



Complaints involving Aboriginal and Torres Strait Islander corporations

1 January to 30 June 2016

Report prepared July 2016

Introduction

This report provides an overview of complaints submitted to the Registrar between 1 January and 30 June 2016. It also includes comparisons to data from previous periods.

As at 30 June 2016 a total of **2781** Aboriginal and Torres Strait Islander corporations were registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

Key findings

For the six months between 1 January and 30 June 2016:

- » **389** complaints were received
- » **400** complaints were finalised
- » the average number of complaints received each month was **64.8**
- » the average number of days to finalise complaints by type was:
 - straightforward—**three days (previous period three days)**
 - detailed—**nine days (previous period eight days)**
 - complex—**80 days (previous period 61 days)**
- » most complaints related to the conduct of **directors and officers (149)**.

Changes in the number of complaints over recent years

Table 1: Comparison of complaints received and finalised, six-monthly periods

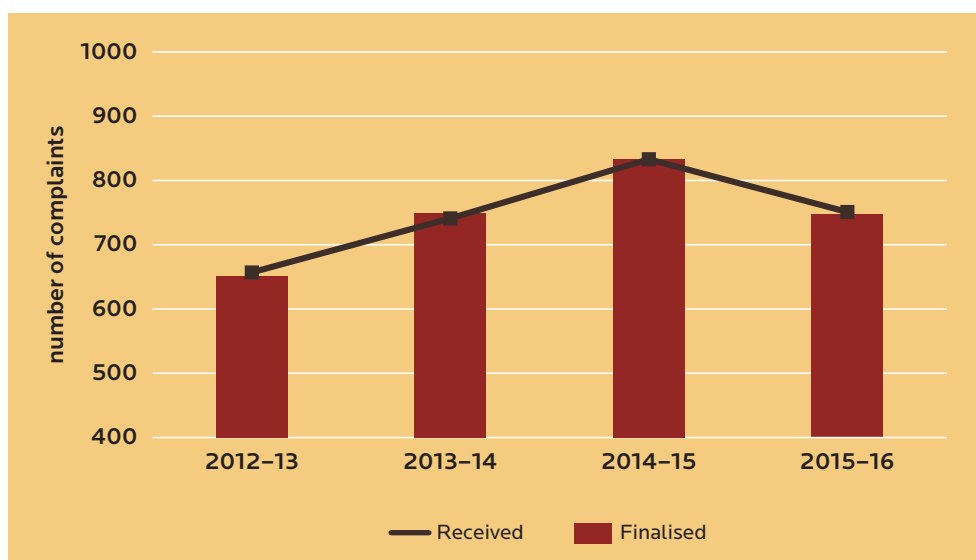
Six-monthly period	Number received	Number finalised
1 July to 31 December 2014	452	438
1 January to 30 June 2015	381	396
1 July to 31 December 2015	362	348
1 January to 30 June 2016	389	400

Table 2: Number of complaints received and finalised, 2012–13 to 2015–16

Year	Number received	Number finalised	Number carried over to the next year
2012–13	657	652	32
2013–14	741	750	23
2014–15	833	834	22
2015–16	751	748	25

The number of complaints has steadily increased over the last decade. Ten years ago, in 2005–06, the Registrar's office reported finalising 103 requests for assistance with complaints and disputes. The introduction of the CATSI Act on 1 July 2007 saw the first marked rise in complaints received by the Registrar's office—with 239 complaints finalised during 2006–07. In 2008–09 the Registrar began recording complaints and disputes separately. Since this time the number of complaints has more than doubled—rising from 358 in 2008–09 to 751 in 2015–16.¹ This is despite the number finalised in 2015–16 being slightly down on the previous year—in 2014–15 there were 834 complaints finalised.

Figure 1: Number of complaints received and finalised, 2012–13 to 2015–16



¹ Office of the Registrar of Indigenous Corporations 2012, *Complaints involving Aboriginal and Torres Strait Islander corporations 1 July to 31 December 2011*, ORIC, Canberra.

Dealing with complaints

Table 3: Average number of days to finalise complaints by complexity, 1 January to 30 June 2016

	Straightforward	Detailed	Complex
January 2016	1	6	80
February 2016	2	10	70
March 2016	3	12	98
April 2016	6	11	80
May 2016	3	6	59
June 2016	2	6	92
Average for six-month period (rounded)	3	9	80

Table 4: Number of complaints received by complexity, six-monthly periods

	Jul-Dec 2014	Jan-Jun 2015	Jul-Dec 2015	Jan-Jun 2016
Straightforward	206 (46%)	130 (34%)	175 (48%)	156 (40%)
Detailed	167 (37%)	154 (40%)	108 (30%)	153 (39%)
Complex	79 (17%)	97 (26%)	79 (22%)	80 (21%)
Total	452	381	362	389

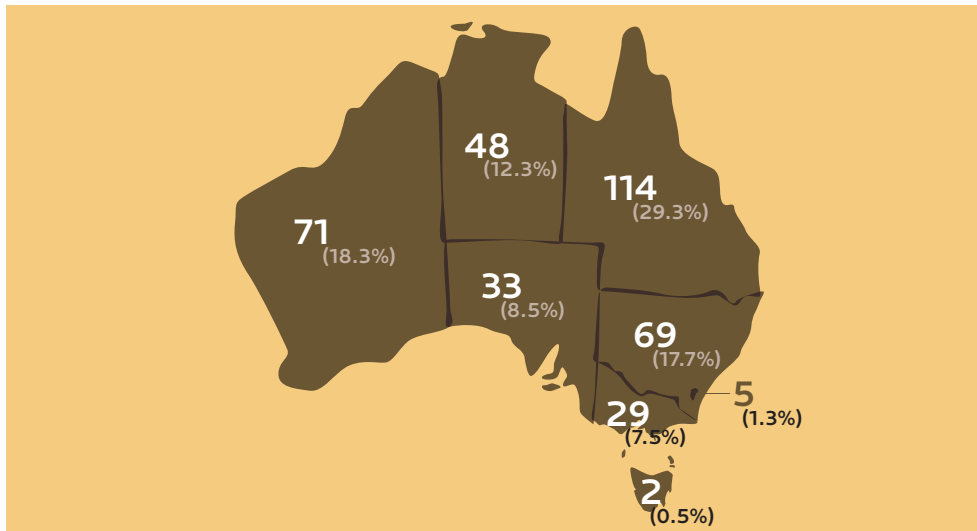
Categories of complaints

Table 5: All complaints by category, 1 January to 30 June 2016

Rank	Complaint category	Number
1	<p>Corporation directors and officers Complaints about the conduct of directors or breaches of directors, officers or employees' duties.</p>	149
2	<p>Corporation meetings Complaints that members' or directors' meetings are not being held or meetings are not being held in accordance with the corporation's rules or the CATSI Act.</p>	52
3	<p>Out of scope Complaints about matters outside the Registrar's jurisdiction. This includes, but is not limited to, compliance with funding agreements, corporation business decisions and staffing. This category excludes native title matters. Although native title is outside the Registrar's jurisdiction, complaints of this nature are recorded separately in 'native title' to provide data that may inform the Registrar's support services. This is a new category not used in previous reports. While complaints outside of the Registrar's scope have always been received, they haven't been identified in a separate category in previous reports.</p>	44
4	<p>Membership issues Complaints about the management of memberships, including incorrect membership details, removal of members, or members not being provided with information about their membership.</p>	32
5	<p>Multiple categories Complaints that each cover a number of issues and are not easily placed into a single complaint category.</p>	26
6	<p>Other This group of complaints cover a wide range of issues that are within the Registrar's jurisdiction but not easily placed within the other defined complaint categories.</p>	25
7	<p>Extreme risk rating Complaints generated by a corporation's audited financial statements showing a loss, inadequate current assets to meet current liabilities, a qualified audit, or other anomaly.</p>	22
8	<p>Native title Complaints about the way that native title matters are managed. This includes, but is not limited to, who can be a member of the claim group, how native title decisions are taken, the boundaries of the native title claim. While the Registrar cannot provide advice on these matters, the office tries where possible, to provide the complainants with information about other complaint-handling bodies that do have jurisdiction in native title matters.</p>	14
9	<p>Record keeping and financial issues Allegations of financial irregularities or misuse/misappropriation of corporation funds, members are not given information about the corporation's finances, corporation records not accurately kept, or the corporation is trading while insolvent.</p>	10
10	<p>Rules Complaints about the corporation's rules.</p>	6
11	<p>Dispute handling Complaints about how a corporation is managing an internal dispute.</p>	6
12	<p>Public register and lodgment of documents Complaints about documents released on the public Register of Aboriginal and Torres Strait Islander Corporations at www.oric.gov.au.</p>	3

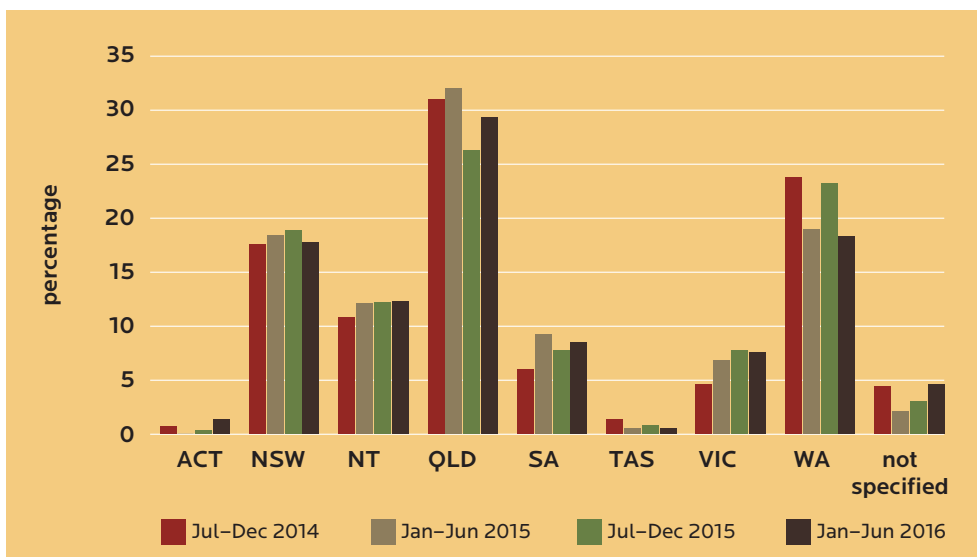
Geographic spread of complaints

Figure 2: Complaints received by state/territory, 1 January to 30 June 2016



Note: Eighteen complaints (4.6 per cent) were made where the corporation, and therefore the state, was not identified.

Figure 3: Percentage of complaints by state/territory, six-monthly periods



Geographic spread of corporations involved in complaints

Figure 4: Corporations involved in complaints by state/territory, 1 January to 30 June 2016

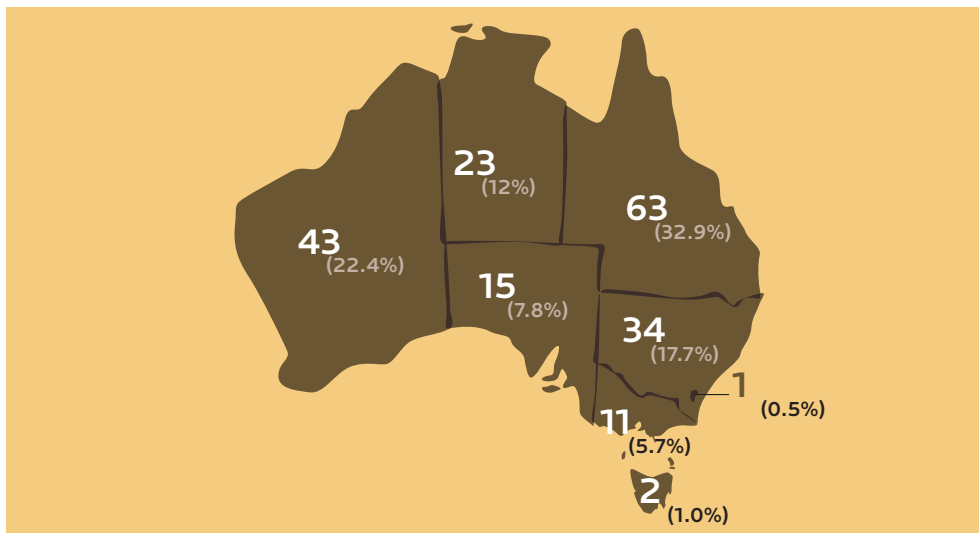
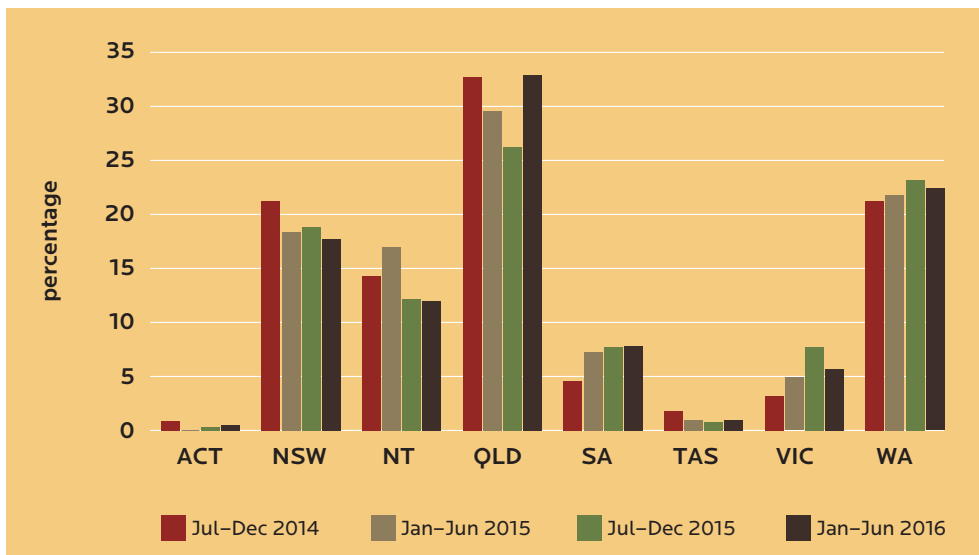


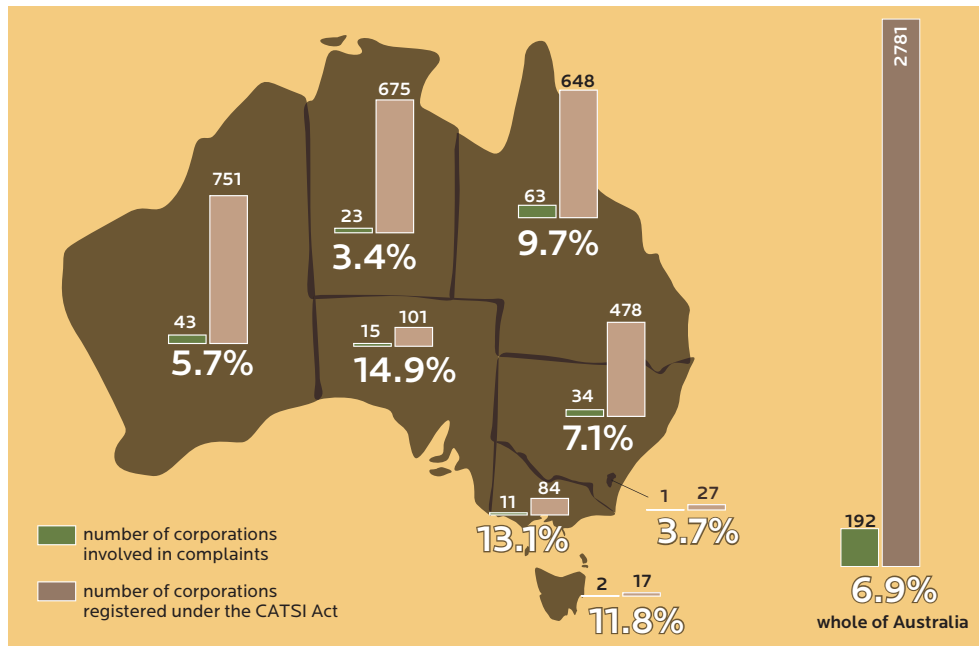
Figure 5: Percentage of corporations involved in complaints by state/territory, six-monthly periods



Proportional level of corporations involved in complaints

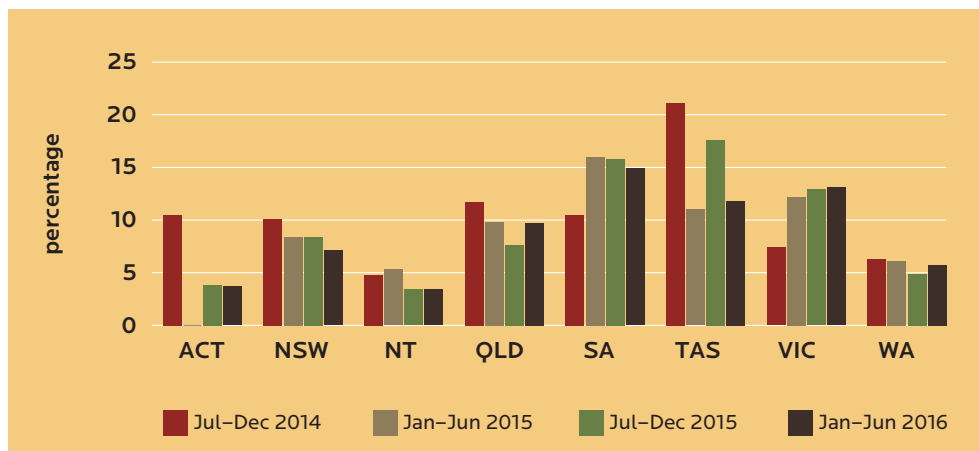
Australia-wide 6.9 per cent of all corporations were involved in complaints

Figure 6: Proportion of corporations involved in complaints by state/territory, 1 January to 30 June 2016



The map shows the number and percentage of corporations involved in complaints in each state and territory against the number of corporations registered in that state/territory.

Figure 7: Proportion of corporations involved in complaints by state/territory, six-monthly periods



The Registrar publishes a wide range of information to help corporations deal with complaints they receive, and to help people understand what types of complaints the Registrar's office can deal with and the related complaints management process. This includes fact sheets, policy statements and newsletters as well as information available at www.oric.gov.au.