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Office of the  
Registrar of Aboriginal Corporations

annual report  
2000-2001

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Office of the Registrar of Aboriginal Corporations  
Annual Report 2000 - 2001

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Some names may be mentioned, or images portrayed of people who have died since the events recorded occurred. The Office of the Registrar of Aboriginal Corporations apologises for any hurt caused.

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The Hon. Philip Ruddock  
Minister for Reconciliation and  
Aboriginal and Torres Strait Islander Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

I am pleased to provide a report on the administration of the *Aboriginal Councils and Associations Act 1976* for the year ended 30 June 2001.

Although the current legislation does not require the Registrar of Aboriginal Corporations to prepare an annual report, I consider it appropriate and desirable, as it has been in previous years, to do so.

Yours sincerely

Joe Mastrolembo  
Acting Registrar

24 October 2001

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## Our Vision

Aboriginal and Torres Strait Islander people managing their own affairs as separate legal entities and being able to resolve disputes internally without the need for the Registrar's intervention.

## Our Corporate Direction is:

- to administer the Aboriginal Councils and Associations Act efficiently and effectively.
- to provide support services for all matters arising out of the administration of the Aboriginal Councils and Associations Act.
- to improve governing committees' awareness and understanding of their responsibilities under the Aboriginal Councils and Associations Act as well as their roles in managing the affairs of Aboriginal and Torres Strait Islander corporations.
- to promote the requirement for corporations to be accountable to their members.

## Our Guiding Principle is:

In recognition of the traditional and cultural diversity of Aboriginal and Torres Strait Islanders, we strive to make the work of the Office of the Registrar of Aboriginal Corporations culturally appropriate and as far as possible, we aim to do business in a simple and flexible way.



## The Year in Review

During the year, the Office of the Registrar played an important role in fostering good corporate governance practices within Aboriginal Corporations.

The activities undertaken by the Office during the reporting period were all linked to providing indigenous organisations with an enabling environment that is conducive to good corporate governance.

The Office's strategy is to properly develop and harness capacities that already exist in indigenous organisations – this includes the use of existing cultural practices in governance matters.

The Office focussed its attention on improving the capacity of corporations to manage their own affairs, delivering an extensive education and training program, reviewing the contemporary nature of the Act, improving relationships with other agencies involved in indigenous affairs, providing effective and timely client assistance, support and registration services, and ensuring its web-site and computer based systems are up to the challenges of the 21st century.

### Electronic Register of Indigenous Corporations

In early 2001 the Registrar made a decision to develop a new in-house integrated system to meet the current and future business needs of the Office.

When it is fully implemented the Electronic Register of Indigenous Corporations (ERIC) will benefit the Office's clients and general public through the availability of quicker processing; online applications and filing of documents; web based search of public documents; and the ability to receive, retain, generate and provide electronic documents.

Further details on ERIC can be found in Chapter 3.

### Review of the Act and Regulations

*The Aboriginal Councils and Associations Act 1976* (the Act) has not been amended since 1992. Since this time significant changes have occurred in the environment in which Aboriginal corporations operate.

A review of the Act was commissioned by the Registrar in November 2000.

Progress on the review is covered in Chapter 4.

### Developing Relationships

The Office's work during 2000-01 extended to developing better working relationships with other agencies involved in Indigenous affairs.

This was aimed at working cooperatively with other stakeholders to:

- achieve better outcomes for Aboriginal corporations; and
- maintain the trust of corporations' members, the business community, government, funding agencies and the public in the credibility of indigenous organisations.

Relationships have been developed on both a formal basis through the signing of Memorandums of Understanding with funding agencies, and on an informal basis through participation in forums and meetings, details of which are covered in Chapter 4.

### Training and Development

In Chapter 5 we describe in detail how client services and training and development are key priorities of the Office of the Registrar. Extra resources were directed to these areas in 2000-01 in recognition of the continuing need to assist corporations meet their objectives, to ensure they are accountable, and to safeguard them against misconduct.

The development and distribution of information about the role and functions of the Office was improved during the reporting period. Significant effort was also applied to promoting compliance with the Act, rules and regulations.

Twenty five formal training and information workshops were conducted during the year which is an increase of 100% on previous years. There was also a number of less formal training sessions conducted by staff of the Office at the request of corporations.

The improved availability of information and assistance, and a greater focus on training is expected to lead to a continuance in the improvement of the management of corporations.

### Client Focus

The Office was restructured during the reporting period in order to transfer a substantial amount of the resources previously allocated to regulatory work to servicing client requests. This has led to an enhancement of the Office's focus on the needs of client's core business, details of which are outlined in Chapter 6.

### ORAC Web-site

Ongoing developments in Internet technology have enabled the Office of the Registrar to redevelop its existing web-site to better meet the needs of corporations.

The new site went live in March 2001. Information on the site has been presented in a relevant, friendly and non-technical manner. Some of its new features are dynamic, attractive new graphics; a search facility of corporation's names and addresses that is simple to use; e-mail links via an order form for the request of documents or video resources; and ability to download official forms and training material.

The web-site can be found at <http://www.orac.gov.au>



## Performance Information and Indicators for the year

### Documents Issued By the Registrar

Certificates of Incorporation	171
Approvals of Change to Objects/Rules	85
Certificates of Incorporation Issued on Change of Name	13
Section 59A Exemption Approvals	409
Section 60A Notices to Comply	18
Section 71(1) Notices to Show Cause	7
Section 71(2) Appointments of Administrators	5
Section 77E Cancellations of Appointments of Administrators	6
Notices of Proposed Deregistration	122
Notices of Deregistration	106

### Documents Filed With the Registrar

Applications for Incorporation	168
Applications for Approval of Change of Name	16
Notices of Public Officer Appointment	394
Notices of Change of Address of Public Officer	24
Applications for Changes to Objects/Rules	92
Section 59 Reports	960
Section 59A Exemption Requests	400
Section 60 Examinations Reports	40
Section 63 Court Wind-up Orders	6
Section 64 Voluntary Wind-up	0

### Miscellaneous

Training and Information Workshops conducted	25
Number of corporation members who attended workshops	681
Public Register search requests actioned	654
Annual General Meeting extension requests granted	147
Corporations under liquidation as at 30 June 2001	96
Total number of corporations incorporated under the Act as at 30 June 2001	2709



# chapter 1

## The Aboriginal Councils and Associations Act

### Purpose

The purpose of the legislation is to provide Aboriginal and Torres Strait Islander communities, groups and organisations with a simple and inexpensive means of incorporation, with the flexibility to take account of indigenous customs and traditions.

The Act has a number of distinguishing features. For example, it allows Aboriginal corporations to carry out their activities on a national basis, to restrict their membership to Aboriginals and Torres Strait Islanders and their spouses, and to base their rules on Aboriginal and Torres Strait Islander customs.

### Historical background

The need for special legislation for the incorporation of Aboriginal groups was identified in the late 1960s by the Council for Aboriginal Affairs which was established by the Holt Government to advise on Aboriginal policy and programs. From its inception, the Council saw the incorporation of Aboriginal groups and communities as an important objective.

The Council believed that incorporation would provide communities with a legal entity for dealing with outsiders and a means of receiving government funding for employment, business and other purposes. However, after considering existing legislation and the experiences of Aboriginal groups incorporated under the Companies Act, the Council concluded that existing laws for companies and cooperatives were too complex and onerous for most Aboriginals living in remote areas.

The issue of separate incorporation for Aboriginal communities was raised again in 1973. At the time, Mr Justice Woodward of the Aboriginal Land Rights Commission made recommendations to the Whitlam Government to put into effect an Aboriginal land rights policy. His recommendations led to the Parliament enacting several pieces of historic legislation during a period of major reform in the administration of indigenous affairs in Australia.

Justice Woodward also recognised the need for a separate system of incorporation because he believed at the time that existing legislation was inappropriate for Aboriginal communities and groups. The legislation, the



*Aboriginal Councils and Associations Act 1976* (the Act), was enacted by the Fraser Government in 1976, but not proclaimed until 1978, because of further amendments to the Act.

Notably, the focus of the legislation and the debates in the Parliament centred on Aboriginal councils and the perceived need to incorporate Aboriginal communities. Yet, paradoxically, no use has been made of the Aboriginal councils provisions of the Act. At the time of this report, there were no Aboriginal councils established under the Act.

### Incorporated Aboriginal Associations

Incorporated Aboriginal associations may be formed by Aboriginal or Torres Strait Islanders for any social or economic purpose, including the conduct of a business enterprise. The operations of existing Aboriginal corporations cover a wide range of activities relating to the ownership of land, the provision of training, youth support services, housing,

legal and medical services, media production, community businesses and private businesses.

Some of the advantages for Aboriginal associations incorporated under the Act include:

- full control by Aboriginal or Torres Strait Islanders because eligibility for full membership is limited to adult Aboriginals or Torres Strait Islanders and their spouses;
- an allowance for rules to be based on Aboriginal or Torres Strait Islander customs; and
- profit sharing among members (if the rules so provide).

Table 1 below provides a break-up by State and Territory of the number of Aboriginal and Torres Strait Islander organisations that have been incorporated each year.

The number of corporations incorporated under the Act at 30 June 2001 totalled 2709.

TABLE 1: ASSOCIATIONS INCORPORATED BY YEAR AND STATE

Year	NSW	VIC	QLD	SA*	WA	TAS	ACT	NT*	Total
78-86	123	7	89	0	127	6	5	99	456
86-87	19	2	17	1	38	1	1	19	98
87-88	18	1	19	6	39	1	1	24	109
88-89	25	1	28	2	59	0	2	63	180
89-90	33	5	30	0	46	1	1	65	181
90-91	51	4	51	1	61	0	2	50	220
91-92	48	10	45	2	64	3	0	58	230
92-93	63	5	89	4	74	2	7	54	298
93-94	48	3	97	10	75	5	2	64	304
94-95	64	7	87	8	83	1	3	60	313
95-96	63	4	74	3	64	2	1	54	265
96-97	37	5	46	4	42	0	5	23	162
97-98	35	9	39	3	54	1	3	39	183
98-99	33	4	25	7	44	1	1	13	128
99-00	29	6	48	7	56	5	3	29	183
2000-01	25	8	41	6	64	0	3	24	171
Totals	714	81	825	64	990	29	40	738	3481

\*Note: Aboriginal associations operating in the Pitjantjatjara lands of South Australia often use Alice Springs as their administrative base. In these circumstances, the corporations are recorded against the Northern Territory figures.

### The Minister and Portfolio

A change in Ministerial arrangements during the year resulted in the Hon. Philip Ruddock, Minister for Immigration and Multicultural Affairs and formerly Minister Assisting the Prime Minister on Reconciliation, being appointed Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs. Mr Ruddock took up his appointment on 29 January 2001. This change brought to an end Senator the Hon. John Herron's term as Minister for Aboriginal and Torres Strait Islander Affairs, a position he had held since 11 March 1996.

Ms Christine Gallus was appointed Parliamentary Secretary for Reconciliation and Aboriginal and Torres Strait Islander Affairs to assist Mr Ruddock. Ms Gallus' appointment took effect on 30 January 2001. Included in her duties and responsibilities as Parliamentary Secretary is the Office of the Registrar of Aboriginal Corporations.



# chapter 2

## The Registrar



### Functions and Powers

The Registrar of Aboriginal Corporations is an independent statutory office holder appointed by the Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs.

The Aboriginal Councils and Associations Act confers a range of functions and powers on the Registrar who is required amongst other things to:

- Advise Aboriginals and Torres Strait Islanders on procedures for establishing Aboriginal councils and for the incorporation of Aboriginal associations.
- Process applications for incorporation and subsequent changes to names, objects and rules.
- Maintain public registers of Aboriginal councils and incorporated Aboriginal associations.
- Arbitrate in disputes within corporations in so far as they relate to the Act and the regulations, or the rules of corporations.
- Conduct special general meetings as provided for under the Act, and as considered necessary by the Registrar particularly in relation to the resolution of disputes.

- Ensure compliance with the Act by:
  - monitoring the filing of documents and annual returns;
  - examining corporate records;
  - issuing statutory notices;
  - seeking injunctions;
  - initiating investigations into the operations of corporations;
  - appointing (with prior ministerial approval) administrators to conduct the affairs of corporations; and
  - petitioning for the winding-up of corporations.

### Current Appointment

As at 30 June 2001 the Registrar was Mr Colin Plowman, who was appointed on 25 August 2000.

A list of all appointments to the position of Registrar is at [Appendix A](#).



# chapter 3

## Office of the Registrar

### Services

The Office provides a number of services to Aboriginal and Torres Strait Islander corporations including:

- advising and assisting with applications to establish Aboriginal councils and incorporate Aboriginal and Torres Strait Islander associations;
- processing applications for incorporation and subsequent changes to names, objects and rules;
- assisting and advising on corporate governance issues within Aboriginal corporations;
- maintaining the public register of incorporated Aboriginal associations;
- providing training for members of governing committees and staff, to assist with the effective running of associations;
- conducting special general meetings as provided for under the Act, particularly in relation to the resolution of disputes;
- ensuring compliance with the Act by monitoring the filing of documents and annual reports and intervening in the affairs of a corporation where it is warranted.

### Strategies

The strategies of the Office include:

- regularly reviewing and updating the Act and the regulations to ensure that both are capable of meeting the present and future needs of indigenous corporations.
- continuously assessing the needs of those to whom we provide services.
- ensure our staff are mindful of Aboriginal and Torres Strait Islander heritage and culture, and how these may impact on the administration of the Act.
- establish an effective liaison with client corporations through visits, telephone calls and written communication, and with other stakeholders including funding bodies.
- encourage staff to acquire appropriate skills and knowledge.
- meet the needs of those to whom we provide services, by developing and widely distributing information that explains the role and functions of the Office of the Registrar of Aboriginal Corporations.

## Structure of the Office

The Office of the Registrar comprises the Corporate Relations Section, Client Services Section, Regulation Section and an Office Management Unit.

The functional arrangements of the Office are reflected in the organisational chart below.

## Organisational Chart

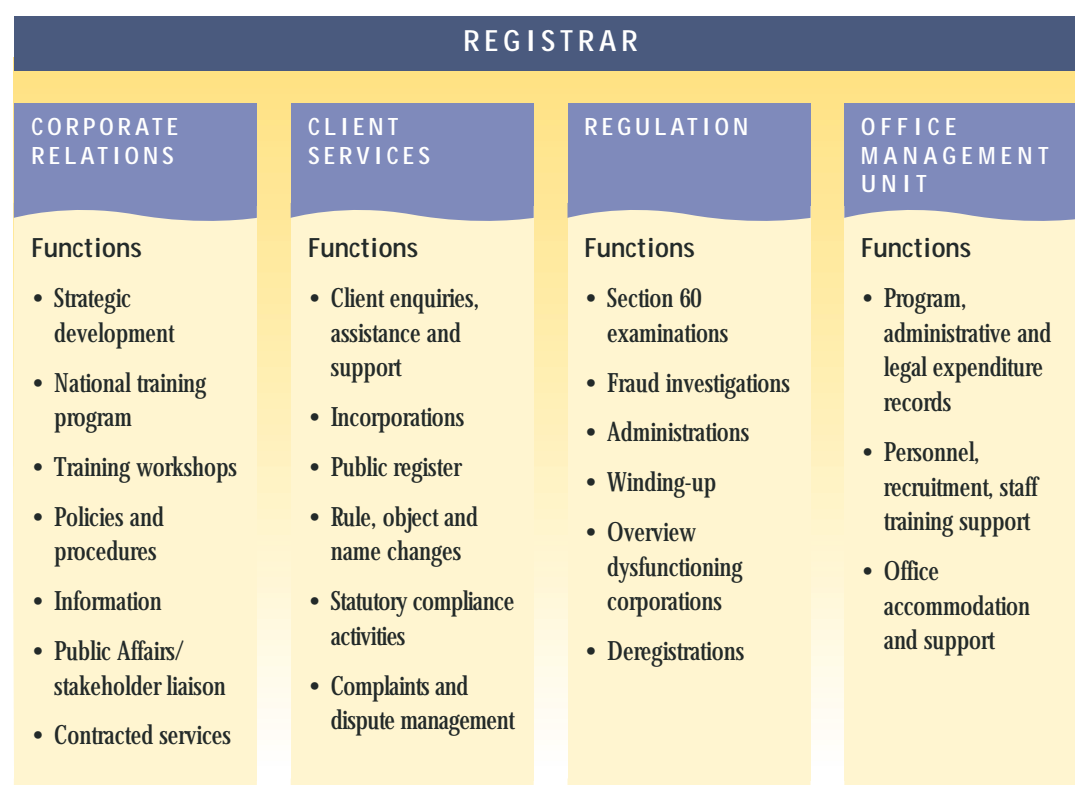


TABLE 2:  
REPRESENTATION OF EEO GROUPS AS A PERCENTAGE OF PERMANENT STAFF

	As at 30-6-01
Aboriginal and Torres Strait Islander staff as a percentage of total staff	13%
Women as a percentage of total staff	39%
Staff from non-English speaking backgrounds as a percentage of total staff	22%
Staff with disabilities as a percentage of total staff	—

## Staffing

At the end of the reporting period, total staff for the Office, comprising permanent officers and temporary employees, was twenty-three persons. This includes the Registrar, who is a statutory office holder.

## Staff Development and Training

The Office of the Registrar promotes professional development of its staff. Staff are encouraged to undertake training that will ensure that the high quality of advice and assistance currently provided is maintained.

During 2000-01 staff undertook training in the following areas: management training and presentation skills; advanced writing skills; contractual law and administrative law; risk management; health management; and personnel services.

The Office has a strategic approach to its training needs which are determined through the development by staff and their supervisors of staff development plans, based on the assessed competency needs of staff. Although priority is given to developmental opportunities for staff in their current work, future career aspirations are also considered. This strategic focus on training requirements for each officer has led to a greater awareness of training needs by both staff and supervisors, and resulted in much more focused training being provided.

## Occupational Health and Safety

The Office insists that the highest levels of Occupational Health and Safety are maintained at all times. The workplace and its fixtures and fittings are continuously monitored to ensure staff work in a healthy and safe environment.

## Finances

### Expenditure

During 2000-2001, the Office of the Registrar had a budget of some \$3.5 million under the following categories:

- program expenditure, which comprises costs relating to statutory examinations under Section 60 of the Act, the costs of administrations pursuant to Section 71 of the Act, and the costs associated with the Information and Training Program.
- salaries and related costs, for staff employed within the Office.
- administrative expenditure, covering administrative and other costs such as advertising and travel costs, as well as costs associated with the information systems.
- legal costs – being the costs associated with the ongoing need for legal advice.

### Receipts

Schedule 3 to the Aboriginal Councils and Associations Regulations prescribes fees that are payable for certain services. These are summarised as follows:

TABLE 3: FEE SCHEDULE

Description	Fee
Lodgement of an application for incorporation	\$ 50.00
Issue of a certificate of incorporation	\$ 3.00
For a certified copy of a certificate of incorporation	\$ 3.00
For inspection of documents filed or lodged with the Registrar	\$ 3.00
For a copy of a document in the custody of the Registrar	\$ 1.00
For furnishing information in reply to a postal request	\$ 3.50
On a subpoena served on the Registrar to produce a document in his custody	\$ 10.00



Prescribed fees charged pursuant to Schedule 3 of the Aboriginal Councils and Associations Regulations have been exempted from the Goods and Services Tax.

Receipts collected during the year in respect of the above fees, and amounts received from liquidators representing reimbursement in part or full of the Registrar's winding-up costs, amounted to \$90,714.34.

## Internal Audit

During the financial year the operations of the Office of the Registrar were subject to an internal audit by the Office of Evaluation and Audit (OEA). The audit report received in May 2001 concluded that the Office of the Registrar was generally operating at a satisfactory level. OEA noted some aspects of the Office's operations could be improved. Recommendations made are being progressively implemented where appropriate.

## Electronic Register of Indigenous Corporations (ERIC)

In 2000-2001 the Registrar initiated a review of the Office's computer business system (CANDA), with a view to enhancing its functionality and assisting with everyday business processes. The review revealed that CANDA is not suitable for the current and future needs of this Office and that CANDA has not kept up-to-date with technological changes.

In early 2001 the Registrar made a decision to develop a new in-house integrated system to meet the current and future business needs of the Office. Hence the birth of the Electronic Register of Indigenous Corporations (ERIC). A team to develop and implement ERIC has been formed and consists of personnel from ATSIC IT and this Office.

The implementation of ERIC will be a phased process with the first phase scheduled to be implemented by the end of 2001. Phases 2 and 3 are scheduled to be implemented during 2002.

On implementation of the new system the Office's clients and general public will benefit from the availability of improved facilities and services including: quicker processing; online applications and filing of documents; web based search of public documents; and the ability to receive, retain, generate and provide electronic documents.



Staff of the Office of the Registrar:  
Lorraine Radovan and Bob Powell.



# chapter 4

## Corporate Governance

Corporate governance of Aboriginal and Torres Strait Islander corporations is a broad subject which encompasses issues such as the:

- design of a corporation's constitution;
- function of the governing committee;
- responsibilities and duties of committee members;
- rights of members;
- conduct of general meetings; and
- corporation's financial reporting requirements.

Most importantly it includes the process of members electing a governing committee to conduct the affairs of an organisation as set out in its rules, and the Aboriginal Councils and Associations Act. The Act sets out the basic requirements for proper corporate governance and straightforward rules for all incorporated indigenous organisations to follow.

Every corporation established under the Act must have a governing committee. The committee plays a critical role in the management and control of the corporation. It has responsibility to direct and control the corporation. It is a role similar to a Board of Directors of a public company.

The committee operates as a unit where only the committee as a whole makes binding decisions, and no *one* committee member makes decisions for the corporation.

If a corporation is small, and has few or no employees, committee members may be required to also carry out the day to day operational tasks. This requirement, however, should not be confused with the overall responsibility to govern.

For effective corporate governance a corporation needs to have a clear corporate structure with defined roles and responsibilities, and written policies and procedures on the relationships between the governing committee and executive staff.

The governing committee is required to act in a professional manner as it holds a position of trust, and set good policies and procedures for staff to follow to carry out the day to day affairs of the corporation.

While the committee is not required to be involved with the staff's daily activities it needs to act on timely reports from staff on the operation of the corporation.

## Best Practice

To ensure best practice of corporations, responsibility for accountability is required to be accepted and taken on board by the governing committee.

Accountability is the responsibility to provide information in such a form that enables others to make informed judgements about the performance, financial position, financing and investing, and compliance of the corporation.

Aligned with best practice principles, the governing committee of a corporation needs to be aware of their fiduciary duty and any conflicts of interests when determining matters and making decisions on behalf of the corporation. The governing committee is bound to act on behalf of the organisation in good faith and for the benefit of the corporation and its members.

## Promoting Good Corporate Governance

The Office of the Registrar plays an important role in promoting good corporate governance practices within Indigenous corporations incorporated under the Act.

The Office's strategy is to properly harness capacities that already exist in Indigenous corporations – this includes the use of existing cultural practices in governance matters. The activities undertaken by the Office during the reporting period were linked to providing Indigenous corporations with an enabling environment that is conducive to good corporate governance.

These activities have included:

- supporting the national competency standards for the governance of community organisations;
- reviewing the Act;
- improving relationships with other agencies involved in Indigenous affairs, for the benefit of corporations incorporated under the Act;
- client assistance and support (Chapter 6); and
- monitoring of annual returns filed in accordance with the Act (Chapter 8).

## Competency Standards for the Governance of Community Organisations

During 1999 and 2000, the Aboriginal and Torres Strait Islander Commission (ATSIC) supported the development of national competency standards for the governing committees of Aboriginal and Torres Strait Islander corporations. The competencies, as part of the Business Services Training Package, have been formally endorsed by the Australian National Training Authority (ANTA).

The competencies will assist individuals to meet their legal and community obligations as members of governing committees and will contribute to improved corporate governance and capacity building at the higher levels of indigenous organisations.

The medium to long term benefits should lead to a reduction in intervention into the affairs of corporations, and assistance with spreading governance skills through the community.

The membership of governing committees may be totally or partially changed each year, which means that skills may come and go. This Office believes that by supporting a program of training over a number of years, there will be more individuals, both on and off governing committees in any one year, who have the capacity to fulfil the role and responsibilities of a governing committee member and a capacity to more critically appraise the activities of the governing committee when they are not themselves a member.

The Office of the Registrar intends linking its training more closely to these competency standards. To this end, a tender for the development of learning materials for seven key competencies was conducted in February 2001. A successful tenderer has been selected and contract negotiations commenced in June. The project will take about six months from the signing of the contract and the learning materials will be available for use in 2002.

The Registrar proposes to participate in the delivery of training in the seven competencies. Participants in such training will receive Statements of Attainment in the competencies and this will contribute to the achievement of a full qualification – they will need only to achieve six more competencies, through other training sources, to obtain a Certificate 4 in Business Services (Governance).

The current workshop information sessions, while covering much the same areas as they do at present, will be refocussed to ensure underpinning knowledge for the competencies is covered.

This approach will integrate the information sessions and training support from the Office of the Registrar with mainstream training in support of the national competency standards for members of governing committees.

## Review of the Aboriginal Councils and Associations Act 1976

The corporate governance provisions under the *Aboriginal Councils and Associations Act* are at present based on similar requirements in the Corporations Law and the State and Territories associations incorporations statutes as they existed in the 1970's and the 1980's.

The latter statutes have changed, but the changes have not been reflected in the Act. The Act initially attempted to establish a system of corporate governance which would accommodate differences between Indigenous and non-Indigenous cultural practices. The Act has not been amended since 1992. Since this time significant changes have occurred within the environment in which indigenous associations operate.

In order to meet the contemporary corporate governance needs of indigenous people, and to identify areas for possible legislative reform and changes to the regulations to more adequately meet these corporate governance needs, a review of the Act was commissioned by the Registrar in November 2000. The review is being undertaken by a team of consultants, headed by Corrs Chambers Westgarth, Lawyers of Sydney.

A number of issues including the future direction of corporate governance of indigenous corporations will be researched over the period of the review.

The Review Team has presented its first discussion paper which draws on the research undertaken to date including the future direction of corporate governance of Indigenous corporations and feedback from a workshop on the review of the Act that was held in Alice Springs on 3 and 4 May 2001. The workshop was attended by a cross section of people with considerable and significant involvement in issues relating to Aboriginal and Torres Strait Islander corporations and is considered to be an important component of the review.

The discussion paper raises a number of issues:

- Is there a need for a special incorporation regime for indigenous people?
- What kind of associations should the ACA Act be aimed at?
- Should the ACA Act be permissive or prescriptive in its approach to the corporate constitution?
- How should the ACA Act address “cultural appropriateness” and “Aboriginal custom”?
- Should the ACA Act retain its emphasis on control by members through the General Meeting?
- What should the scope and standard of directors' duties be?
- What should the Registrar's functions and powers be?
- What should the approach to “accountability” and financial reporting be?
- What should be the degree of consistency with the Corporations Law?
- How should the ACA Act address self-determination and self-management?
- What should be the basis of membership of corporations under the ACA Act?
- Assessment of possible structural options for reform.

The review is expected to be finalised in 2002.



## Developing Relationships

The Office of the Registrar intensified its efforts during 2000-01 to develop better working relationships with other agencies involved in Indigenous affairs.

The goal of this activity is to work cooperatively with other stakeholders in the best interest of Aboriginal and Torres Strait Islander corporations and to maintain the trust of corporation members, the business community, government funding agencies and the public generally in the creditability of indigenous corporations. These activities included:

- establishing an effective liaison with stakeholders and, more specifically, clients through field visits, telephone calls and written communication.
- promoting the benefits of the *Aboriginal Councils and Associations Act* to clients and others.
- creating formal relationships such as memoranda of understanding and other Agency agreements with major stakeholders.
- creating informal arrangements through attendance at meetings and forums; and
- restructuring the Office of the Registrar so that additional staff are more accessible to client corporations and other stakeholders.



Colin Plowman with Ann Weldon and James Christian of the NSW Aboriginal Housing Office.

## Memorandums of Understanding

Formal arrangements by way of a Memorandum of Understanding has been entered into with two funding bodies, the Office for Aboriginal and Torres Strait Islander Health (OATSIH) and the New South Wales Aboriginal Housing Office (AHO).

OATSIH is the Commonwealth funded body with the principal responsibility for the health needs of Indigenous Australians in mainstream health programs, including the provision of funding to Aboriginal community controlled health and substance misuse services. Many of these services are incorporated under the Aboriginal Councils and Associations Act.

AHO is responsible for planning, administering and expanding the policies, programs and asset base for Aboriginal housing in NSW. The AHO manages and coordinates a substantial annual capital works program, the majority of which is allocated for the management of Aboriginal community housing organisations. A significant number of these organisations are incorporated under the Aboriginal Councils and Associations Act.

The agreements with OATSIH and AHO have been entered into to establish a framework for cooperation in areas of common interest where cooperation is desirable for the effective and efficient performance of each parties respective functions with respect to the operation and supervision of indigenous corporations.

The Office of the Registrar will follow-up these achievements in 2001-02 with a view to formalising arrangements with other agencies.

## Aboriginal and Torres Strait Islander Affairs Portfolio CEO Forum

The Office of the Registrar was invited to participate in the Aboriginal and Torres Strait Islander Affairs Portfolio CEO Forum.

The forum has been established as an opportunity for representatives to highlight current activities and projects of participant agencies and to discuss issues within Indigenous affairs.

The first meeting of the forum was held in Canberra on 29 June 2001 and was attended by representatives from the Office of the Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs, the Department of Reconciliation and Aboriginal and Torres Strait Islander Affairs, ATSIC, Aboriginal Hostels Limited, Indigenous Land Corporation, Reconciliation Australia, Australian Institute of Aboriginal and Torres Strait Islander Studies, Indigenous Business Australia, and the Registrar's Office.

*Back row, left to right:* Michael Fordham (TSRA), John Kelly (OEA), Russel Taylor (AIATSIS), Geoff Scott (ATSIC), Matthew Coleman (ILC), Joe Mastrolembo (ORAC), Peter Vaughan (DORATSIA).

*Front row, left to right:* Mark Sullivan (ATSIC), Bill Farmer (DORATSIA), Margaret Moore (AHL), Ron Moroney (IBA).



## Corporate Governance Case Studies

The case studies reported below demonstrate corporations incorporated under the Act that have adapted good corporate governance procedures during the year, and that are successfully operating under the Act.

### Bungala Aboriginal Corporation

The Bungala Aboriginal Corporation was incorporated on 20 June 1994 and operates a successful CDEP based in Port Augusta, South Australia. The corporation's main objective is the provision of opportunities for ongoing employment (ie: CDEP) for the Aboriginal people of Port Augusta and districts. They also have a number of social objectives which centre around the improvement of Port Augusta's Aboriginal communities social, cultural and economic life through developing and managing works programs.

The corporation has significant funding which it spends for the benefit of the members and employees through the operation of the largest CDEP in South Australia, employing approximately 330 participants. The CDEP has 12 delivery sites that are spread over a large geographical area from Port Pirie in the south to Marree in the north.

The corporation was invited this year to participate in a National Employment Pilot and was allocated 25 places in the employment trial. Funding arrangements allowed participating CDEP's to appoint employment officers to dedicate their time fully to achieving job outcomes. Training specific to available jobs was undertaken and in many cases this amounted to little more than familiarisation with work practices and skills already learnt. Professional resumes were prepared and extensive assistance was provided in the preparation of job applications including interview techniques. The results of the trial have been that Bungala Aboriginal Corporation reached its target of placing 25 people in mainstream employment after only 11 weeks.

### Durri Aboriginal Corporation Medical Service

The Durri Aboriginal Corporation Medical Service was incorporated on 8 August 1979 and operates a medical service in Kempsey NSW. This service includes preventative health care and outreach services for indigenous people in the local government shire areas of Kempsey, Nambucca and Hastings.

According to the corporation's latest list of members filed with the Office of the Registrar there are currently 57 financial members of the corporation, however, we have been advised that there are around 500 non financial members currently listed with the corporation.

The corporation has sold their property in Smith Street Kempsey where the current medical centre is situated and are currently leasing pending refurbishment of their new premises. They anticipate that the new premises will be completed by March 2002 ready for the relocation of the medical centre and the administration.

The Durri Aboriginal Corporation receives funding from NSW Health Department, Commonwealth Department of Health and Aged Care, Department of Community Services and Department of Education, Training and Youth Affairs.

### Jawoyn Association Aboriginal Corporation

The Jawoyn Association Aboriginal Corporation was incorporated on 31 May 1985 with a wide range of objectives for the benefit of the Jawoyn clans of the Katherine region of the Northern Territory. These include the relief of poverty, the preservation of traditional culture, the provision of social welfare, and the establishment of public facilities within the regional boundaries.

Jawoyn is a high profile organisation and controls a number of smaller entities. It is managed in a professional manner and serves the interests of the Jawoyn people of the Northern Territory.

There are approximately 260 members of the Corporation and substantial net assets, according to the audited special purpose financial statements for the financial year ended 30 June 2000. These statements also show the Corporation's full and part share-holding in a number of companies, including Nitmiluk Tours Pty Ltd, Gunyilli Mining Company, Waikan Employment & Training Services Pty Ltd, and Wirwirmirra (Mary River Roadhouse) Pty Ltd.

### Mampu Maninja-Kurlangu Jarlu Patu-Ku Aboriginal Corporation

An application to incorporate the above association was received on 10 March 2000. The association became a registered corporation on 29 March 2000.

The central object of the corporation is to provide support services to the old people of Yuendumu in order to relieve the risk of inappropriate institutionalisation and enable people to remain living in the community with their families.

Preparation work, including funding, was originally commenced by the Yuendumu Women's Centre Aboriginal Corporation and then transferred to the new corporation after their successful registration. The new organisation is specifically designed to look after the elderly and is managed by representatives of all families, both men and women, for that purpose.

Just over twelve months later it is pleasing to see the new Aged Care facilities at Yuendumu, about 300kms west of Alice Springs, have been completed. In May 2001 the new facility which will enable the elderly to remain in the community rather than be sent to Alice Springs facilities, was opened. The corporation also has two other buildings nicknamed "the lolly houses" due to their bright colours, and have received two Architectural awards for their design. The respite centre itself also received a commendation for its renovations and extensions on a previously derelict building.

The aged care centre has received a good response from families within and outside the local community wishing to utilise the facilities.





## chapter 5

### Information and Training

#### Information and Training Program

One of the unique features of the Office of the Registrar is the provision of a comprehensive information and training program aimed at helping corporations to better manage their affairs, and operate in accordance with the Act and their rules.

The information and training needs of Aboriginal and Torres Strait Islander corporations, and the best practice method of meeting those needs, are constantly assessed and reviewed by the Office of the Registrar.

#### Information and Training Workshops

Information and training workshops are facilitated by the Registrar's staff and/or consultants who are suitably qualified and experienced in the management of Aboriginal corporations and who are highly regarded for their communication skills. The Office of the Registrar makes all the arrangements and meets the cost of delivering the workshops.

The subjects covered at the workshops are adapted to meet the needs of particular communities, and usually include:

- role and responsibilities of the Registrar of Aboriginal Corporations and his office;
- Aboriginal Councils and Associations Act , and the rules of Aboriginal corporations;
- annual reporting requirements of the Act;
- governing committees and committee meetings;
- governing committee – duties and responsibilities;
- annual and special general meetings;
- members' rights;
- maintaining proper accounts and records;
- procedures to change corporations rules/objects/names; and
- Public Officer – appointment and responsibilities.

The workshops are designed primarily for governing committees but are also open to corporation staff and funding agency representatives.

Factors that the Registrar takes into account when scheduling workshops include:

- written requests from corporations seeking training;
- the number and location of corporations proposing to participate;
- the number of committee members and other participants; and
- possible participation or involvement of other agencies.

An increased focus on training during 2000-2001 led to 100% increase in the number of workshops conducted. Workshops were conducted nationwide including:

- New South Wales  
Coffs Harbour, Dubbo, Griffith, Moruya, Newcastle and Tamworth
- Northern Territory  
Alice Springs, Darwin, Papunya and Tennant Creek
- Queensland  
Brisbane, Bundaberg, Mt Isa, Rockhampton, Roma and Townsville
- South Australia  
Adelaide and Port Augusta
- Tasmania  
Cape Barren Island, Hobart and Launceston
- Western Australia  
Broome, Derby, Kununurra and Newman,

The popularity of the workshops was evident with many participants travelling hundreds of kilometres to attend.

The program will continue to be delivered in 2001-2002 to meet the demand. The content will be reviewed to ensure consistency with the requirements of the national competency standards for Board members of community organisations.

## Training Videos

The Registrar commissioned the Australian Broadcasting Corporation (ABC) to produce two training videos in English: *Setting Up An Aboriginal Corporation* and *Meetings Mean Business*.

A copy of each of these videos has been distributed to every indigenous organisation and known resource centre. Copies are also distributed to corporations and other interested parties as part of the Office's information and training program.



## New Training Brochures

A set of twenty-two training brochures was released in 1997-98 to assist Aboriginal corporations in the management of their organisations.

During 2000-2001 the training brochures have been revised to take into account changes in the laws governing the affairs of Aboriginal associations. A feature of the new brochures is the presentation of the material in a manner that is easily read and understood.

The Office of the Registrar will distribute the revised brochures to every Aboriginal corporation and other interested bodies. These new revised brochures are also available in text form for downloading on the ORAC website.

## Registrar's Website

Ongoing developments in Internet technology have enabled the Office of the Registrar to redevelop its existing website to better meet the needs of corporations.

The new site went live in March 2001. Information on the site has been presented in a relevant, friendly and non-technical manner. Some of its new features are:

- dynamic, attractive new graphics;
- multiple browser compatibility;
- a search facility of corporation's names and addresses that is simple to use;
- a general search facility for the website;
- e-mail links via an order form for the request of documents or video resources;
- links to multiple document formats; and
- ability to download official forms and training material.

The web-site can be found at <http://www.orac.gov.au>

## Service Charter

The Service Charter sets out the services that the Office provides, the standard to which the services will be provided and mechanisms for dealing effectively with client complaints.

The staff at the Office of the Registrar have adopted the following service standards which apply to their day-to-day activities.

- All clients must be treated fairly, impartially and courteously;
- privacy and confidentiality requirements must be respected;
- services that are easy to access and that are accurate;
- advice that is consistent and in plain language;
- cultural diversity and traditions will be respected and observed;
- reasons must be provided for all decisions; and
- clients have the right to appeal against our decisions.

During the year there were no formal complaints about the service provided by the Office of the Registrar.

## Corporate Plan

The Corporate Plan complements the Service Charter, it is a management tool which provides a statement of the Office of the Registrar's corporate direction, strategies and objectives over a three-year period.

The current plan expired on 30 June 2001. A new plan covering the period 1 July 2001 to 30 June 2004 was nearing completion at the time of this report.

## Consultation

The Office of the Registrar will continue to use a variety of means to provide corporations with information and to seek their input on important issues affecting their operations. This consultation process will include mail outs, surveys, information and training workshops, videos, indigenous television and radio broadcasts and brochures. Clients are always welcome to provide their views and may do so by using the means most convenient to them, including:

- postal address  
Office of the Registrar of Aboriginal Corporations  
PO Box 2029 Woden ACT 2606
- e-mail address  
[info@orac.gov.au](mailto:info@orac.gov.au)
- toll free telephone  
1800 622 431







## chapter 6

### Client Assistance and Support

A distinguishing feature of incorporating under the Act is that the Registrar provides client assistance and support when necessary. He provides this support by:

- advising Aboriginal and Torres Strait Islander groups on the requirements of incorporation;
- helping Aboriginal corporations with proposed rule, name and object changes;
- helping governing committees better understand their responsibilities under the Act and their rules and thereby adhere to proper corporate governance;
- advising members of their rights under the Act and their rules;
- assisting committee members on how specific issues and problems within their corporation may best be dealt with according to the Act and their rules; and
- assisting corporations manage complaints and disputes within the organisation.

#### Assistance to Applicants Seeking Incorporation

The Office of the Registrar spent a considerable amount of time during 2000-2001 assisting indigenous groups and organisations in completing relevant documentation for incorporation. The Office also received numerous telephone enquiries from indigenous groups seeking to incorporate.

An incorporation kit is available to assist applicants intending to incorporate under the Act. This kit includes:

- a letter to applicants outlining the contents of the kit and an explanation of the documents required to be completed;
- a guide to complete an application for incorporation;
- a business incorporation information sheet;
- a copy of the *Aboriginal Councils and Associations Act 1976*;
- a copy of the model rules;

- an Independent Confirmation of Name Form; and
- an Independent Confirmation of Aboriginal/Torres Strait Islander Descent and Adulthood form.

An official application for incorporation and all forms required to be completed by applicants are also available on the ORAC web site.

### Assistance with Rules for Incorporation and Rule Changes

The Office of the Registrar assists associations applying for incorporation by providing them with a set of model rules to help guide them in formulating their own set of rules. By using the model rules, an Aboriginal corporation automatically ensures that it has adopted rules which fulfil the requirements of the Act. The use of the model rules has led to a better understanding of the requirements of the Act.

During the year this Office provided ongoing assistance and guidance to Aboriginal groups to ensure that their proposed rules or proposed rule changes met the requirements of the Act as well as reflecting the operations and circumstances of their corporation.

Many corporations submitted rule changes for pre-approval by the Registrar. This approach helps the corporation ensure that the proposed rule changes meet the requirements of the Act, prior to calling a general meeting of members to consider those rules. Many Aboriginal corporations have significantly benefited from this service provided by the Office.

### Enquiries and Information requests

Enquiries from both existing corporations and associations seeking incorporation remained high during the year. According to surveys conducted during the year more than 90 calls were received each week from corporations seeking assistance from the Office of the Registrar.

Calls vary from requests for general information about incorporation to enquiries about the rules and the Act. Assistance is also often sought in matters relating to membership, annual general meetings, committee meetings, special general meetings and reporting requirements, including records required under the Act.

A significant amount of requests were also received in writing and facsimile from governing committees and members of corporations seeking information and assistance. The Office of the Registrar responds to all written requests.



Client Services Officer Masepah Banu.

### Complaints management

The Office of the Registrar provides an avenue for people to lodge complaints about the governance of Aboriginal and Torres Strait Islander corporations. The Registrar will follow up serious complaints and take appropriate action to remedy any wrongdoing that disadvantages the membership of a corporation.

Action taken varies according to the circumstances of the complaint including meeting with the complainants and liaison with the Governing Committee. In more serious cases it may require the appointment of an independent examiner under Section 60 of the Act to report on the operations and financial affairs of the corporation. Examinations provide the Registrar with independent factual information on complaints and assist in identifying an appropriate course of action.

The most common complaints received during 2000-2001 involved allegations about:

- breaches of rules;
- discriminatory conduct by governing committees;
- improper notices and conduct of meetings;
- financial mismanagement; and
- the lack of information available to members.

### Disputes

As far as practicable, the Registrar encourages corporations to resolve their own difficulties internally. Where a dispute arises, the Registrar can play a mediating role by providing independent advice on the requirements of the Act and, if appropriate, advice on a corporation's rules. The majority of disputes are settled with this type of assistance.

On other occasions, a special general meeting of members may be recommended. If the governing committee is unwilling to convene one, the Registrar has the power to call and conduct a special general meeting if necessary. The Registrar called one such meeting in 2000-01 for the Nungeena Aboriginal Corporation for Women's Business.


Dispute resolution continued to be a significant, but time consuming activity for the Registrar throughout the year. The number of complaints and disputes referred to the Registrar by aggrieved members, committee members, employees, government agencies and members of the public remained high.

Back row, left to right:  
Masepah Banu, Dean Reyaldeen,  
Robert Coulson, Joanne Collins,  
Michael Strecker.

Front row, left to right:  
Joe Mastrolembo, Margaret Meusburger,  
Terry Twidale.







# chapter 7

## Registration

### Incorporations

Aboriginal and Torres Strait Islanders may form a corporation under the Act for any social or economic purpose, including the conduct of business enterprises.

During 2000-2001 Aboriginal corporations were incorporated for a wide range of activities including ownership of land, the provision of training, youth support services, housing, legal and medical services, media production, community businesses and private businesses.

### Incorporation Requirements

Aboriginal and Torres Strait Islanders seeking to incorporate under the Act are required to submit the following documents:

- a completed Application Form (Form 6);
- an independent confirmation of Aboriginality/Torres Strait Islander descent and Adulthood;
- an independent confirmation of Name to confirm that the applicants are entitled to use the proposed

name under Aboriginal/Torres Strait Islander custom will be required in certain circumstances eg when the use of a traditional name is proposed;

- Proposed set of rules;
- Application fee (\$50).

Independent confirmation forms are accepted by the Registrar where they are endorsed by:

- an existing Aboriginal or Torres Strait Islander corporation; or
- ATSIIC officials; or
- senior staff in a statutory land council; or
- State Departments/Authorities of Aboriginal/Torres Strait Islander affairs.

A minimum of twenty-five members is required to incorporate an Aboriginal corporation, except where a corporation is being formed principally for the purpose of owning land or holding title to land, or to engage wholly in business. In these cases, a minimum of five members is required.

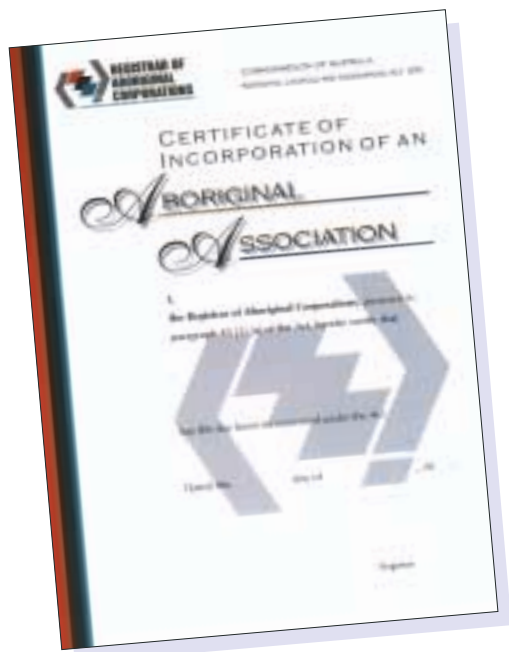
Membership of Aboriginal corporations is limited to Aboriginals and Torres Strait Islanders and their spouses. Applicants must be at least eighteen years of age. It is the responsibility of applicants to provide independent confirmation of Aboriginality.

## New Incorporations

There were 168 applications for incorporation received and a total of 171 incorporations processed in 2000-2001.

The time taken to incorporate organisations has improved throughout the year and efforts will be maintained to further reduce the timeframe from receipt to finalisation.

During the year many applications were received from associations applying for incorporation under the Act as a prelude to their becoming a Prescribed Bodies Corporate under the *Native Title Act 1993*. The bulk of these associations were incorporated in a timely manner. A flexible approach has been taken to the rules of these associations with many providing for associations to conduct appropriate prescribed body corporate functions and responsibilities in accordance with Aboriginal custom.



## Corporation Rules

An Aboriginal or Torres Strait Islander corporation, like any other corporation, needs rules to run its activities. In accordance with the Act, applications for incorporation must be accompanied by a set of rules.

One of the key advantages of incorporating under the Act is the provision for rules to be based on Aboriginal or Torres Strait Islander customs.

The circumstances of corporations and the way they conduct their business may change over time. Corporation members may alter their rules to cater for these changes and to ensure that their corporation runs efficiently and effectively.

The original rules of a corporation, and any changes to these rules during the life of the corporation, need to be approved by the Registrar.

The Act also requires the Registrar to ensure that the corporation's rules are reasonable, equitable and, that they provide members with the effective control of the affairs of the corporation.

## Rule Change Approvals

During 2000-2001 the Office of the Registrar received 92 applications for rule changes. The Registrar approved 85 applications for rule changes during the year, an increase of 88 per cent on the previous year's total approvals.

The Registrar exercises significant flexibility when approving rules that accompany applications for incorporation and subsequent alterations of those rules. During the year the Registrar approved many rules allowing corporations to conduct their affairs in accordance with Aboriginal or Torres Strait Islander customs, or the unique circumstances affecting their local area.

Some of the rules approved by the Registrar during the year included:

- Provision to conduct local regional general meetings and to elect regional governing committee members where the activities of an Aboriginal corporation extended to many regions, and/or many different communities.
- Provision to elect committee members for a term of more than one year, and/or to elect committee members on a rotational basis. The objectives of these rules are to foster and provide stability to elected committees.
- Provision for committee structures and membership of corporations to be based on Aboriginal language groups, Aboriginal clans or Aboriginal traditional owner groups.
- Native title representative bodies altering their objectives, expanding their membership base and widening geographical areas to satisfy requirements for re-registration under the *Native Title Act 1993*.
- Provision to operate as a profit making business.



Staff of the Office of the Registrar: Terry Twidale, Joanne Collins and Masepah Banu.

## Searches

In accordance with the Act the Registrar is required to maintain a public register of Aboriginal corporations. All forms lodged with the Registrar are contained in this register, including applications for incorporation, certificates of incorporation, the rules of corporations, annual audited financial statements, lists of members, and governing committee statements of compliance.

The Aboriginal Councils and Associations Regulations (the regulations) provide that the Registrar may permit persons to inspect all documents filed with the Registrar at all reasonable times, and provide persons with copies of documents held on the public register.

Requests for copies of documents held on the public register are received from various sources, including members and governing committees of corporations; members from Aboriginal and Torres Strait Islander communities; government departments and agencies, creditors or persons acting on behalf of creditors; and members of the public dealing with Aboriginal corporations.

Requests for copies of documents held on the public register are subject to fees prescribed under schedule 3 of the regulations. Fees may not be applied at the discretion of the Registrar, particularly in a client assistance capacity, where requests are received from members for copies of their corporation's current list of members and rules.

During 2000-2001 approximately 656 search requests were received and 654 requests were actioned.



## Annual General Meeting Extensions

Corporations are usually required to conduct their Annual General Meeting (AGM) between 1 July and 30 September each year in accordance with the requirements of their rules.

Situations may arise where corporations are not able to conduct their AGM within the time specified in their rules. The Registrar receives ongoing requests from corporations seeking an extension of time to conduct their AGM.

Some of the reasons why corporations are not able to hold their AGM within the time frame specified in their rules include:

- cultural reasons, including deaths within the community;
- failure to have audited financial statements finalised for presentation to the meeting;
- lack of quorum.

In line with his principle of adopting a flexible approach to the administration of the Act, the Registrar agreed to 147 out of a total of 148 requests for an extension of time to conduct an AGM.

## Public Officer Appointments

The public officer is generally the first point of contact between the corporation and the public. The public officer is the person whom the Registrar and other external parties will communicate with when making official contact with a corporation. The public officer has certain responsibilities under the Act, including lodging certain documents with the Registrar and maintaining the corporation's register of members.

The governing committee has responsibility for appointing a public officer, and determining an official address for that public officer, within three weeks of the date of incorporation. The public officer does not have to be a member of the corporation unless the rules specify, but if they are a member, they may also be a member of the governing committee.

Within three weeks after this appointment (and therefore within a maximum of six weeks from the date of incorporation) the committee is required to notify the Registrar of the name and official address of the public officer.

From time to time the name and/or address of the public officer may change for various reasons, including situations where the public officer may resign, or where the governing committee may decide to change the public officer or the official address.

The Act requires the governing committee to notify the Registrar of any changes to the name of its public officer and/or official address within three weeks of the change occurring.

During 2000-2001 the Office of the Registrar received 394 Form 4's (Form of Notice of Name and Address of Public Officer) advising of the appointment of public officers to corporations. Also 24 Form 5's (Form of Notice of Change of Public Officer) were received advising of changes to public officer addresses. This represents an increase over the previous year, when 282 Form 4's and 26 Form 5's were received.

## Name Changes

Where members wish to change the name of their corporation, the Act requires that the committee of the corporation first seek the Registrar's approval of the intended new name. If the new name is approved, the public officer of the corporation is then required to give notice to the Registrar once the members have resolved at a general meeting that the name be changed as proposed. The change of name does not take effect until the Registrar has issued a new certificate of incorporation.

The Registrar adopts a flexible approach when approving proposed names that may be of cultural or community significance to the members of a corporation. However, the Act requires that he ensure that the proposed name is:

- available, ie. that the name does not duplicate, or too closely resemble, the name of any existing corporation incorporated under the Act; or
- not an unauthorised name, ie. a name that is, in the opinion of the Registrar, undesirable, or a name that would not be allowed under the Corporations Law. The kinds of names which are considered to be an unauthorised name include:
  - names that are likely to be offensive to members of any section of the public;
  - names which are misleading in relation to the objects and activities of the proposed corporation;
  - names that are likely to be confused with other incorporated bodies or institutions such as building societies, co-operatives, universities, associations incorporated under other legislation etc;
  - names which suggest any connection with the Crown, any level of Government, or any department or instrumentality of Government.

During 2000-2001 the Office of the Registrar received 16 requests for name changes. The Registrar approved 13 requests for name changes during the reporting period.





## chapter 8

### Administrations

#### Annual Reports

Section 59 of the Act requires each corporation to file with the Registrar by 31 December of each year a committee's report and an examiner's (auditor's) report for the preceding financial year. Each corporation is also required to present these reports to members at the annual general meeting.

The committee's report comprises a statement of compliance, a list of members, a balance sheet and an income and expenditure statement. The examiner's report (audit report) is required to confirm whether or not the financial statements are based on proper accounts and records and whether the corporation has complied with the Act and its rules.

The annual reporting requirements of the Act help ensure that Aboriginal corporations conduct their affairs in the best interests of their members and the general public. The annual information provided by Aboriginal corporations to the Registrar and its members is also a mechanism for demonstrating sound management, financial accountability and operational transparency.

#### Compliance with Annual Reporting Requirements

The Registrar has a statutory duty to ensure compliance with the annual reporting requirements of the Act and to take action in relation to corporations that continually fail to comply with these requirements.

In the 2000-2001 financial year some 960 annual returns were filed with the Registrar by Aboriginal corporations. These returns were reviewed to ensure that they comply with the requirements of the Act and to identify any existing or emerging problems. Any irregularities or concerns identified as a result of the review process were actively followed up with corporations.

The review of annual returns filed during the year disclosed that those corporations that filed annual returns, generally had a better understanding of the annual reporting requirements under the Act.



## Exemptions

The Act was designed to provide Aboriginal and Torres Strait Islander people with a simple and inexpensive means of incorporation. Many Aboriginal corporations may not carry out extensive activities, their financial dealings and resources are limited, and they may not hold substantial assets.

Section 59A of the Act therefore provides that the Registrar may exempt corporations from the annual reporting requirements of the Act. Aboriginal corporations may apply to the Registrar for exemptions from these requirements. In applying for exemptions, corporations are required to demonstrate that it would be unduly onerous or impractical for them to comply.

During 2000 - 2001, the Registrar and his delegate readily exercised the discretionary provisions of the Act to exempt Aboriginal corporations from the requirement to prepare and file audited financial statements.

Examples of circumstances in which the Registrar exempted Aboriginal corporations from the requirement to prepare and file audited financial statements during the year, included, where the corporation:

- had little or no income or expenses for the year;
- only held land;
- held minimal assets; or did not conduct any extensive activities;
- had lost or destroyed records.

In the 2000-2001 financial year 409 exemption requests by Aboriginal corporations were approved. The exemptions granted included audited financial statements for the 1999 - 2000 year as well as previous financial years.

Details of the corporations granted exemptions from preparing and filing audited financial statements in 2000-2001 are at [Appendix B](#).

## Compliance Improvement Program

The Registrar recognises that a focused approach is required to improve compliance with the annual reporting requirements of the Act and has progressively implemented an active and ongoing compliance improvement program.

The objective of the program is to promote high levels of corporate compliance and to avoid, wherever possible, the need to take more rigorous action against delinquent Aboriginal corporations. The program is intended to provide Aboriginal corporations with every reasonable opportunity to fulfil their reporting obligations by either providing outstanding annual reports, or alternatively by seeking exemption from the reporting requirements.

Details of the action taken to improve compliance follow.

### • ONGOING ASSISTANCE

The Office of the Registrar provides Aboriginal corporations with ongoing assistance to better understand the reporting requirements of the Act, and improve compliance with these requirements.

During 2000-2001 the Registrar provided the following assistance to corporations:

- providing reminder notices to all corporations outlining the requirements to file annual returns.
- issuing information brochures to corporations on the annual reporting requirements of the Act.
- media advertising.
- responding to daily enquiries by phone or in writing, from members of corporations, in respect of the annual reporting requirements of the Act.

### • FOLLOW-UP STRATEGY

The Registrar has implemented a comprehensive strategy to follow up corporations that have failed to file annual returns for three consecutive years.

The key features of the strategy include;

- sending out formal letters of demand to corporations that have failed to file audited financial statements for three consecutive years. The letters clearly explain the provisions of the legislation and make it plain that the Registrar will take further action if the requirements of the Act are not met.
- providing details of non-compliant corporations to local Aboriginal land councils, such as the Northern Land Council and the Central Land Council. This was acknowledged as being helpful in enabling them to provide assistance to Aboriginal corporations in their area.
- providing details of non-compliant corporations to ATSIIC and other Commonwealth and State/Territory agencies, including details of those Aboriginal corporations that are to be sent letters of demand and may be subject to wind-up or deregistration action.
- enquiries and follow-up with other appropriate agencies and organisations at a local level to establish the current status of corporations in chronic breach of the financial reporting requirements of the Act.

### • CORPORATIONS REMAINING IN CHRONIC BREACH


Whilst the Registrar is continually looking for new opportunities, and reviewing existing procedures and practices to enhance the level of support available to Aboriginal corporations, where all efforts fail to bring an Aboriginal corporation into compliance, the Registrar has no option other than to deregister the corporation where it is defunct and does not own any assets.

Where an Aboriginal corporation is deregistered, the action is carried out in accordance with the requirements of the *Corporations Law* as it applies to the Act and the Act's regulations.

During 2000-2001, as a result of the Registrar's strategy to follow-up corporations in chronic breach of the annual reporting requirements of the Act, 106 Aboriginal corporations were deregistered.



Staff of the Office of the Registrar: Berkman Selladurai and Margaret Meusburger



## chapter 9

### Examinations

Section 60 of the Act gives the Registrar authority to examine the records and financial affairs of Aboriginal corporations incorporated under the Act.

Examinations of the affairs of corporations provide an integral element of the accountability framework for promoting high levels of compliance by Aboriginal corporations with the requirements of the Act and their rules. Examinations also provide an effective mechanism for ensuring that corporations carry out their activities in the best interests of their members and the general public.

The main objectives of examinations are to:

- assess and review the level of compliance with the Act and the corporation's rules, and to draw attention to any irregularities;
- take action where potential or emerging problems are identified;
- improve accountability and operational performance; and
- increase awareness and understanding of the Act and the corporation's rules.

#### 2000-2001 Examinations

The focus of examinations conducted during the year included, ensuring:

- governing committees were properly constituted and whether committee meetings were conducted in accordance with the Act and the rules;
- corporations dealt with membership applications in accordance with their rules and maintained a proper register of members, as required by the Act;
- annual general meetings and special general meetings were conducted in accordance with the Act and the rules;
- proper accounts and records were maintained and whether the management of financial matters accorded with the Act and the rules;
- governing committees complied with the annual reporting requirements of Section 59 of the Act; and
- proper records were kept in relation to services delivered.



Thirty-six examinations were completed during 2000-2001. Details of these examinations are at [Appendix C](#).

A further four examinations were in progress at 30 June 2001. Details of these examinations are at [Appendix D](#).

### Examiners

Under Section 60 of the Act, the Registrar may authorise any person to conduct an examination of the affairs of a corporation incorporated under the Act.

To enable examinations to be undertaken in a timely and cost effective manner, the Registrar authorises staff from the Office of the Registrar or consultants to conduct examinations.

The flexibility of the Registrar in the actions that he can take and his responsiveness to changing circumstances are evidenced in the following cases:

#### Taribelang Bunda Aboriginal Corporation for Land

Taribelang Bunda Aboriginal Corporation for Land (the Corporation) was incorporated on 28 December 1997 with the objectives of holding title to land on behalf of and providing economic, environmental, social and cultural benefits to members. The Corporation is located at Bundaberg in Queensland.

A Section 60 examination of the affairs of the Corporation was undertaken in February 2000 although some aspects of the review were not finalised until June 2000. The examination followed concerns raised by members that the governing committee had refused to call an annual general meeting and that it failed to recognise the new committee elected at a meeting convened by members for that purpose. There were also allegations of financial irregularities, including the misuse of assets. ▶

The examination revealed that Taribelang Bunda had not been operating for some time. The fact that many records had been burnt at the Corporation's office severely hampered enquiries, although reconstruction of financial records from paid cheques revealed that approximately half had been drawn payable to cash. As a result of these findings, on 21 July 2000 the Registrar directed that proceedings be commenced to wind-up the affairs of the corporation.

On 23 August 2000 the new governing committee forwarded a submission in defence of the winding-up proceedings in which they indicated their desire to revive the Corporation and to ensure that its future affairs were conducted in a proper manner. After considering this submission, on 21 September the Registrar wrote to the governing committee with a proposal to stay the winding-up proceedings for a period of six months provided the Committee entered into a Memorandum of Understanding (MOU) with him. The MOU included provisions for the Committee to comply with statutory financial reporting requirements, maintain proper accounts and records and to hold appropriate committee and general meetings, was entered into by both parties on 2 November 2000.

At the conclusion of the MOU period the Registrar reviewed the various responses and documentation required to be provided by the Governing Committee under the agreement. The Registrar concluded that the affairs of the Corporation were being managed in a satisfactory manner and, on 21 May 2001, he wrote to the committee to advise them that he would not be proceeding with the winding-up application and that all their reporting obligations under the MOU had been met.

#### Wandoo Aboriginal Corporation

Incorporated in August 1994 and located at Albury in New South Wales, the objects of Wandoo Aboriginal Corporation (the Corporation) are principally aimed at providing employment and training to Aboriginal people in the Albury region.

Financial statements for the year ended 30 June 1999 filed with the Registrar were heavily qualified by the auditor due to a breakdown of internal control over cash sales. At the same time the Registrar became aware that an ATSIIC investigation had raised concerns of possible fraudulent action in relation to wages payments. An examination of the affairs of the Corporation was therefore authorised in accordance with Section 60 of the Act.

In June 2000 the examiner reported that the Corporation had had poor internal controls since incorporation and that a police investigation was under way into an alleged fraud. It was also possible that other instances of fraud were yet to be uncovered. The accounting records were of a poor standard whilst membership records were not maintained. Committee members had not been diligent in discharging their duties and a number of instances of undeclared pecuniary interests had arisen. Faced with this situation, on 7 July 2000 the Registrar directed that proceedings be commenced to petition the Courts for the winding-up of Wandoo.


On 6 September 2000 the ATSIIC Wagga Wagga Regional Manager wrote to advise the Registrar of action which had been taken by the Corporation's new governing committee to introduce processes and procedures aimed at bringing about a positive change in the affairs of Wandoo. As a result of these changes, ATSIIC indicated that it wished to support the Corporation and therefore sought the Registrar's agreement to defer the winding-up proceedings. ▶

On 16 October 2000 the Registrar wrote to the Governing Committee proposing that they enter into a MOU with him. This MOU required the Committee to comply with statutory reporting requirements, maintain proper accounts and records, and hold appropriate committee and general meetings. Such an agreement was subsequently entered into between the Registrar and Wandoo on 29 November 2000.

At the conclusion of the MOU period the Registrar reviewed the various responses and documentation forwarded by the Governing Committee and was able to conclude that the affairs of the Corporation were by then being managed in a satisfactory manner. Therefore, on 6 June 2001 he wrote to the Governing Committee to advise them that he would not be proceeding with the winding-up application and that their reporting obligations under the MOU had been fully met.



Staff of the Office of the Registrar, *left to right*: Michael Strecker, Colin Plowman, Greg Jepsen, Garry Fisk and Mark Bloomfield.



# chapter 10

## Statutory Notices

### Section 60A Compliance Notices

Section 60A of the Act provides that the Registrar may require an Aboriginal corporation to take remedial action where he suspects, on reasonable grounds, that it has not complied with the Act or its rules, or that there are irregularities in its financial affairs.

In circumstances where the Registrar is satisfied that an Aboriginal corporation can attend to compliance deficiencies, and/or take the necessary corrective action in relation to its financial affairs, he may serve a Section 60A compliance notice on it. The compliance notice sets out the action and timeframe for the implementation of corrective measures.

In most cases a Section 60A compliance notice is served on an Aboriginal corporation on the basis of information gathered as a result of an examination of its affairs.

### Section 60A Compliance Notices Issued

In 2000-2001, the Registrar issued 18 Section 60A notices to Aboriginal corporations.

Key remedial action required in Section 60A notices issued during the year included:

- steps required to be taken to maintain a proper register of members and to properly admit individuals to the membership of the corporation;
- procedures required to be followed to properly conduct general meetings and committee meetings in accordance with the Act and the rules;
- the need to file with the Registrar outstanding audited financial statements, a list of members and/or a statement of compliance;
- actions to be taken to maintain proper accounts and records and properly control expenditure, receipts and assets of the corporation; and
- the conduct of a committee meeting within 30 days of the issue of the notice to acknowledge the key findings of the examination and to implement the required remedial action.



It is the Registrar's normal practice to continue to monitor the activities of an Aboriginal corporation for a period of six months from the date of issue of a Section 60A notice.

Details of the Section 60A notices issued in 2000-2001 are at [Appendix E](#).



Corporate Relations Section Staff: Marlene Luck and Greg Jepson.

### Personal Service of Section 60A Notices

The Registrar acknowledges the importance of ensuring that Aboriginal corporations fully understand the requirements of the Act and their rules, and the nature and extent of the remedial action required by the notices he issues.

During 2000-2001, where circumstances warranted and it was practical to do so, the Registrar continued with the practice of having his staff personally serve Section 60A notices on the corporations and for them to meet with the governing committee and corporation representatives.

These meetings provide a forum for the Registrar's staff to fully explain the actions required by the corporation to comply with the Act and the rules. In addition, the meetings enable the Registrar's staff to

answer questions and conduct informal training sessions on key issues such as:

- the roles and responsibilities of members of a governing committee;
- conducting committee and general meetings; and
- maintaining appropriate records.

The meetings are also a means of increasing the corporation's awareness of the role of the Registrar and his Office, and the mechanisms put in place by the Registrar to assist corporations.

The personal service of the Section 60A Notice was acknowledged by corporation representatives as assisting them to better understand the requirements of the Act and their rules. As a result of the meeting with the Registrar's staff, a number of corporations identified the need for further specific assistance and training on the impact of the of Act and their rules in their day-to-day activities.

### Section 71 Notices

In accordance with Section 71 of the Act the Registrar may request that a corporation show cause why an administrator should not be appointed. Such action only takes place when the Registrar considers that there are serious issues/breaches which may constitute grounds for appointing an administrator to take control of a corporation's affairs.

In most instances the basis for the Registrar taking this action is based on information gathered as a result of an examination of a corporation's affairs.

In 2000-2001, the Registrar served show cause notices on seven Aboriginal corporations.

Details of the Aboriginal corporations issued with show cause notices are at [Appendix F](#).

Following assessment of the corporation's response, the Registrar has the option of proceeding to appoint an administrator, issuing a Section 60A notice and thereby giving the corporation an opportunity to remedy the issues without further intervention, or he could choose to do nothing further.

### Deregistration Notices

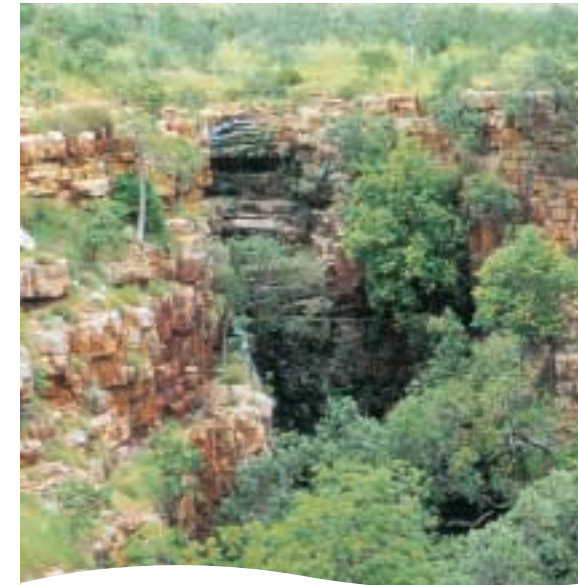
The Registrar may deregister and strike off the name of an Aboriginal corporation from the Register of Incorporated Aboriginal Associations (the Public Register), if the corporation is not carrying on its activities or is not in operation.

The Registrar may initiate deregistration action in the following circumstances:

- as a result of his compliance improvement program and where reasonable enquiries have revealed that the corporation does not hold any assets and is inactive;
- where a liquidator has completed the wind-up of the affairs of a corporation, and applies to the Registrar to have the corporation de-registered;
- where a corporation advises the Registrar that it holds no assets and liabilities, and that it is no longer operational.

During 2000-2001, *Notices of Proposed Deregistration* were sent to 122 corporations as well as being published in the *Commonwealth Business Gazette*.

Of these, 16 corporations approached the Registrar with reasons why they should not be deregistered. The Registrar was satisfied with the reasons provided and accordingly, the result for the reporting period was a net 106 corporations being deregistered and struck off.





# chapter 11

## Administrations

### Administrators

In accordance with the Act, the Registrar has the power to appoint an administrator to take control of the affairs of an Aboriginal corporation.

The appointment is a serious intervention in the affairs of an Aboriginal corporation because, when an administrator is appointed he assumes the roles and responsibilities of the governing committee.

The administrator takes control of the affairs of the corporation, manages its operations, and pursues its objectives in accordance with the requirements of the Act and the corporation's rules.

### Appointment of Administrators

Section 71 of the Act sets out the grounds on which the Registrar may initiate action to appoint an administrator. The grounds include situations where:

- the corporation has traded at a loss for at least six months;
- the governing committee has failed to comply with the Act, the regulations or the corporation's rules;

- the governing committee has acted in its own interest, or unfairly or unjustly in relation to the members;
- the appointment of an administrator is required in the interests of members and creditors of the corporation, or in the public interest.

The decision to appoint an administrator is not taken lightly. Firstly, careful consideration is given to the corporation's response to a show cause notice why an administrator should not be appointed. If an administrator is still deemed to be necessary, the Registrar must brief the Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs on the reasons for an appointment and seek the Minister's approval to appoint an administrator.

During 2000-2001 the Registrar appointed administrators to manage the affairs of five corporations.

Full details of all corporations under administration during 2000-2001 are at [Appendix H](#).



## Role and Responsibilities of Administrators

The primary role of the administrator is to take control of the affairs of the corporation so as to re-establish stability and best practice in an environment that promotes accountability and awareness of statutory and other responsibilities. Administrations are intended to assist corporations with resolving difficulties in the day-to-day management of their financial and operational affairs, and with laying the groundwork for efficient and effective management within the corporation after the administration ceases.

The principal responsibilities of an administrator include putting in place support to sustain the corporation's ongoing operation:

- Appropriate procedures, guidelines and policies in respect of core operations.
- Proper financial controls, systems and financial records.
- A sound financial position and, where appropriate, ongoing funding.
- Adequate staffing levels and structures.
- Securing all corporation assets including ensuring insurance cover is in place.
- An accurate and up-to-date membership register.
- Appropriate rules that reflect current operations.

An administrator is also required to investigate any misuse, misapplication or misappropriation of corporation funds or assets.

An administrator appointed to an Aboriginal corporation reports regularly to the Registrar on the progress of the administration. The Office of the Registrar monitors the progress of administrations through these reports and visits to corporations.

The underlying reason for appointing an administrator is to put a corporation's affairs in order, to put in place relevant procedures and practices conducive to proper corporate governance with the view to ultimately

returning the control of the corporation to its members. Administrators also seek to maintain contact with the membership through a consultative committee of member representatives. This assists members to better understand what is happening in their corporation and also assists with a more cohesive transition of control of the corporation's affairs back to the members.

However, an administrator in certain circumstances may not be able to achieve this outcome where, for example:

- the corporation is insolvent;
- there is lack of interest by members in the corporation's future;
- the corporation will not be able to pursue its objects;
- the corporation will not be able to conduct its affairs in accordance with the Act and the rules.

In such circumstances the administrator may have to recommend to the Registrar that he commence proceedings to wind-up the corporation's affairs.

It is pleasing to note that in 2000-2001 no Aboriginal corporations were wound up following the appointment of an administrator.



Staff of the Regulation Section: Mark Bloomfield and Garry Fisk.

## Elections of New Governing Committees

Having placed the corporation on a stronger financial basis and having instituted proper corporate governance practices, the administrator will then report to the Registrar that his administration is no longer necessary. If satisfied this is so, then in accordance with Section 77D of the Act, the Registrar must hold an election to elect a new governing committee.

The election of a capable, diligent and representative new governing committee to replace an administrator is a significant event for the corporation's future. The incoming committee elected by the members has the opportunity to consolidate and build on the processes, procedures and structures put in place by the administrator, and secure a stable and successful future for the corporation.

The election process is determined by the Registrar, taking into account the particular circumstances of the corporation under administration.

If the members of a corporation under administration are of a reasonable number, and all are located in one small area, the Registrar may decide to conduct the election of a new committee at a special general meeting of members.

During 2000-2001, the Registrar conducted four special general meetings for the purpose of electing a new governing committee following the completion of the administration.

In situations where a corporation has a large number of members, where it has a widely dispersed membership base, or where the election at a special general meeting of members is not considered appropriate, the Registrar may choose to conduct elections of new governing committees by postal ballot.

During 2000-2001 governing committee elections for two corporations were conducted by postal ballot following the completion of an administration.

## Cancellation of Administrator Appointments

After the election of a new governing committee or where the affairs of a corporation under administration are placed into liquidation, the Registrar cancels the appointment of the administrator.

During 2000-2001 the Registrar cancelled the appointments of administrators of six Aboriginal corporations.



# chapter 12

## Winding-up Petitions and Liquidator Appointments

Section 63 of the Act provides that the Registrar, a member of a corporation or a creditor of a corporation may petition the Court to wind-up a corporation.

The grounds outlined under Section 63 of the Act for petitioning the Court to wind-up corporations are outlined as follows:

- the corporation has, in accordance with its rules, resolved to be wound up by the Court;
- the business of the corporation was not commenced within one year after its incorporation or has been suspended for a continuous period of one year;
- there are fewer than five members of the corporation;
- the corporation is unable to pay its debts;
- members of the committee have acted in their own interest or in a manner that appears unfair or unjust to other members;
- by reason of the complexity or magnitude of the activities of the corporation, it is inappropriate that it continue to be incorporated; and
- it is just and equitable for the corporation to be wound up.

### 2000-2001 Liquidations and wind-up orders

As at 30 June 2001, 96 corporations were under liquidation. These are listed at [Appendix I](#).

During 2000-2001 winding-up orders were obtained in relation to six corporations, as a result of wind-up actions initiated by the Registrar. These orders were obtained on the basis of information gathered from an examination of the affairs of each corporation or information supplied by other parties.

A listing of corporations that were the subject of winding-up orders as a result of actions by the Registrar is at [Appendix J](#).

### Termination of Liquidations

Following approaches from the Central Land Council (CLC) and the Northern Land Council (NLC) the Registrar has implemented steps to terminate the liquidation of seven Aboriginal corporations which are based in the Northern Territory.



The corporations which exist for the primary purpose of holding land were placed in liquidation in June 1999 for breach of Section 59 of the Act in that they had not submitted audited financial statements for a number of years and had not replied to written requests to address the issue or to seek an exemption.

The corporations affected are:

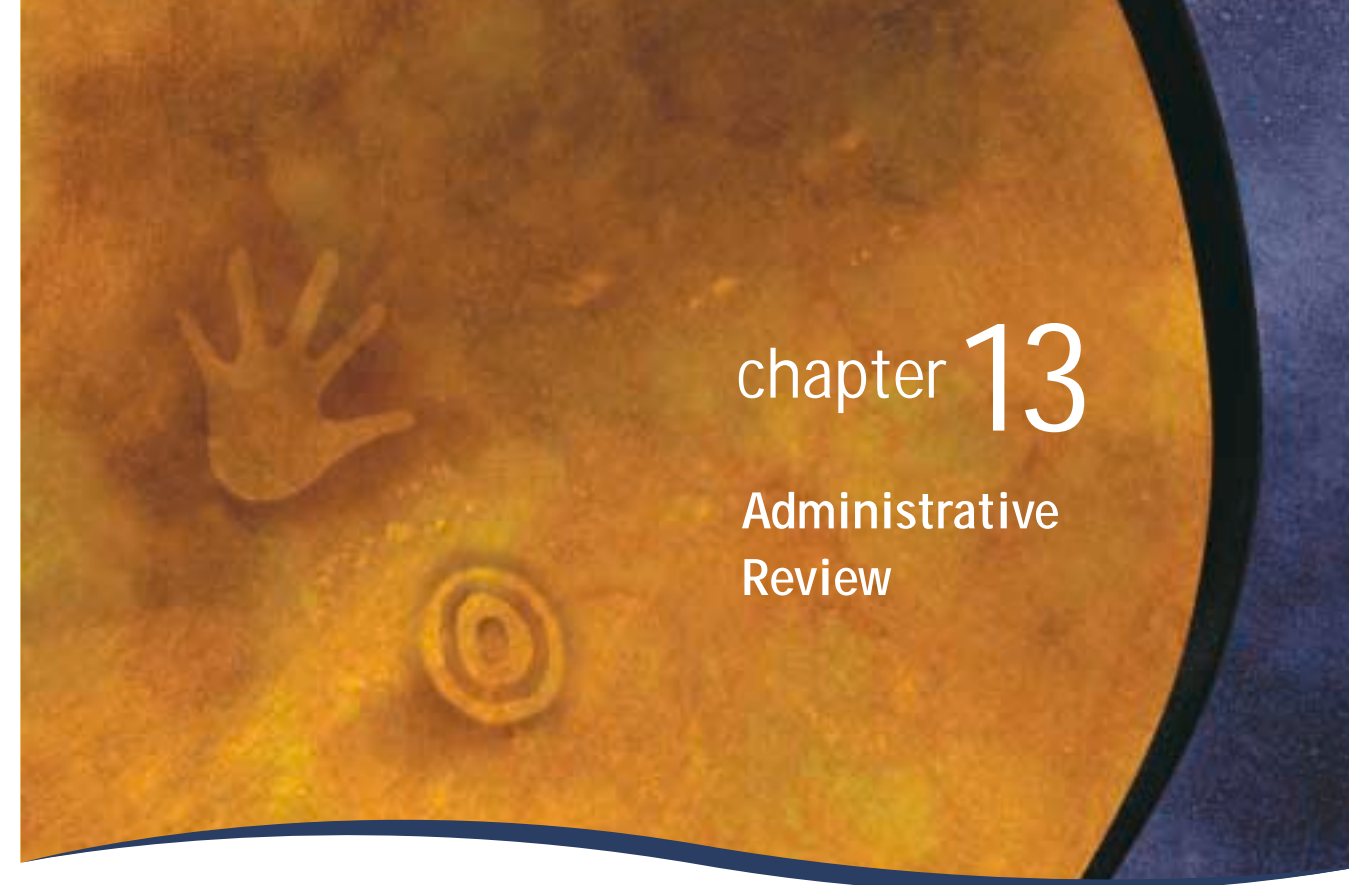
- Allalgara/Annangara Aboriginal Corporation
- Gulunuru Aboriginal Corporation
- Wogayala Aboriginal Corporation
- Ukaka Aboriginal Corporation
- Mistake Creek Aboriginal Corporation
- Tuwakam Aboriginal Corporation
- Jangirurlu Aboriginal Corporation

However, the CLC and the NLC submitted to the Registrar a request to assist members of these corporations to wind back the liquidation process. Both the CLC and NLC were aware that the corporations held land on which Aboriginal people resided and that any loss of these lands, as a consequence of the liquidation process, would impact adversely on these people.

The Registrar was sympathetic to these circumstances and advised that he was prepared to work cooperatively with each of the corporations, liquidators and the CLC and the NLC to achieve the best outcome for the corporations and their members. He granted the corporations an exemption from compliance with Section 59 of the Act on the basis that it is unduly onerous and impracticable for the corporations to comply with Section 59 of the Act, given that they had not traded, had no income and expenditure and are merely landholding entities.

On being satisfied by the CLC and the NLC that arrangements had been put in place to facilitate future compliance with Section 59 of the Act, the Registrar assisted in the process of terminating the liquidations.

As at 30 June the process was continuing with an expected completion date of October 2001.



# chapter 13

## Administrative Review

All decisions of the Registrar are subject to administrative review. The Commonwealth Ombudsman, Freedom of Information legislation, the Administrative Decisions (Judicial Review) legislation, and the right of individuals to initiate action in the Federal Court, provide mechanisms to ensure that decisions made by the Registrar are fair and equitable, and open to public scrutiny.

### Freedom of Information

Under the Freedom of Information Act 1982 (the FOI Act), individuals may seek access to documents in the possession of the Registrar. Requests are made to the Registrar as the principal officer of a prescribed authority. During 2000-2001 the Registrar authorised his senior staff to be decision makers under the FOI Act and they dealt with seven requests.

### Administrative Appeals Tribunal

If applicants are dissatisfied with the decision by the Registrar they may seek a review of that decision in the Administrative Appeals Tribunal (the AAT).

### Administrative Decisions Judicial Review

The *Administrative Decisions Judicial Review Act 1977* (the ADJR Act) provides the broadest legislative avenue for an individual to seek a general review of decisions of the Registrar of Aboriginal Corporations.

Section 13 of the ADJR Act enables individuals to obtain from the Registrar a written statement of reasons for decisions made. The Registrar must give that statement within 28 days of the request.

The ADJR Act also provides for applications to be made to the Federal Court for a review of a decision, on the basis that the decision appealed was wrong in law on one or more of the grounds set out in the ADJR Act. Broadly speaking the right to seek review is on the basis that a matter has been dealt with unfairly.

In the reporting period the Federal Court was requested to review a decision by the Registrar to appoint an administrator to the Guri Wa Ngundagar Aboriginal Corporation. The request was made under Section 5(1)(d) of the ADJR Act. The matter was heard in the Federal Court on 22 June 2001.

Her Honour, Stone J, handed down her decision on this matter on 13 August 2001. She dismissed the claim by the former Governing Committee on the basis that it was not substantiated and found inter alia that the Registrar's decision to appoint an Administrator was well founded and that he was fully justified in making this decision.

### Commonwealth Ombudsman

An individual who feels that they have been treated unfairly may request an investigation by the Ombudsman pursuant to the *Ombudsman Act 1976*.

One matter was continued over from last year relating to Mildura Aboriginal Corporation. The complaint was from members of an indigenous community in Mildura against the governing committee for failure to admit a number of members from the local community to membership of the corporation. The Office of the Ombudsman sought advice from the Registrar as to what action he might take to expedite the matter.

The Registrar provided information to the Ombudsman about his previous investigation of similar complaints from some members of the local indigenous community, and the action taken in respect of the current concerns.

In response the Ombudsman formally notified the Registrar in accordance with Section 12 of the Ombudsman Act that their investigation of the complaint was concluded.

There were no other matters referred to this office by the Ombudsman in relation to the operations of the Office of the Registrar.



## appendices

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Appendix B	Exemptions approved under Section 59A of the Act during 2000-2001	x
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## Appendix A

### Appointments to the position of Registrar

Name	Date appointed	Date terminated
Patrick James SULLIVAN	06/07/78	24/12/79
Neville Joseph Louis JANSZ (acting)	22/10/79	14/12/79
Neville Joseph Louis JANSZ (acting)	24/12/79	14/08/82
Laurence Alwyn James MALONE (acting)	15/07/82	14/08/82
Laurence Alwyn James MALONE	15/08/82	07/12/82
Donald James O'ROURKE	07/12/82	26/01/83
Laurence Alwyn James MALONE	26/01/83	23/03/83
Robert HUEY	23/03/83	06/05/83
Anthony George KOUKOULAS	06/05/83	30/06/84
George Metcalfe BROWNBILL	30/06/84	05/12/86
James George MENHAM (acting)	21/09/85	27/01/86
James George MENHAM (acting)	16/05/86	27/05/87
Kenneth Hurtle WANGANEEN (acting)	05/01/87	16/01/87
Patricia Ann TURNER	27/05/87	25/01/89
James George MENHAM (acting)	09/06/87	03/07/87
James George MENHAM (acting)	20/11/87	21/03/88
Anthony George KOUKOULAS (acting)	21/03/88	23/06/88
William Kenneth OAKES (acting)	23/06/88	17/07/88
James George MENHAM (acting)	18/07/88	25/01/89
Donald James O'ROURKE	25/01/89	12/07/90
John Francis WATERS	19/07/90	02/04/91
Alan Edgar DOOLAN	02/04/91	03/01/92
Noureddine BOUHAFS (acting)	16/09/91	14/10/91
Noureddine BOUHAFS (acting)	19/01/92	04/01/93
Noureddine BOUHAFS	05/01/93	24/08/00
Colin PLOWMAN (acting)	25/08/00	—

## Appendix B

### Exemptions approved under Section 59A of the Act during 2000-2001

A total of 409 applications for exemptions under Section 59A of the Act were processed during 2000-01 accounting for a total of 762 exemptions for 338 corporations.

State	Corporation name	Years
ACT	Billabong Aboriginal Corporation	2000
NSW	Wiradjuri Wellington Aboriginal Town Common (Aboriginal Corporation)	1999-2000
NSW	Shoalhaven Aboriginal Corporation of Elders and Friends	2000
NSW	Black Creek Aboriginal Corporation	2000
NSW	Parkes Multi Purpose Aboriginal Corporation	1994, 1996
NSW	Cangai Aboriginal Corporation	1996-2000
NSW	Giuwan Nation Aboriginal Corporation	1999-2000
NSW	Bangee Ngurra Aboriginal Corporation	2000
NSW	Murong Gialinga Aboriginal and Torres Strait Islanders Corporation	2000
NSW	Malabugilmah Aboriginal Corporation	2000
NSW	Kamaku Business Enterprises Aboriginal Corporation	1996-1998
NSW	Winankirpa Aboriginal Corporation	1999
NSW	V-J's Aboriginal Corporation	2000
NSW	Mungindi Kids Aboriginal Corporation	1998-2000
NSW	Wirrimbah Direct Descendants Aboriginal Corporation	1999-2000
NSW	Waagul Aboriginal Corporation	2000
NSW	Ulugundahi Elders Aboriginal Corporation	1999-2000
NSW	Goodagah Relief Aboriginal Corporation Endeavour	2000
NSW	Wonnarua Nation Aboriginal Corporation	2000
NSW	Greater Lithgow Aboriginal and Torres Strait Islanders Corporation	2000
NSW	Childcare Resource and Advisory Aboriginal Corporation	2000
NSW	Walgett Youth Community Development Aboriginal Corporation	2000
NSW	Dream Time Entertainment Aboriginal Corporation	2000
NSW	Ngamba Local Aboriginal Corporation	2000
NSW	La Perouse United Aboriginal Corporation for Sport and Recreation	2000
NSW	Gillawarra Cultural Centre and Keeping Place (Aboriginal Corporation)	1999-2000
NSW	New South Wales and Australian Capital Territory Higher Education Network Aboriginal Corporation	2000
NSW	Darug Custodian Aboriginal Corporation	2000
NSW	Saltwater Tribal Council Aboriginal Corporation	2000
NSW	The Gidabel Aboriginal Corporation	2000
NSW	Bindarray Aboriginal Corporation	2000
NSW	Ngarabal Aboriginal Corporation	2000
NSW	Jarguan Aboriginal Corporation	1996-2000
NSW	Central Coast "Pelicans" Aboriginal Corporation	2000
NSW	Morowari Tribal Aboriginal Corporation	1999-2000
NSW	Darimba-Maarra Aboriginal Corporation	1999-2000

State	Corporation name	Years
NSW	The South Coast Indigenous Aboriginal Corporation	1998–2000
NSW	Daen Ooyella Aboriginal Corporation	2000
NSW	Koorie Galore Aboriginal Corporation	2000
NSW	Anya-Gunya Aboriginal Corporation	2000
NSW	Bundjalung Elders Council Aboriginal Corporation *	1997–1999
NSW	Paruna Aboriginal Corporation	2000
NSW	Araluen Aboriginal Corporation	2000
NSW	Snowy Mountains Elders' Aboriginal Corporation	2000
NSW	Muri-Gejarr Aboriginal Corporation	2000
NSW	BID-EE-GAL Aboriginal Corporation	2000
NSW	Barjai Aboriginal Corporation	2000
NSW	Nunawanna Aboriginal Corporation	2000
NSW	Arakwal Aboriginal Corporation	2000
NSW	Kookaburra Aboriginal Corporation	2000
NSW	Cullendulla Aboriginal Corporation	1995–2000
NSW	Blacktracks Media Aboriginal Corporation	1996–1998
NSW	Kempsey Koori Artists Aboriginal Corporation	2000
NSW	Coomaditchie United Aboriginal Corporation	1997
NSW	Durruya-Bowraville District Aboriginal Corporation	1999
NSW	Island View Aboriginal Corporation	1999–2000
NSW	Wahgunyah (Housing) Aboriginal Corporation	1992
NSW	Wogun Aboriginal Corporation	1985–1999
NSW	Balladoran Youth and Culture Aboriginal Corporation	1999–2000
NSW	Goobah Goobah Koori Theatre ( Aboriginal Corporation)	1997–1998
NSW	Korewal(La Perouse) Elouera(Illawarra) Jerrungarugh(Shoalhaven) Tribal Elders Aboriginal Corporation	1999–2000
NSW	Gunda-Ah-Myro Aboriginal Corporation	1999–2000
NSW	Traditional Tribal Mutthi – Mutthi Aboriginal Corporation	1997–1999
NT	Atite Cattle Aboriginal Corporation	1998–1999
NT	Yulara Pulka Homeland Tours Aboriginal Corporation	1996–2000
NT	Mistake Creek Aboriginal Corporation	1995–2000
NT	Croker Islanders Aboriginal Corporation	1998–2000
NT	Uruna Potara Aboriginal Corporation	1997–2000
NT	Perte Pratenge Aboriginal Corporation	1998–2000
NT	Amillhjere Aboriginal Corporation	2000
NT	Bulgul Aboriginal Corporation	1999–2000
NT	Banakula Homeland Aboriginal Corporation ( Tjarrguldja)	1994–2000
NT	Uripmerre Aboriginal Corporation	1995–2000
NT	Pantharpilenhe Aboriginal Corporation	1997–2000
NT	Jutamaling Aboriginal Corporation	1995–2000
NT	Animparrinpi Yutuju Women's Aboriginal Corporation	1995–1997

State	Corporation name	Years
NT	Marlamarla Aboriginal Corporation	1998–2000
NT	Yirra Badoo Aboriginal Corporation Land Trust	2000
NT	Jibabana Aboriginal Corporation	2000
NT	Ukaka Aboriginal Corporation	1990–2000
NT	Jangirurlu Aboriginal Corporation	1990–2000
NT	Tuwakam Aboriginal Corporation	1995–2000
NT	Gulunuru Aboriginal Corporation	1984–1987, 1989, 1990–2000
NT	Wogayala Aboriginal Corporation	1995–2000
NT	Allalgara / Annangara Aboriginal Corporation	1995–2000
NT	Altjerra Aboriginal Corporation	2000
NT	Mungar Mungar Women's Learning Group Aboriginal Corporation	2000
NT	Margalkmi Aboriginal Corporation	2000
NT	Bambalmok Aboriginal Corporation	2000
NT	Angkerle—Ireng Aboriginal Corporation	2000
NT	Mulyung Aboriginal Corporation	2000
NT	Banjam Aboriginal Corporation	2000
NT	Banatarl Aboriginal Corporation	2000
NT	Mialli Aboriginal Corporation	2000
NT	Jingaloo Aboriginal Corporation	2000
NT	Wurkleri Aboriginal Corporation	2000
NT	Yubulyawun Aboriginal Corporation	2000
NT	Bombom Aboriginal Corporation	2000
NT	Jitipulkaritji Aboriginal Corporation	2000
NT	Errupmynia Aboriginal Corporation	2000
NT	Maddaingya (Malak Malak) Aboriginal Corporation	2000
NT	Witjintitja Aboriginal Corporation	1993, 1997–2000
NT	Wangari Aboriginal Corporation	2000
NT	Waju Aboriginal Corporation	2000
NT	Bumbartluk Aboriginal Corporation	2000
NT	Witjiwampa Aboriginal Corporation	2000
NT	Gurungu Council Aboriginal Corporation	1991–1993, 1995
NT	Jangankurlangu Aboriginal Corporation	1998–2000
NT	Dillinya Aboriginal Corporation	2000
NT	Burrthi Aboriginal Corporation	1997–2000
NT	Fraser Aboriginal Corporation	2000
NT	Atikirra Aboriginal Corporation	2000
NT	Minyerri Aboriginal Corporation	2000
NT	Warpeyangkere Aboriginal Corporation	1994–2000
NT	Yirra Badoo Aboriginal Corporation	2000
NT	Goondburoon Aboriginal Corporation	2000



State	Corporation name	Years
NT	Walangeri Ngumpinku Aboriginal Corporation	1997-2000
NT	Pukulpa Tjungunagkunyja Aboriginal Corporation	1996-2000
NT	Numburindi Aboriginal Corporation	2000
NT	Akamenhe Well Housing Aboriginal Corporation	1998-2000
NT	Aluralkwa Aboriginal Corporation	1997-2000
NT	Undoolya Aboriginal Corporation	1990-1991, 1996-2000
NT	Pwanye Aboriginal Corporation	1999 - 2000
NT	The Julin Aboriginal Corporation	2000
NT	N.T.Sports Aboriginal and Torres Strait Islanders Corporation	1996-1998
NT	Nymipi Sports Club Aboriginal Corporation	1999-2000
NT	Angula Aboriginal Corporation	1991-1994
NT	Wallany Homeland Community Aboriginal Corporation	1999-2000
NT	Imarranggul Aboriginal Corporation	2000
NT	Irrmame Aboriginal Corporation	1997-1999
NT	Wanmarra Aboriginal Corporation	1995-2000
NT	Djudian Grazing Aboriginal Corporation	2000
NT	Arkarnta Aboriginal Corporation	2000
NT	Peron Island Enterprise Aboriginal Corporation	2000
NT	Retta Dixon Home Aboriginal Corporation	2000
NT	Pantyinteme Aboriginal Corporation	1996, 1999-2000
NT	Ulpanyali Aboriginal Corporation	1997-2000
NT	Ngalangak Aboriginal Corporation	2000
NT	Amoonguna Farm Aboriginal Corporation	1999-2000
NT	Ankweptyey Aboriginal Corporation	1998-2000
NT	Penapore Aboriginal Corporation	1999-2000
NT	Areyn Aboriginal Corporation	1998 -2000
NT	Umutju Homeland Aboriginal Corporation	1995-2000
NT	Jungarrayiwamu Aboriginal Corporation	1997-2000
NT	Mt Eaglebeak Aboriginal Corporation	1997-1999
NT	Officer Creek Pastoral Aboriginal Corporation	1999
NT	Yuyung Nyannung Aboriginal Corporation	2000
NT	Wairuk Aboriginal Corporation	1997-2000
NT	Jutarangi Aboriginal Corporation	1999-2000
NT	Djarrung Aboriginal Corporation	1998-1999
NT	Anangu Winkiku Stores (Aboriginal Corporation)	2000
NT	Gumatj-Rirratjingu Leasing Aboriginal Corporation	1999-2000
NT	McGuinness Aboriginal Corporation	1995-1999
NT	Pukatja Supermarket and Associated Stores	1996-1999
NT	Jungalina Aboriginal Corporation	1999-2000
NT	Ijarri Community Aboriginal Corporation	1999-2000
NT	Angpungijba Aboriginal Corporation	1999-2000

State	Corporation name	Years
NT	Artekerre Aboriginal Corporation	1998-2000
NT	Mungkarta Community and Outstation Aboriginal Corporation	1993-1997
QLD	Wulgurukaba Aboriginal Corporation	1995-1999
QLD	Pearson and Sons Aboriginal Corporation	2000
QLD	Bar-Bar-Rum Tribal Aboriginal Corporation	1994-2000
QLD	Koranga Health Action Torres Strait Islanders Corporation	1996 -2000
QLD	Miles Aboriginal Corporation for Housing and Community Development	1999
QLD	Wunara Aboriginal Corporation	2000
QLD	Queensland Baptist Aboriginal Corporation	1995-2000
QLD	“Waiben” Torres Strait Islanders Corporation	1997-2000
QLD	Kambuwal Aboriginal Corporation For Culture, Heritage and Land	2000
QLD	Gooreng Gooreng Aboriginal Corporation	1998-1999
QLD	A Dreaming of Yarun Aboriginal Corporation	1999-2000
QLD	Creative Training Aboriginal Corporation	2000
QLD	Gumulgal ( Torres Strait Islanders ) Corporation	2000
QLD	Twin Cities Aboriginal and Torres Strait Islanders Corporation Services	1997, 1999
QLD	Dauanalgaw ( Torres Strait Islanders) Corporation	2000
QLD	Caims and District Regional Indigenous Mens Group Aboriginal and Torres Strait Islanders Corporation	1997
QLD	Kurmbie Boya Aboriginal and Torres Strait Islanders Corporation	2000
QLD	Wulli Wulli Elders and Descendants Aboriginal Corporation	2000
QLD	Bwgeolman Warrior Boxing Club Aboriginal Corporation	1992-1995, 1997-2000
QLD	Uwoykand Tribal Aboriginal Corporation	2000
QLD	Central Queensland Aboriginal Corporation for Cultural Activities	2000
QLD	Wiri Aboriginal Corporation	2000
QLD	The Harold Jackson Progress Aboriginal Corporation	1998-2000
QLD	Bunda Cultural Aboriginal Corporation	2000
QLD	Wuli Wuli Aboriginal Corporation	2000
QLD	Nyawaygi Aboriginal and Torres Strait Islanders Corporation for Womens Issues	2000
QLD	Lundinwarra Aboriginal Corporation	1998-2000
QLD	Ait Kadal Clan Torres Strait Islanders Corporation	2000
QLD	Bundarra Aboriginal Corporation	2000
QLD	Surat Aboriginal Corporation	2000
QLD	Woppabura Aboriginal Corporation	2000
QLD	Taribelang Bunda Aboriginal Corporation For Land	1998-2000
QLD	Dhamuway Torres Strait Islanders Corporation	2000
QLD	Komilario Land Aboriginal Corporation	1999-2000
QLD	Aboriginal and Torres Strait Islanders Corporation for Health Services (Toowoomba)	1997-2000
QLD	Mamanya Aboriginal Corporation	1997-2000
QLD	Weribone Jack Family Descendants Aboriginal Corporation	1998-2000
QLD	Namaleta Aboriginal Corporation	1999-2000

State	Corporation name	Years
QLD	Waluwarra Aboriginal Corporation	2000
QLD	Koedal Aboriginal and Torres Strait Islanders Corporation	2000
QLD	Harlaxton Youth and Sporting Aboriginal Corporation	1998-2000
QLD	Townsville Aboriginal and Torres Strait Islanders Media Aboriginal Corporation	1997-2000
QLD	Yarwathin Aboriginal Corporation	1996
QLD	Kirrendiri Cultural Resource and Family Research Aboriginal Corporation	1998-2000
QLD	Thakilanchi Ikalin Cape Direction Aboriginal Corporation	1995-2000
QLD	Karoo Aboriginal and Torres Strait Islanders Corporation	2000
QLD	Budjiti Aboriginal Corporation For Land, Culture and Heritage	1997-1999
QLD	Mitakoodi Juhnjar Aboriginal Corporation	1999-2000
QLD	Lonway Cultural and Recreation Centre Aboriginal Corporation	2000
QLD	Muthanth Aboriginal Corporation	1999-2000
QLD	Buia Yumbah Yebah Yebah Rockhampton and District NAIDOC Aboriginal and Torres Strait Islanders Corporation	1996-1999
QLD	Winton District Aboriginal Corporation	2000
QLD	Old Doomadgee Traditional Owners Aboriginal Corporation	1997-2000
QLD	Aboriginal and Torres Strait Islanders Corporation for all Sports, Health & Recreation Association	1995-2000
QLD	Kemus Torres Strait Islanders Corporation	1995-2000
QLD	Dulabed Tableland Aboriginal Corporation	1999
QLD	Binthi Aboriginal Corporation	2000
SA	Kumangka Youth Services Aboriginal Corporation	2000
SA	Western Kokatha Weenamuga Aboriginal Corporation	2000
SA	Tjaliri Aboriginal Corporation	1994
SA	Kokatha Mula Aboriginal Corporation	2000
SA	Viliwarinha Yura Aboriginal Corporation	1999-2000
SA	Port Lincoln Tjundia Aboriginal Corporation	2000
SA	Minyungu Palyari Aboriginal Corporation	2000
SA	Urdu Walpunha Aboriginal Corporation	2000
SA	Kupa Piti Kungka Tjuta Aboriginal Corporation	2000
SA	Warkuwa (Emu Rockhole) Aboriginal Corporation	1999-2000
TAS	Babel Island Aboriginal Corporation	2000
TAS	Moi-ia Aboriginal Corporation	2000
TAS	Aboriginal Child / Youth Support Association Aboriginal Corporation	1996-2000
VIC	Coomburra Community Justice Panel Aboriginal Corporation	1998-2000
VIC	Jaara Aboriginal Corporation	2000
VIC	Munjala Aboriginal Corporation	2000
VIC	Brewongle Aboriginal Corporation	2000
VIC	Wemen Aboriginal Corporation	1998-2000
VIC	Kirrae-Whumrong Aboriginal Corporation	2000

State	Corporation name	Years
WA	Gyrrigas Aboriginal Corporation	1999-2000
WA	Skeen Family Group Linga Aboriginal Corporation	2000
WA	Bulgunna Aboriginal Corporation	1998-2000
WA	Kurinyjam Aboriginal Corporation	1996-2000
WA	Yunggul Aboriginal Corporation	2000
WA	Yirra Yaakin Noongar Theatre Aboriginal Corporation	2000
WA	Nyunbuk Moorit Booja Aboriginal Corporation	2000
WA	Ngarantjadu Aboriginal Corporation	1997-2000
WA	Ngumpan Aboriginal Corporation	1999-2000
WA	Bundundea Aboriginal Corporation	2000
WA	Albany Aboriginal Corporation	2000
WA	Goolarabooloo-Millibinyarri Aboriginal Corporation	2000
WA	Djibbinj Aboriginal Corporation	2000
WA	Saam Karem Torres Strait Islanders Corporation	2000
WA	Bibelmen Mia Aboriginal Corporation	1993-2000
WA	Pamgurr Community School Aboriginal Corporation	2000
WA	Tkalkaboorda Community Aboriginal Corporation	1992 - 1993, 1999-2000
WA	Naramya Aboriginal Corporation	2000
WA	Dillon Springs Aboriginal Corporation	1999-2000
WA	Wulgurding Aboriginal Corporation	1998-2000
WA	Thalgarr Ngarriny Aboriginal Corporation	2000
WA	The Tjiliyna Aboriginal Corporation	2000
WA	Munget Aboriginal Corporation	2000
WA	Pelican Resources Aboriginal Corporation	2000
WA	Bilgungurr Aboriginal Corporation	2000
WA	Pia wadjarri Aboriginal Corporation	1993, 1994
WA	Djididjidi Women's Aboriginal Corporation	2000
WA	Wyalkatchem Djidi Djidi Aboriginal Corporation	1998-2000
WA	Maamba Aboriginal Corporation	2000
WA	Djulburr Community Aboriginal Corporation	1999-2000
WA	Lynne River Aboriginal Corporation	2000
WA	Wongutha Bimi Aboriginal Corporation	2000
WA	Baiyungu Aboriginal Corporation	2000
WA	Ngalang Boodja Aboriginal Corporation	2000
WA	Bellotti Aquaculture Group Aboriginal Corporation	2000
WA	Ned Mippy Scholarship Aboriginal Corporation	1995-2000
WA	wandalgu Arts Aboriginal Corporation	2000
WA	Coongan Aboriginal Corporation	2000
WA	Kalla Boodja Aboriginal Corporation	2000
WA	Julgunn Aboriginal Corporation	2000
WA	Milykujuma Old Generation wamman Community Aboriginal Corporation	1999-2000



State	Corporation name	Years
WA	Kamali Land Council Aboriginal Corporation	1998–2000
WA	Ngarinyin Aboriginal Corporation	1999–2000
WA	Balginjur Aboriginal Corporation	2000
WA	COOLCDEP Aboriginal Corporation	2000
WA	Hedland Aboriginal Church Aboriginal Corporation	1999–2000
WA	Sale River Aboriginal Corporation	2000
WA	Dujimerrup Twonkup Aboriginal Corporation	2000
WA	Wycoorillo Aboriginal Corporation	1998–2000
WA	Winganji Blue Waters Aboriginal Corporation	1999–2000
WA	Geboowama Aboriginal Corporation	2000
WA	Doon Doon Pastoral Aboriginal Corporation	2000
WA	Marddu Council Aboriginal Corporation	1995–1997
WA	Bygunn Aboriginal Corporation	1997–2000
WA	Budgarjook Aboriginal Corporation	2000
WA	Carnot Springs Aboriginal Corporation	2000
WA	Noongar Employment and Enterprise Development Aboriginal Corporation	2000
WA	OPE Enterprises Aboriginal Corporation	2000
WA	Goonji Arlan Aboriginal Corporation	1999–2000
WA	Djulwarlu Aboriginal Corporation	2000
WA	Miller-Beeliar Aboriginal Corporation	2000
WA	Jumbarr Ngunjul Aboriginal Corporation	1999–2000
WA	Perth Employment and Enterprise Development Aboriginal Corporation	1997
WA	Yungar Aboriginal Corporation	1998–2000
WA	Gurrbumi Ningguwung Aboriginal Corporation	2000
WA	Worrorrum Ningguwung Aboriginal Corporation	2000
WA	Dilduwam Majangdaburu Aboriginal Corporation	2000
WA	Jandimi Aboriginal Corporation	1998–2000
WA	Janum Ningguwung Aboriginal Corporation	2000
WA	Munthanmar Aboriginal Corporation	1999–2000
WA	Yorgum Aboriginal Corporation	1997–1998
WA	Gnuraren Aboriginal Corporation	1998–1999
WA	Jalaris Aboriginal Corporation	2000
WA	Gunbur Aboriginal Corporation	1997–2000
WA	Ningbingi Ningguwung Aboriginal Corporation	1999–2000
WA	Binjen Ningguwung Aboriginal Corporation	2000
WA	Nyawanyawam Dawang Aboriginal Corporation	2000
WA	Yulga Jinna Aboriginal Corporation	1998
WA	Kimberley Aquaculture Aboriginal Corporation	1999–2000
WA	Ribinyung Dawang Aboriginal Corporation	1999–2000
WA	Kooljaman Land Aboriginal Corporation	2000
WA	Culunga Community School Aboriginal Corporation	1999

State	Corporation name	Years
WA	Kuwinywardu Aboriginal Resource Unit Aboriginal Corporation	1989
WA	Yulella Fabrications Aboriginal Corporation	1990–1991
WA	Geraldton Sporting Aboriginal Corporation	1984–1986
WA	Karmulinunga Aboriginal Corporation	1986
WA	Mulark Aboriginal Corporation	1994–2000
WA	Punmu Aboriginal Corporation	1988–1990, 1992
WA	Mallee Aboriginal Corporation	2000
WA	Djengerari Aboriginal Corporation	1984–1985, 1988
WA	Dujemerrup Aboriginal Corporation	2000
WA	Bugarigarra Nyurdany Aboriginal Corporation	1999
WA	Wanu Wanu Aboriginal Corporation	1999
WA	Ngurra Wangkamagayi Aboriginal Corporation	1999
WA	Gnulla Employment Centre Aboriginal Corporation	1999–2000
WA	Ban Gal Gurruguru Jilawadja Aboriginal Corporation	1999–2000
WA	Brubrganjal Aboriginal Corporation	1996–2000
WA	Woolah-Wah Aboriginal Corporation	1996–2000
WA	NEIB Aboriginal Corporation	1999
WA	Wanamulnyundong Aboriginal Corporation	1996–2000
WA	Mulibidee Aboriginal Corporation	1996–2000
WA	Rawa Community School Aboriginal Corporation	1995–2000
WA	Western Desert Puntukumupama Aboriginal Corporation	1985–1986

## Appendix C

### Examinations Completed under Section 60 of the Act during 2000-2001

Corporation	Examiner
<b>New South Wales</b>	
Batemans Bay Aboriginal Corporation	Street Quinn Pty Ltd Office of the Registrar
Dharawal Aboriginal Corporation Community Association	Bird Cameron (Partners)
Doonooch Self-Healing Aboriginal Corporation	MGI Wamstekers
Dubbo Koorie Housing Aboriginal Corporation	MGI Wamstekers
Guri Wa Ngundagar Aboriginal Corporation	E J Pippet
Kullila Welfare and Housing Aboriginal Corporation	Office of the Registrar
Ningi Aboriginal Corporation	Office of the Registrar
Pulkuru Aboriginal Corporation	MGI Wamstekers
Sydney Regional A C Legal Service	MGI Wamstekers
Wandoo Aboriginal Corporation	MGI Wamstekers
<b>Queensland</b>	
Aboriginal and Torres Strait Islanders Corporation For Health Services (Toowoomba)	Indecorp Pty Ltd
Harlaxton Youth and Sporting Aboriginal Corporation	Hall Chadwick
Jiddabul Aboriginal Corporation	Office of the Registrar
Kooma Aboriginal Corporation for Land	Office of the Registrar
Miles Aboriginal Corporation for Housing and Community Development	Indecorp Pty Ltd
Taribelang Bunda Aboriginal Corporation for Land	Prentice Parbery Barilla
Twin Cities Aboriginal and Torres Strait Islanders Corporation	TCM Partners
Toowoomba Aboriginal Corporation for Medical Services	Indecorp Pty Ltd
“Waiben” Torres Strait Islanders Corporation	Hayward Gesch Dorge
Wiri/Yuwiburra “Touri” Aboriginal Corporation	Office of the Registrar
<b>Northern Territory</b>	
Amangarra Aboriginal Corporation	BDH Consulting Pty Ltd
Binjari Community Aboriginal Corporation	BDH Consulting Pty Ltd
Ngurdalingi Aboriginal Corporation	BDH Consulting Pty Ltd

Corporation	Examiner
<b>Western Australia</b>	
Gnulla Employment Centre Aboriginal Corporation	Office of the Registrar
Gobawarrah Minduarra Yinhawanga A C	Office of the Registrar
Jardamu Women’s Group Aboriginal Corporation	De Castro & Sullivan
Kaata-Koorliny Employment and Enterprise Development Aboriginal Corporation	Office of the Registrar
Koomaal Aboriginal Corporation	Shakespeare & Co
Kukabubba Aboriginal Corporation	Anthony M Travers & Ass.
Kunawarritji (Aboriginal Corporation)	Business Support Pty Ltd
Tkalkaboorda Community Aboriginal Corporation	KJH Enterprises
Windidda Aboriginal Corporation	Simon R Coad
Wong-Goo-Tt-Oo Aboriginal Corporation	Business Support Pty Ltd
Yagga Yagga Community Aboriginal Corporation	KJH Enterprises
Yamatji Media Aboriginal Corporation	Office of the Registrar
<b>Tasmania</b>	
Tasmanian Aboriginal Land Council Aboriginal Corporation	E J Pippet



## Appendix D

### Examinations in Progress as at 30 June 2001

Corporation	Examiner
<b>Queensland</b>	
Gambuwal Aboriginal Corporation	Office of the Registrar
Wiri/Yuwiburra "Touni" Aboriginal Corporation	Michael Phelan
<b>Northern Territory</b>	
Northern Territory Stolen Generations Aboriginal Corporation	BDH Consulting Pty Ltd
<b>Western Australia</b>	
Louisa Downs Pastoral Aboriginal Corporation	Business Support Pty Ltd

## Appendix E

### Section 60A Compliance Notices issued during 2000-2001

Corporation	State	Date of Notice
North Queensland Land Council Aboriginal Corporation	QLD	06/7/2000
Amangarra Aboriginal Corporation	NT	12/7/2000
Yagga Yagga Community Aboriginal Corporation	WA	17/7/2000
Kukabubba Aboriginal Corporation	WA	21/7/2000
"Waiben" Torres Strait Islanders Corporation	QLD	21/7/2000
Kunawarritji (Aboriginal Corporation)	WA	10/8/2000
Sydney Regional Aboriginal Corporation Legal Service	NSW	18/8/2000
Miles Aboriginal Corporation for Housing and Community Development	QLD	21/8/2000
Wiri/Yuwiburra "Touni" Aboriginal Corporation	QLD	31/8/2000
Dharawal Aboriginal Corporation Community Association	NSW	15/11/2000
Kullila Welfare & Housing Aboriginal Corporation	NSW	30/8/2000
Jardamu Women's Group Aboriginal Corporation	WA	08/9/2000
Pulkurru Aboriginal Corporation	NSW	03/10/2000
Windidda Aboriginal Corporation	WA	04/10/2000
Aboriginal and Torres Strait Islanders Corporation For Health Services (Toowoomba)	QLD	031/10/2000
Tasmanian Aboriginal Land Council Aboriginal Corporation	TAS	27/2/2001
Gambuwal Aboriginal Corporation	QLD	17/4/2001
Kaata-Koorliny Employment and Enterprise Development Aboriginal Corporation	WA	18/6/2001

## Appendix F

### Section 71 Notices issued during 2000-2001

Corporation	State	Date of Notice
Dubbo Koorie Housing Aboriginal Corporation	NSW	18/7/2000
Tkalkaboorda Community Aboriginal Corporation	WA	24/10/2000
Twin Cities Aboriginal and Torres Strait Islanders Corporation	QLD	14/8/2001
Yamatji Media Aboriginal Corporation	WA	19/3/2001
Gobawarrah Minduarra Yinhawanga Aboriginal Corporation	WA	19/3/2001
Guri Wa Ngundagar Aboriginal Corporation	NSW	29/3/2001
Jiddabul Aboriginal Corporation	QLD	29/3/2001

## Appendix G

### Corporations Deregistered during 2000-2001

Names of deregistered Corporations - 2000/2001	
Aboriginal and Torres Strait Islanders Corporation Information Centre	Eastern Zone Landscapes Aboriginal Corporation
ACT Aboriginal Sports Club Aboriginal Corporation	Family Violence Education Program Bunbury Aboriginal Corporation
Ahalpere/Pitchi Richi Aboriginal Corporation	Galmarringarri Aboriginal Corporation
Altjiranga Aboriginal Corporation	Ghundu Aboriginal and Torres Strait Islanders Corporation
Amarelengkwe Aboriginal Corporation	Giunda Aboriginal Corporation
Arpaka Torres Strait Islanders Corporation	Gooda Binya Aboriginal Corporation
Australian Aboriginal and Torres Strait Islanders Corporation for Tourism	Goombungee Aboriginal Corporation
B.E.A.M Aboriginal Corporation	Great Southern Land Management Aboriginal Corporation
Bama Healing Centre Aboriginal and Torres Strait Islanders Corporation	Gunyah Housing Aboriginal Corporation
Biyay-Giri Marbu Marbu Aboriginal and Torres Strait Islanders Corporation	Harrisville Aboriginal Corporation
Black Swan Aboriginal Theatre (Aboriginal Corporation)	Illurawara Community Association Aboriginal Corporation
Bugdlie Kooprih Yapitja Aboriginal Corporation	Iwaidja Cobourg Women's Aboriginal Corporation
Bunbury Nyungar Women's Interest Group Aboriginal Corporation	Jandai Aboriginal Corporation
Butchilbidi Aboriginal Corporation	Janjanji Aboriginal Corporation
Capricorn Aboriginal Corporation for Heritage and Culture	Jannawigu Youth Centre Aboriginal Corporation
Camma Trading Aboriginal Corporation	Jemelkere Aboriginal Corporation
Castlereagh Growers Environmental Aboriginal Corporation	Kakalyalya Aboriginal Corporation
Conservation and Landcare Aboriginal Corporation	Karonie Aboriginal Corporation
Cooktown Milbi Dabaar Aboriginal and Torres Strait Islanders Corporation Womens' Group	Kawanji Re-form Aboriginal Corporation
Cooloolah Aboriginal & Torres Strait Islanders Corporation	Kenny Windley Bus Service Aboriginal Corporation
Coonabarabran Koories United Aboriginal Corporation	Kepa Kurl Aboriginal Corporation
Dareton Barkandji Elders Aboriginal Corporation	Keriba Gainau Torres Strait Islanders Corporation
Dinawan Koori Productions Aboriginal Corporation	Keriba Kazil Torres Strait Islanders Corporation
Dirranbandi United Sporting Club Aboriginal Corporation	Kimberley Aboriginal Medical Service Council Aboriginal Corporation
Djinang Aboriginal Corporation	Kururrungku Garage Mindibungu Aboriginal Corporation
Durruya - Bowraville District Aboriginal Corporation	Kururrungku Take Away Mindibungu Aboriginal Corporation
	Kuyungungu Aboriginal Corporation
	Kwiembal Aboriginal Corporation



Names of deregistered Corporations - 2000/2001

Lall Bay Puran Aboriginal Corporation	Pmara Jutunta Women's Centre Aboriginal Corporation
Lurl Bingu Aboriginal Corporation	Puttatama Aboriginal Corporation
Macleay Valley Building Aboriginal Corporation	Redfern Indigenous Ministries Aboriginal Corporation
Manaburduma Housing Association Aboriginal Corporation	Sandalwood Aboriginal Corporation
Maranoa Aboriginal Corporation	Sandover Farm Aboriginal Corporation
Marpuna Community Aboriginal Corporation	South West Aboriginal Corporation
Mangudinj Group Aboriginal Corporation	Sports and Health Aboriginal Corporation
Marrida Co-operative Aboriginal Corporation	Tiapan Aboriginal Corporation
Mbantarnya Aboriginal Corporation	Toowoomba Aboriginal Corporation for Medical Services
Mer Isles Administration Torres Strait Islanders Corporation	Torres Strait Aboriginal and Islander Health Worker Education Program Torres Strait Islanders Corporation
Miniarra Resource Agency Aboriginal Corporation	Townsville Regional Aboriginal & Torres Strait Islanders Corporation for Youth
Moree Aboriginal Community Aboriginal Corporation	Waagarr-Bii Aboriginal Corporation
Mount Liebig Aboriginal Corporation	Warralong Aboriginal Corporation
Mundaka Aboriginal Corporation	Weerona Housing Aboriginal Corporation
Murgon Women's Aboriginal Corporation	Wellesley Island Aboriginal Corporation for Sports and Recreation
Mumkumi Women's Aboriginal Corporation	Whitsunday Aboriginal and Torres Strait Islanders Corporation Community Outreach
Murramai Aboriginal Graphics & Community Arts Aboriginal Corporation	Yaegl Media Aboriginal Corporation
Murringlebang Aboriginal Corporation	Yanji Aboriginal Corporation
Mutchirr Aboriginal Corporation	Yarradool Aboriginal Corporation
Newcastle Medical Students Aboriginal and Torres Strait Islanders Corporation	Yarragan Promotion Aboriginal Corporation
Ngumarryina Aboriginal Corporation	Yhurlbroordah Land Aboriginal Corporation
North Australian Media Aboriginal Corporation	Yilayi Aboriginal Corporation
Northern Beef Breeders and Aquaculture Farms Aboriginal Corporation	Yunndi Aboriginal and Torres Strait Islanders Corporation Family Resource Centre
Northern Meat and Pastoral Aboriginal Corporation	
Nureen Aboriginal Corporation Taree/Purfleet	
Nyumme Yerrai Aboriginal Corporation	
Orange Wiradjuri Culture & Heritage Aboriginal Corporation	
Payeperentye Aboriginal Corporation	
Pica-Nee-Nee Promotions Aboriginal and Torres Strait Islanders Corporation	

## Appendix H

### Corporations under Administration during 2000-2001

Corporation	Administrator Appointed	Date Appointed	Date Cancelled
<b>New South Wales</b>			
Mrangalli Aboriginal Corporation	Bill Malvern	2/5/2000	29/8/2000
Towri Aboriginal Corporation	Peter Scolari	18/4/2000	23/3/2001
Nanima Progress Association (Aboriginal Corporation)	Alan Nicholls	16/10/2000	In progress
Guri Wa Ngundagar Aboriginal Corporation	Bary Jameson	26/4/2001	In progress
<b>Queensland</b>			
Link-up (QLD) Aboriginal Corporation	Lorraine Forman	7/2/2000	5/12/2000
Twin Cities Aboriginal and Torres Strait Islanders Corporation	Greg Kem	4/10/2000	30/3/2001
Jiddabul Aboriginal Corporation	Greg Kem	30/4/2001	In progress
<b>Western Australia</b>			
Murchison Region Aboriginal Corporation	John Stringfellow	10/5/2000	28/9/2000
Camarvon Medical Service Aboriginal Corporation	Eamonn Thackaberry	12/5/2000	15/12/2000
Tkalkaboorda Community Aboriginal Corporation	Joe Schiavi	23/2/2001	In progress

# Appendix I

## Corporations under Liquidation as at 30 June 2001

### Names of Corporations

<b>Australian Capital Territory</b>	NSW Women's Aboriginal Corporation
Bogong Community Aboriginal and Torres Strait Islanders Corporation	Nucoorilma Aboriginal Corporation
<b>New South Wales</b>	Orana Barellan Aboriginal Corporation
Aboriginal Youth Accommodation (Aboriginal Corporation)	Orange Miriwinni Aboriginal Corporation
Adjee Aboriginal Corporation	Tingha Aboriginal Corporation
Allambi Aboriginal Corporation	Wattle Hill Housing and Advancement Aboriginal Corporation
Armidale Baalapiny Housing Aboriginal Corporation	Wirajarai Aboriginal Corporation
Boggabilla Aboriginal Corporation	Wongaibon Women's Aboriginal Corporation
Central Area Training and Resource Aboriginal Corporation	Yarrahappinni Aboriginal Corporation
Coomealla Youth Development Aboriginal Corporation	<b>Queensland</b>
Cootamundra and Districts Aboriginal Corporation	Bidunggu Aboriginal Corporation
Daingati Aboriginal Corporation	Biloela Aboriginal and Torres Strait Islanders Corporation
Dhunghulla Economic Development Aboriginal Corporation	Biri Gubba Aboriginal Corporation
Doonooch Self-Healing Aboriginal Corporation	Camu Goun-Doi Aboriginal Corporation
Euston Aboriginal Corporation	Central Queensland Aboriginal Corporation for Training Resources
Girree Girree Aboriginal Corporation	Dabu Jajikal Aboriginal Corporation
Gunyah Construction Aboriginal Corporation	Deeral Aboriginal and Torres Strait Islanders Corporation
Gwydir Property Aboriginal Corporation	Dirranbandi Aboriginal Corporation
Kamilaroi Aboriginal Corporation	Goolburri Men's Aboriginal Corporation
Kattang Housing Aboriginal Corporation	Gungandji Aboriginal Corporation
Minnon Housing Aboriginal Corporation	Harlaxton Youth & Sporting Aboriginal Corporation
Leeton and District Aboriginal Corporation	Kooma Aboriginal Corporation for Land
Mirrabooka Housing Aboriginal Corporation	Lockhart Women's Aboriginal Corporation
Mrangalli Housing Aboriginal Corporation	Manth-Thayan Aboriginal Corporation
Mungindi Aboriginal Corporation	Marillac House Aboriginal Corporation
Nambucca Valley Aboriginal Corporation for Sport	Millmerran Aboriginal and Torres Strait Islanders Corporation
Narooma Community Centre Aboriginal Corporation	National Aboriginal and Islanders Legal Services Secretariat Aboriginal Corporation
Narwon Housing Aboriginal Corporation	Nurapai Torres Strait Islanders Corporation
New Burnt Bridge Aboriginal Corporation	

### Names of Corporations

Petford Training Farm (Aboriginal Corporation)	Karla Aboriginal Corporation
Queensland Aboriginal and Torres Strait Islanders Corporation for Legal Services Secretariat	Kupartiya (Aboriginal Corporation)
Thallon Aboriginal Corporation	Meearu Djarula Aboriginal Corporation
Theodore Aboriginal Corporation	Morawa Aboriginal Corporation
Thoorgine Educational and Culture Centre Aboriginal Corporation	Ngadju Bugarla Miring Wamu Wamu Aboriginal Corporation
Townsville and District Aboriginal and Torres Strait Islanders Corporation for Legal Services	Nyul Nyul Aboriginal Corporation
Uutaalnganu Aboriginal Corporation	Onslow Women's Aboriginal Corporation
Waratah Aboriginal Corporation	Wandanooka Aboriginal Corporation
<b>Northern Territory</b>	West Pilbara Land Council Aboriginal Corporation
Aboriginal Building Corporation (Aboriginal Corporation)	Yabu Bindalynga Aboriginal Corporation
Allalgara/Annangara Aboriginal Corporation*	Yathalla Group Aboriginal Corporation
Arrunge Aboriginal Corporation	Yonga Aboriginal Corporation
Babbara Womens Advisory Council Aboriginal Corporation	<b>Victoria</b>
Gulunuru Aboriginal Corporation*	Kerrup Jmara Elders Aboriginal Corporation
Jangirurlu Aboriginal Corporation*	<b>Tasmania</b>
Kuwuma Djudian Aboriginal Corporation	Sports Aboriginal Corporation of Tasmania
Likajarrayinda Aboriginal Corporation	Tasmanian Native Resources Aboriginal Corporation
Mistake Creek Aboriginal Corporation*	
Tuwakam Aboriginal Corporation*	
Ukaka Aboriginal Corporation*	
Utopia Cultural Centre Aboriginal Corporation	
Wogayala Aboriginal Corporation*	
<b>Western Australia</b>	
Aboriginal Driver Training Program Aboriginal Corporation	
Balangari Aboriginal Corporation	
Buurabalayji Thalanyji Aboriginal Corporation	
Gubrun Aboriginal Corporation	
Guddoo Marddah Aboriginal Corporation	
Gulingi Nangga Aboriginal Corporation	

\* Action has commenced to terminate these liquidations but as at 30 June it was incomplete.



## Appendix J

### Appointment of Liquidators during 2000-2001 as a result of Winding-up action by the Registrar

#### Names of Corporations

##### New South Wales

Aboriginal Youth Accommodation  
(Aboriginal Corporation)

Doonooch Self-Healing Aboriginal Corporation

##### Queensland

Harlaxton Youth and Sporting Aboriginal Corporation

Kooma Aboriginal Corporation for Land

Marillac House Aboriginal Corporation

##### Victoria

Kerrup Jmara Elders Aboriginal Corporation