



Australian Government

Office of the Registrar of Indigenous Corporations

Making a complaint about a corporation

If you are dissatisfied with a corporation's service, conduct or performance, you can make a complaint. When you do, make sure you are very clear on your concerns, and give people a chance to respond effectively.

What is the issue?

Before you make a complaint, it's important to clearly describe the problem and the outcome you are seeking:

- Check the corporation's rule book. Has a rule been broken?
- Know what outcome you want, and what action you believe the corporation should take.
- Identify the right way to make a complaint. Does the corporation have a policy and procedure for handling complaints?
- Prepare yourself mentally: forget blame; focus on finding a solution, even if it involves a compromise. It's important to remain polite and respectful—otherwise, you're less likely to get the outcome you want. Give the corporation the benefit of the doubt; assume they will remedy the situation because they care about the corporation's objectives as much as you do.



Approach the corporation first

If it's a minor matter, or potentially just a misunderstanding, you might approach the directors or CEO in person to discuss your concern. If it's more serious, you may want to communicate in writing from the outset. Examples of serious concerns are:

- the corporation is not following its own rules or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act)
- directors are acting dishonestly or improperly managing the corporation



- corporations have run up debts they cannot pay
- corporation activities are illegal or seem to favour particular members
- notices for meetings are improper, e.g. they are posted too late.

When you raise your concern, be polite—focus on the outcome you want. Sounding angry or annoyed won't help. A good place to begin is by referring to the corporation's objectives and your commitment to them. Then:

- Clearly state the problem you have observed and why it's important to you that it is addressed.
- Explain what action you want the corporation to take.
- Request a response within a reasonable time—for example, two weeks.
- Keep a record. If you have spoken to someone, write down what happened, who you spoke to and the date of the conversation. Also keep copies of any letters or emails you send or receive.

Consider the response

Think carefully about the corporation's response. Does it address your concerns? If you are unhappy with the decision or the process, let the corporation know how their response falls short of your expectations.

You can also refer to your corporation's rule book to identify its process for resolving disputes.

Make a complaint to ORIC

If:

- your concern is **governance-related**
- it has been **raised with the corporation**, and
- the corporation has given you an **inadequate response**

contact ORIC to lodge a formal complaint.

You're welcome to phone us to clarify whether your complaint is within our jurisdiction. But to make a formal complaint, we need details in writing so it's best to email or write to us. We need:

- the name of the corporation and the names of the people involved, if any
- the facts about what has happened
- copies of your supporting material, such as correspondence, minutes of meetings and receipts
- details about how you have already tried to solve the problem
- what action you would like ORIC to take
- your contact details—complaints can be made anonymously but that will prevent us from following up with you.

What happens next?

ORIC will reply to let you know your complaint has been received and whether it's something we can look at or if we have no jurisdiction to be able to help. We might need to contact the corporation or other people to ask for further information. We might also suggest options

for resolving the problem or refer the matter to another organisation better suited to resolving it.

If your complaint is complex and takes longer than seven days to respond to, ORIC will keep you informed of our progress.

Possible outcomes

If the corporation has done the wrong thing, the Registrar may recommend that it:

- change its rules, policy or procedures
- correct any mistakes that have been made
- reconsider its response and provide an explanation of the issue to the members in a general meeting.

The Registrar may also examine or investigate the corporation and its officers.

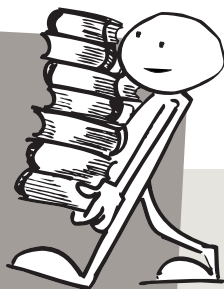
If the Registrar finds that the corporation has done nothing wrong, you will be informed of the reasons for that decision.

If it seems that problems have been caused by an underlying dispute, the Registrar will encourage the corporation to follow its rules for resolving disputes.

See also the Registrar's *Policy statement 2: Complaints involving corporations* and *Policy statement 22: Disputes involving corporations*.

Evidence is essential

Sometimes complainants allege fraud or misappropriation of funds at a corporation. Such allegations are taken very seriously but ORIC will always ask for evidence to support the claims. This is crucial—no case can be built or action taken if there is insufficient supporting evidence. Hearsay and suspicion are insufficient.



Whistleblowers will be protected

Under the CATSI Act certain people may qualify for protection if they give information or make a complaint about a corporation. They are called 'whistleblowers'. Read more about whistleblowers in the Registrar's *Policy statement 2: Complaints involving corporations*.



When ORIC cannot assist

Often, complaints are about things that the Registrar has no power over such as employment matters, service delivery, native title matters and the corporation's business decisions. These are not matters related to governance under the CATSI Act. ORIC can only suggest other mechanisms or agencies that might be able to assist.

The Registrar has various powers for assessing and responding to complaints, and limited resources, so exercises discretion about how to respond. Read more about the Registrar's powers in *Policy statement 5: The Registrar's powers to intervene*.



CONTACT ORIC

freecall 1800 622 431
(not free from mobiles)
email info@oric.gov.au
website oric.gov.au

NOTE: This fact sheet is not a substitute for legal advice. It is intended as a quick overview of the topic. For more detail see the CATSI Act or consult a lawyer.