Cranbrook and Kendenup
3187	Retta Dixon Home Aboriginal Corporation
3190	Nguluk Mia Aboriginal Corporation
3192	Greater Mount Isa Regional Aboriginal Corporation
3198	Bwgcolman Media Aboriginal Corporation
3211	Westerners Aboriginal Corporation
3213	Aspey Nyoongah Aboriginal Corporation
3223	Living Hope Christian Aboriginal & Torres Strait Islander Aboriginal Corporation for Community Welfare
3230	Hammond Island Fishing Torres Strait Islanders Corporation
3235	Wearu Aboriginal Corporation
3242	Gurwidj Aboriginal Neighbourhood House Aboriginal Corporation
3247	Yarnawakoo Aboriginal Corporation
3251	Dorakin Aboriginal Corporation
3253	Anangu Tjuta Nintirikupayi Aboriginal Corporation
3257	National Stolen Children Aboriginal Corporation
3261	Aboriginal Corporation for Bwgcolman Community resource Centre
3265	Newcastle United Sports Aboriginal Corporation
3266	Dingaal Aboriginal Corporation
3272	Dharawahl Aboriginal Corporation for Housing
3274	Island View Aboriginal Corporation
3278	Wadjari Aboriginal Corporation
3280	Bigumbul Aboriginal Corporation for Land
3283	Coolabah Aboriginal Corporation
3285	Moorn Ngoorlak Armadale Aboriginal Independent Group Aboriginal Corporation
3286	Wakka Wakka Aboriginal Corporation Land Council
3289	Torres Strait Islanders Corporation for Indigenous Culture

Attachment 11: Deregistrations completed

ICN	Corporation
3297	Mayi Mia Aboriginal Corporation
3311	Angumothimaree Thanaquithe Aboriginal Corporation
3314	Sydney Economic Development Aboriginal Corporation
3321	Forster Cabarita Sports and Recreation Club Aboriginal Corporation
3325	Youttinga Aboriginal Corporation
3331	Nambucca Valley Rams Aboriginal League Association Aboriginal Corporation
3340	Ngoroe-kah Indigenous Performance Aboriginal Corporation
3344	Gunda Aboriginal Corporation
3356	Tarrin-Dorakin Aboriginal Corporation
3360	Ngala Aboriginal Corporation
3365	Tuki-Up Aboriginal Corporation
3378	Pimbathella Aboriginal Corporation
3397	Sapphire Coast United Warriors Rugby League Football Club Aboriginal Corporation
3403	Woorabinda Elders Aboriginal Corporation
3407	Wurrumalu Thalanyji Aboriginal Corporation
3417	Sunraysias Elders Aboriginal Corporation
3421	Bardulanha Aboriginal Corporation
3434	Muralagauh Buai Torres Strait Islanders Corporation
3446	Yongar Quarberup Aboriginal Corporation
3448	Pananykarra Aboriginal Corporation
3451	Ngarawunja Aboriginal Corporation
3453	Ngudaarrerp Keetj (Gumlett Tree Spear) Aboriginal Corporation
3457	Lake Chinocup Aboriginal Corporation
3459	Winyuduwa Aboriginal Corporation
3460	Mundu Aboriginal Corporation
3462	Watarru Enterprises Aboriginal Corporation
3480	Gambuwal Aboriginal Corporation.
3483	Dreamtime Entertainment Aboriginal Corporation
3488	Diwah Aboriginal Corporation
3489	Galaringi Aboriginal Corporation
3492	Murragan Aboriginal Corporation
3495	Yorke Island Fishermens (Torres Strait Islander) Corporation
3502	Edarr Aboriginal Corporation
3513	The Councillor Aboriginal Corporation

Attachment 11: Deregistrations completed

ICN	Corporation
3517	Koorie Galore Aboriginal Corporation
3519	Mowanjum Artists Spirit of the Wandjina Aboriginal Corporation
3521	La Perouse Aboriginal Corporation for Youth and Community Sports
3525	Goodaduboo Night Patrol Aboriginal Corporation
3544	Palm Island Businesses Aboriginal Corporation
3549	Family Violence Prevention Aboriginal Corporation
3550	Wannamurragunya Aboriginal Corporation
3556	Ngarla Koort Aboriginal Corporation
3558	Batemans Bay South Coast Koori United Aboriginal Corporation
3565	Jirndawurruna Yindjibarndi Aboriginal Corporation
3567	Barndangana Aboriginal Corporation
3577	Kymel – North West Brisbane Aboriginal Torres Strait Islander Corporation Community Group
3588	Tom Price Aboriginal Corporation
3595	Bereavement Services Aboriginal Corporation
3596	Grahams Land Development Aboriginal Corporation
3608	Top of the Tablelands ARUNTA Aboriginal Corporation CDEP
3611	Ngukurr Meat Supplies and Abattoirs Aboriginal Corporation
3614	Wyllburra Binbi Aboriginal Corporation for Social Justice
3616	The Gathering Place (Spiritual and Physical Healing) Aboriginal and Torres Strait Islander Corporation
3617	Onslow Thalanyji Aboriginal Corporation
3619	Maiwar Aboriginal Corporation
3627	Bunurong Aboriginal Corporation
3641	Kwintigan Land Management Aboriginal Corporation
3645	South Queensland Traditional Owners Aboriginal Corporation
3646	Aulperenge Aboriginal Corporation
3652	Tomorrows Leaders Camps Aboriginal Corporation
3656	Guba Wame Aboriginal & Torres Strait Islander Corporation
3657	Djanbun Washpool Aboriginal Corporation
3659	Bunbury Aboriginal Media Association (Aboriginal Corporation)
3663	Warregal Management & Consultancy Aboriginal Corporation
3664	Joongnardhi Aboriginal Corporation
3670	Jilarrn Aboriginal Corporation
3672	Sarina Aboriginal & Torres Strait Islanders Corporation for Health, Sporting & Recreation
3689	Walgun Aboriginal Corporation

Attachment 11: Deregistrations completed

ICN	Corporation
3690	Badimia Business Aboriginal Corporation
3703	Kurralnga Resource Centre Aboriginal Corporation
3707	Tilagi Land and Sea Aboriginal Corporation
3710	Our Dream Time Aboriginal Corporation
3711	Ginyinbaminjarri Aboriginal Corporation
3713	Barjon Music Aboriginal Corporation
3714	Gurrullgan Community Aboriginal Corporation
3723	Tjitjiku Ngurra Aboriginal Corporation
3735	Indigenous Business Solutions Aboriginal Corporation
3736	Sydney Country Music Club Aboriginal Corporation
3737	The Cherbourg Aboriginal Media Network Aboriginal Corporation
3750	Thungutti Burrell Bulia Aboriginal Corporation
3759	Ngadli Mudlunha Aboriginal Corporation
3760	Winangaay NSW Indigenous Youth Culture & Fitness Aboriginal Corporation
3773	Yathapurrunha Aboriginal Corporation
3780	Ngurangga Aboriginal and Torres Strait Islander Corporation for Housing
3881	Parkes Business Aboriginal Corporation
3984	Moree Shamrock Warriors Aboriginal Corporation
4072	Lower Darling Traditional Owners Aboriginal Corporation
4113	Karuah Aboriginal Corporation

Attachment 12

Indigenous corporations under the ACA Act with highest known income*

REF	ICN	Corporation name	Grant	Other	Total
A	29	Bawinanga Aboriginal Corporation	\$10 495 857	\$12 146 228	\$22 642 085
B	2719	Kaarta-Moorda Aboriginal Corporation	\$10 997 196	\$2 167 380	\$13 164 576
C	2102	Bungala Aboriginal Corporation	\$12 407 843	\$0	\$12 407 843
D	3068	Katherine West Health Board Aboriginal Corporation	\$8 804 261	\$700 358	\$9 504 619
E	21	Kimberley Land Council Aboriginal Corporation	\$6 517 054	\$2 775 829	\$9 292 883
F	232	Southern Aboriginal Corporation	\$7 104 716	\$785 268	\$7 889 984
G	868	Julalikari Council Aboriginal Corporation	\$2 137 639	\$5 702 805	\$7 840 444
H	443	Ngaanyatjarra Services Aboriginal Corporation	\$0	\$7 125 159	\$7 125 159
I	4170	Sunrise Health Service Aboriginal Corporation	\$5 597 780	\$1 223 948	\$6 821 728
J	27	Durri Aboriginal Corporation Medical Service	\$5 734 832	\$1 086 700	\$6 821 532
K	2570	Maari Ma Health Aboriginal Corporation	\$5 919 717	\$294 038	\$6 213 755
L	267	Tjuwanpa Outstation Resource Centre (Aboriginal Corporation)	\$5 207 949	\$769 307	\$5 977 256
M	2958	South-West Aboriginal Medical Service Aboriginal Corporation	\$3 290 408	\$2 580 519	\$5 870 927
N	2705	Wila Gutharra Community Aboriginal Corporation	\$4 544 168	\$1 271 044	\$5 815 212
O	1124	Booroongen Djugun Aboriginal Corporation	\$4 287 710	\$1 416 353	\$5 704 063
P	3976	Cairns Regional Community Development & Employment Aboriginal & Torres Strait Islander Corporation	\$5 615 611	\$75 342	\$5 690 953
Q	197	Bega Garnbirringu Health Services Aboriginal Corporation	\$4 665 683	\$766 010	\$5 431 693
R	3003	Nooda Ngulegoo Aboriginal Corporation	\$5 283 782	\$42 606	\$5 326 388
S	1902	Anangu Pitjantjatjara Services Aboriginal Corporation	\$1 116 800	\$4 011 619	\$5 128 419
T	283	Anyinginyi Health Aboriginal Corporation	\$4 245 225	\$855 528	\$5 100 753
U	12	Broome Regional Aboriginal Medical Service (Aboriginal Corporation)	\$2 231 666	\$2 813 261	\$5 044 927
V	360	Wheatbelt Aboriginal Corporation	\$3 563 433	\$1 411 472	\$4 974 905
W	1094	Bama-Ngappi-Ngappi Aboriginal Corporation	\$1 769 294	\$3 065 767	\$4 835 061
X	99	Biripi Aboriginal Corporation Medical Centre	\$3 653 536	\$850 880	\$4 504 416
Y	1163	Cape York Land Council Aboriginal Corporation	\$4 291 052	\$114 464	\$4 405 516

* See Map 1 for location of these 25 corporations

Attachment 13

The Corporations (Aboriginal and Torres Strait Islander) Bill 2005

Following a review of the *Aboriginal Councils and Associations Act 1976* (the ACA Act) in 2002, the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 was introduced into the Australian Parliament on 23 June 2005.

The review

February 2001:	the Registrar commissioned a review of the ACA Act, led by law firm Corrs Chambers Westgarth. The review team included specialists Senatore Brennan Rashid, Professor Mick Dodson, Dr Christos Mantziaris and Anthropos Consulting.
December 2002:	final report of the review presented.

Consultations

April–May 2001/ March–June 2002	two rounds of consultations + 2 workshops in Alice Springs
Questionnaires:	sent to all associations incorporated under the ACA Act + to 345 Indigenous organisations incorporated under other Commonwealth, state and territory legislation.
Advertisements:	placed in Indigenous publications, including the <i>Koori Mail</i> , <i>National Indigenous Times</i> , <i>Yamatji News</i> and the <i>Torres Strait News</i> , calling for submissions and comments. run on the National Indigenous Radio Service (NIRS) network during March and April 2002. NIRS can broadcast to over 120 Indigenous radio stations Australia-wide, including the BRACS network in remote areas.
ORAC website:	included details of the review and copies of the consultation papers and the questionnaires for Indigenous corporations.
Information sheets:	on the review and a copy of a summary consultation paper distributed to all participants at the Indigenous Governance Conference held by Reconciliation Australia in April 2002.
Consultation papers:	sent to key stakeholders, seeking submissions.
Separate briefings:	provided to members of six ATSI Regional Councils and the ATSI Board. Board members were updated on the progress of the review and were given advance copies of the consultation papers.

Key features

Human rights

- The Bill is intended to benefit Indigenous people and will be a ‘special measure’ consistent with the *Racial Discrimination Act 1975*.
- Registering under the Act is largely optional. The exception is most native title corporations which are already required to register under the ACA Act, and they will transition in to the new Act along with other existing corporations.
- The Bill provides new and unique opportunities to align corporate design to culture—there is international and local evidence that maximising cultural match builds more successful Indigenous corporations.
- The Registrar can take action on behalf of members and respond preventatively, providing a safety net for essential remote funds, assets and services.

Support

- The Registrar can protect members’ rights if they are unable to or lack the capacity to take action themselves.
- The Registrar can assist with dispute prevention and provide education and advice.

Cultural alignment

- Indigenous people can design corporate structures and rules which best suit their specific needs, whether by reference to cultural practices or otherwise.
- The Bill ensures that proper compliance with the Native Title Act does not contravene requirements of the Bill.
- The Bill removes excessive red tape by streaming corporations into small, medium and large for reporting purposes. Generally, reporting will decrease for small and medium corporations and increase for large corporations.

Accountability

- Consultations with communities revealed strong support for more rigorous accountability of managers, directors and CEOs. The Bill responds to this call in a number of ways outlined below.
- The Bill closes the regulatory gap that existed between the ACA Act and the *Corporations Act 2001*. For example, under the ACA Act it was unclear whether the affairs of related bodies, such as trusts, could be examined. The Bill makes it clear that, like ASIC, the Registrar can examine the affairs of persons or bodies connected with Aboriginal and Torres Strait Islander corporations.
- The Bill allows for individuals to be automatically disqualified from managing Aboriginal and Torres Strait Islander corporations if they are disqualified from managing corporations under the Corporations Act.
- The Bill applies directors' duties to senior management, and ensures appropriate duties apply to both directors and senior management. This is aligned with the Corporations Act.
- Funding bodies and creditors can take a more proactive role in protecting their interests. This is implemented in the Bill by aligning with the external administration provisions of the Corporations Act and through a number of transparency measures such as allowing observers and enabling consolidated reporting for groups of corporations.
- The Register of Indigenous Corporations will be enhanced in line with other comparable registers, underpinning the call for greater transparency and accountability.

Good corporate governance

- Unlike most corporations under mainstream legislation, corporations registered under this Act will be required to have an internal governance framework which will be kept on a register maintained by the Registrar, in the interests of complete transparency in their decision making.
- The framework incorporates mandatory elements (unless exempted by the Registrar), replaceable rules and tailored rules. It will be approved by the Registrar and placed on the public register. An example of a mandatory requirement is that the maximum number of directors is 12, to ensure boards are made up of manageable numbers in terms of good decision making and costs.

Attachment 14

Questions and answers: ORAC's Budget measure in 2006-07



Australian Government
Registrar of Aboriginal Corporations

Questions and answers: ORAC's Budget measure Reforming the delivery capacity of Indigenous corporations

Q. What is this Budget measure all about?

- A. This new initiative will provide an integrated package of measures rolled out over four years as follows:
- deliver an intensive training program in good corporate governance targeted at the neediest regions. The training program will be extended to 10 new regions including the Kimberley; Pilbara; Central Australia; western New South Wales; and parts of the Northern Territory. Training will be maintained in regional and remote areas already targeted including north and central Queensland, Maningrida, Darwin, Alice Springs and Palm Island. Training will focus on Board members, key staff of corporations, young people, women, non-English speaking Indigenous people, community leaders and graduates from the Australian Government funded Indigenous leadership development program
 - redesign poorly designed constitutions or rationalise unsustainable Indigenous corporations and sectors, particularly those delivering essential services or managing essential assets such as municipal service providers, to improve their viability
 - establish a register of disqualified directors and senior staff that will prevent people on the register from operating in any corporations
 - establish a specialist recruitment service for use by Indigenous corporations and government agencies.

Q. What does this change mean?

- A. This measure will tackle persistent problems in Indigenous governance. These problems, including corruption and poor capacity, undermine the return on government investment in services and assets for Indigenous communities and stop Indigenous communities from achieving their goals.

Q. When will this measure start?

- A. 1 July 2006 and will be phased over four years.

Q. How much funding is being committed to this measure?

- A. \$28.1 million over four years.

	Budget	Forward estimates			Measure
	2006-07	2007-08	2008-09	2009-10	Total
	\$m	\$m	\$m	\$m	\$m
Expense	6.7	6.4	6.7	6.6	26.5
Capital	1.5	0.1	0.0	0.0	1.6
Total	8.2	6.5	6.7	6.6	28.1

Q. What will be the impact of the measure?

- A. The measure will:
- improve corporate compliance and performance in high need areas around Australia, which will improve the stability and servicing of these communities and their regions

Attachment 14: Questions and answers: ORAC's Budget measure in 2006–07

Questions and answers: ORAC's Budget measure

- lift the ability of members, directors and staff to successfully govern and manage their corporations, which will contribute to longer term viability of corporations and communities
- raise the quality and retention of staff in Indigenous corporations, improving the stability and servicing of high need communities
- strengthen regulatory activities where there is poor performance or corruption by Indigenous corporations or individuals, and also better integrate regulatory work with capacity building where needed
- ensure that mainstream standards for disqualifying officers from corporations apply and that unscrupulous individuals are disqualified from operating in any corporations in Australia.

Q. What is the policy rationale?

- A. The measure targets core problems in the Indigenous corporate sector, in high need remote regions and key regional/urban Indigenous communities. Overcoming these core problems will improve the stability and servicing of Indigenous communities and the return on investment in those communities.

The Office of the Registrar of Aboriginal Corporations (ORAC) regulates about 2500 Indigenous corporations, ranging in size, functions and location—most of them operating in the most remote parts of Australia. Corporate compliance is overall low, due to poor capacity within corporations and communities, a lack of understanding of legal requirements and corruption. ORAC administers legislation that provides a unique platform for it to respond with a suite of capacity building initiatives and strong regulatory actions.

The measure will enhance ORAC's capacity to respond effectively and so support Indigenous communities' and the Australian Government's interest in stable, better serviced and well governed communities.

ORAC currently delivers the Enhanced Training for Directors program to directors of Indigenous corporations incorporated under the *Aboriginal Councils and Associations Act 1976*. This program is due to conclude on 30 June 2006 and independent evaluation shows that it has contributed to improvements in Indigenous governance capacity.

Further information

For the most recent annual report,
http://www.orac.gov.au/about_orac/publications.aspx#1

For the Public Register of Indigenous Corporations,
http://www.orac.gov.au/searches/register_corporations.aspx

For the summary of the evaluation of ORAC's training program,
http://www.orac.gov.au/about_orac/publications.aspx#1

Information kits are available from ORAC. They contain:

- *Who we are, what we do* brochure
- *Meet the Bill* booklet
- *The Oracle* newsletter
- back cover of the *2003–04 Yearbook* (listing publications and training)
- this Q & A.

If you require further information please call 1800 622 431 (toll free except for mobiles).

Glossary of terms and abbreviations

administration	The Registrar can appoint an administrator to govern and manage the affairs of a corporation. They offer an alternative to winding up, and aim to achieve turnaround for a struggling corporation.
capacity development	ORAC’s approach is to support individuals, groups and organisations to build on their strengths and assets. Staff use participative methodologies and access to information and training to enhance self reliance.
case management	This is about ORAC providing one staff person who draws all ORAC’s services together to assist a corporation. This means corporations receive a more personal service, and ORAC can be more informed in the way it assists corporations.
compliance	Corporations must comply with the ACA Act which sets out some rules for how Indigenous corporations must be run, and also requires some reports to be forwarded to ORAC every year.
corporate governance	Corporate governance is how people lead and run their organisations.
corporate governance training	ORAC runs training on good corporate governance for Indigenous boards, members, key staff and others.
corporations’ rules	These are the rules for how a corporation is run. Some are set down in the Act and some are created by the corporation itself. Sometimes they are called the corporation’s ‘constitution’.

deregistration	Deregistration is the cancellation of a corporation's registration, so that it ceases to exist as a corporation. Corporations which are not operating and no longer needed will be deregistered.
incorporation	Incorporation means becoming a legal body under Australian law. This gives groups which incorporate some extra rights, and also brings extra responsibilities.
incorporation support	ORAC provides information and advice to groups before incorporating, and to corporations after they have incorporated.
registered corporations	These are corporations which have incorporated under the ACA Act and are listed on the Public Register of Indigenous Corporations maintained by ORAC.
place planning	This is developing a plan for an area that looks at all its corporate governance needs—so, if there are several corporations in a particular area, then they would be looked at together. ORAC can also respond better to any big issues that affect the whole area.
plain English	ORAC tries to make sure that its publications and information are written as plainly and clearly as possible.
regulation	The Registrar has a number of regulatory powers under the ACA Act to intervene to solve problems within corporations, such as the power to examine the records and documents of a corporation, and to appoint an administrator.

Abbreviations

ACA Act	<i>Aboriginal Councils and Associations Act 1976</i>
ASIC	Australian Securities and Investments Commission
ATSIC	Aboriginal and Torres Strait Islander Commission
the Bill	Corporations (Aboriginal and Torres Strait Islander) Bill 2005
the machinery Bill	Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill
CDEP	Community Development Employment Projects
DEST	Department of Education, Science and Training
DEWR	Department of Employment and Workplace Relations
DIMA	Department of Immigration and Multicultural Affairs
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
ERIC	Electronic Register of Indigenous Corporations
FaCSIA	Department of Families, Community Services and Indigenous Affairs
FOI Act	<i>Freedom of Information Act 1982</i>
ICCs	Indigenous Coordination Centres
ICN	Indigenous Corporation Number
OATSIH	Office of Aboriginal and Torres Strait Islander Health
OEA	Office of Evaluation and Audit
OIPC	Office of Indigenous Policy Coordination
ORAC	Office of the Registrar of Aboriginal Corporations
the Registrar	the Registrar of Aboriginal Corporations
the Register	the Public Register of Indigenous Corporations. It lists all the corporations incorporated under the ACA Act. It also holds information that these corporations are required by the law to send to ORAC, such as lists of members and annual financial statements.

ORAC PUBLICATIONS AND TRAINING

The following publications are available on the ORAC website, www.orac.gov.au.

Information guides

1. Setting up an Aboriginal or Torres Strait Islander corporation
2. The rules of the corporation
3. Changing the rules
4. Register of members and membership records
5. The rights and obligations of members
6. The role of the governing committee
7. The role of the chairperson
8. The role of the treasurer
9. The role of the secretary
10. The role of the public officer
11. Running a governing committee meeting
12. Conflicts of interest
13. Running an annual general meeting
14. Running a special general meeting
15. How to keep proper minutes and why
16. Preparing and using budgets for management
17. Looking after the corporation's finances
18. It's the end of the year: what do we do?
19. Exemption from preparing and lodging audited financial statements
20. Does your corporation need assistance?
21. When, why, and how does the registrar intervene?

Guides to forms

Guide to completing name and address of public officer: Form 4

Guide to completing the application for incorporation: Form 6

Guide to amending objects or constitutions: Form 8

Guide to changing the name of a corporation: Forms 9 and 10

Guide for filing annual returns with ORAC
Model constitution

General information

Who we are, what we do

ORAC Corporate Plan

ORAC Service Charter

Report on risk forum

Report on corporate governance forum

Meetings means business—a guide to conducting a successful board meeting (training video)

Managing in Two Worlds (DVD)

Information about the new Corporations (Aboriginal and Torres Strait Islander) Bill

Meet the Bill

The Oracle newsletter

The Bill and the ACA Act—some differences

The Bill and the Corporations Act—some differences

The Bill and the review—some differences

Native Title

Training

ORAC offers three types of targeted training:

- information sessions with corporations, particularly board members and managers
- three-day workshops on corporate governance
- the Certificate IV and Diploma of Business (Governance).

For further information:
contact ORAC's training
and publications team
on (02) 6212 2254 or
toll free (except for mobiles)
1800 622 431.