



Registrar's word

This is the second report in our new reporting series focussed on increased transparency of ORIC's performance as a regulator. My intention is that we are able to account to the Indigenous member-controlled sector, funders, and the public more broadly on what we did, how well we did it and whether what we do is having an impact.

By doing so we aim to increase public understanding of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) as well as the health of the Indigenous corporations registered under the CATSI Act.

To inform this report, ORIC undertook a survey inviting all corporations to participate. I was pleased that 163 corporations

took the time to provide genuine feedback in response. This feedback identifies some potential areas of improvement for ORIC as well as suggests ways in which we can build on some of our achievements, such as expanding the range of CATSI conversations we have available.

Since commencing as Registrar I have been focussed on helping corporations to meet what I consider to be key fundamental obligations under the CATSI Act – those that go to the integrity of self-determining Indigenous member-controlled corporations. Accurate and timely annual reporting is one of these focus areas and so I am disappointed to see that the reporting compliance rate was as low as it was for the last reporting period. As an office, we will consider how we can help corporations meet their reporting obligations and look at what regulatory action is available to us to address wilful non-compliance among some corporations.

It has been great to read how initiatives such as tailoring support for new corporations and our existing support services are so

well received by corporations. It was also wonderful to see some of the positive feedback about our new website and suggestions for how we can continue to enhance it to benefit corporations.

Feedback about ORIC's new report a concern process indicated that we can make some improvements. We will continue to refine this process with a focus on helping corporations to resolve matters themselves.

In this report you will read that ORIC has released its 2025 Regulatory Posture, which outlines ORIC's areas of regulatory focus for the year. I have also released a set of corporate governance principles for Aboriginal and Torres Strait Islander corporations. These principles have been a priority of mine since commencing as Registrar and I encourage all CATSI Act corporations to read them and consider their application. We will continue to build on these principles by reviewing our materials to ensure their alignment.

Tricia Stroud
Registrar of Aboriginal and Torres
Strait Islander Corporations

Responses to compliance notices and directions

ORIC's *Regulatory Compliance Framework* signals ORIC's intent to use the full breadth of regulatory powers under the CATSI Act when dealing with suspected and confirmed non-compliance. This includes a focus to expand issuing compliance notices beyond the previous typical use following an examination.

Since 1 July 2024, ORIC has issued 18 compliance notices for a range of reasons. In terms of the outcome of these notices, 7 were closed with no further action following action from the corporations and 3 corporations did not respond within the required timeframe. ORIC is either taking or considering further regulatory action in relation to those corporations that did not respond within the time required. Two notices have been partially complied with. One notice has been responded to by the corporation and ORIC is currently assessing the information provided. Responses to the remaining 5 compliance notices were not yet due at the time of publishing this report.

ORIC's Regulation team has observed an overall improvement in corporations' compliance with notices in recent years, noting corporations failing to





comply are those that did not engage in the procedural fairness step of the process. This may suggest an attitude of wilful non-compliance, unwillingness to cooperate with ORIC or lack of engagement among the directors of these corporations. ORIC's Regulatory Compliance Framework sets out its approach to dealing with these different scenarios.

Since 1 July 2024, ORIC has not issued any directions under the CATSI Act.

Corporations and other stakeholders' satisfaction with position statements and fact sheets

ORIC has introduced position statements and released refreshed fact sheets in relation to aspects of the CATSI Act such as its Indigeneity provisions as well as annual general meeting, reporting and director term exemptions.

Of the 3 position statements on ORIC's website, *Extensions to AGM and reporting deadlines* was the most visited with 235 downloads from 172 users. Across all 3 position statements, there were 386 downloads from 288 users.

In ORIC's corporation survey, we asked about its new approach to responding to reports of concern regarding corporations. Of the 163 responses, 13 respondents said they had lodged a report of concern with ORIC.

When asked to rate their experience, the average response from these 13 respondents was 2.5 on a scale between one being not useful and 5 being very useful. Nine of the respondents indicated they did not receive the outcome they were seeking to their concern. Only 4 respondents indicated they knew why they didn't receive the outcome they wanted.

Comments from respondents about the report a concern process were mainly about ORIC not taking action in relation to their concern. ORIC often receives this type of feedback, which can be when a concern is outside its remit, or when the person making the report is seeking an outcome that ORIC is unable to provide under the CATSI Act. It also happens when ORIC is taking regulatory action that is not public and not visible to the person reporting the concern.

ORIC's new report a concern approach is aimed at helping members, directors, common law holders and corporations to resolve issues themselves using the mechanisms available to them under the CATSI Act. This includes enacting the dispute resolution clause set out in corporations' rule books as well as members being able to propose resolutions at meetings and request directors call meetings. ORIC is also raising awareness among directors of their obligation to act in good faith when dealing with concerns raised by members. The ability to resolve issues and concerns is a character of a high-performing corporation, and ORIC

will maintain its focus on building the capability of corporations to do this.

As a regulator that is independent and impartial, it is often the case that all parties may not be pleased with the outcome of the concerns reported. The person reporting the concern may not get the decision or action that they sought.

Nevertheless, ORIC will consider the potential opportunities to improve its report a concern process, including to better explain an outcome to people who lodge reports. Timeliness may be another area for improvement by ORIC, with around 7 respondents indicating that ORIC was not timely in providing a response to their concern.

While an individual reporting a concern cannot be guaranteed of the outcome they seek, they should be confident their concern will be considered in a timely manner and understand ORIC's reasoning for decisions and actions.

Improvements on this front will be our focus going forward including the feedback we received.

Staff satisfaction with position statements and standard operating procedures

ORIC introduced complementary standard operating procedures (SOPs) to assist ORIC's regional officers when dealing with the subjects of position

statements and refreshed fact sheets. These SOPs along with their tools and templates are supporting our efforts for efficiency and consistency.

ORIC surveyed its staff about the new SOPs and position statements and received 13 responses. Most respondents indicated the SOPs were easy or very easy to navigate.

Almost all respondents said the SOPs were easy to read and that they apply the processes set out in the SOPs, including using the document templates. In relation to the position statements, almost all respondents also said they were easy to read and that they use them as part of their work. Most respondents indicated they understood the intent of the position statements but more than half said that they were unsure of whether the position statements had achieved their intent, in terms of increased corporation understanding as evident in requests lodged.

An observation from one of ORIC's regions was the position statement in relation to reporting and AGM extensions was extensively applied in the most recent reporting and AGM period. Many extension and exemption requests were not granted because corporations were unable to demonstrate the reason they were seeking an exemption or extension was unforeseen, as set out in the Registrar's position statement. Consequently, ORIC is anticipating a change in corporations' behaviour in the next reporting and



AGM period as corporations better plan to manage annual events. A key shift in the Registrar's position is that while extension and exemption requests will be considered on a case-by-case basis, corporations should not expect to have an exemption or extension granted for expected events such as annual weather patterns or cultural events.

ORIC's new website

In 2024 ORIC released a new website. We have made changes to make content more accessible and relevant to the user. 'Scrolls' – events that occur when someone navigates towards the bottom of a page – have decreased by 73.1% compared to a similar period in 2023. File downloads have also decreased by 21.6% compared to a similar period in 2023 as information is more web-based.

Of the 163 respondents to ORIC's corporation survey, 134 replied they had visited the new website. The average rating for their experience of using the new website was 3.5 using a scale with one being poor and 5 being excellent.

In terms of how easy it was to find information on the new website, the average response was 3.3 with one being difficult and 5 being very easy. In terms of how useful and understandable the information on the website is, the average response was 3.7 with one being very difficult or not useful and 5 being very easy and very useful.

Seventy survey respondents offered further comments in relation to the website. These comments varied in nature and included the new website was an improvement on the last one and easier to use. Respondents also offered the opposite feedback that the old website was better and easier for finding information. Comments also included suggestions on how ORIC can improve its website such as:

- expanding the amount of information available tailored to registered native title bodies corporate
- creating a central page for templates
- making it easier to complete forms and general reports and submit information as well as log-in to the portal
- improving the search function on the public Register of Aboriginal and Torres Strait Islander Corporations
- changing how and when we present training opportunities on ORIC's website.

We'll consider these comments and how we may be able to give effect to their intent. ORIC will be releasing a new portal and public register at the end of March 2025 and we expect this will go some way to addressing these suggestions.

Tailored support for new corporations

In 2024 ORIC introduced an induction pack for new corporations to explain what their obligations are under the CATSI Act following registration. Twenty-five of the respondents to the survey indicated they were registered in the last 12 months; of which, 12 responded they had received an induction pack, 4 responded they hadn't, and 9 said they didn't know if they had. Of the 12 respondents that said they had received the induction pack, the average response to how useful they found the pack was 4.2 with one being not useful and 5 being very useful.

In terms of how ORIC could better support new corporations, respondents suggested it could:

- better emphasise director responsibilities and their declaration when taking office
- offer tailored training to newly registered corporations or include a schedule of available training as part of the induction pack
- provide assistance to corporations with completing templates
- make available a podcast that explains to corporations what is required post registration.

In addition to the induction pack, ORIC calls new corporations within 4 months

of registration to see how they're going. Of the 25 respondents from new corporations, 2 said they received a call, 13 said they didn't and 10 said they didn't know. The 2 respondents who said they received the call found it either useful or very useful.

ORIC's records show all corporations were sent an induction pack and were contacted by phone, perhaps indicating that our efforts were not reaching the right people in the corporation. We will consider how we can give effect to the suggestions as to how we can continue improving our support to new corporations.

CATSI conversations

In 2024 ORIC started making available vodcasts on its website called CATSI Conversations in which experts and directors share their tips and experiences. CATSI conversations cover topics such as record keeping and what makes a good board report.

Of the 163 survey respondents, 38 said they had watched the vodcasts and the average response to how useful they were was 3.8 with a scale of one being not useful and 5 being very useful. Of those 38 respondents, 36 said the topics were useful to their corporation and 20 suggested further topics including:

- the role of ORIC
- cultural governance, including ideas and ways to make rule books more culturally relevant



- tips for longevity
- RNTBCs' responsibilities in relation to common law holders
- membership processes and requirements
- rule book changes and processes
- managing conflicts of interest and community expectations.

This is great feedback for ORIC in relation to how useful CATSI conversations are and ORIC welcomes ideas for new vodcasts. ORIC will continue to promote the vodcasts to increase their audience.

ORIC's support services

ORIC offers support services such as Corporation jobs which involves advertising job vacancies for corporations as well as LawHelp which facilitates access for eligible corporations to legal services at no cost.

Of the 163 survey respondents, 24 indicated they had used ORIC's support services, 122 said they hadn't and 17 said they didn't know if they had used any services. Of the 24 respondents that had used the services, 7 used Corporation jobs, 12 used LawHelp and 4 used both services.

When asked to rate their experience, the average response from the 24 respondents was 4.2 on a scale of one being not useful and 5 being very useful – which is an excellent result.

Corporation compliance with reporting obligations

The Regulatory Posture identifies one of the Registrar's key regulatory focus areas is that corporation reports are complete and accurate, and lodged on time unless an exemption has been granted. Each year ORIC undertakes an extensive communication campaign reminding corporations of their obligations to lodge annual reports.

ORIC is seeking a year-on-year improvement to the proportion of corporations that lodge their annual reports on time, noting that reporting is a key transparency mechanism for members to monitor the performance of their corporations. Reports can also be useful information for external stakeholders such as funding bodies and other potential partners.

Disappointingly for the most recent reporting period, corporation compliance with lodging their reports on time was the lowest it's been in the last 3 years. This reporting period was for 2023-24 annual reports, which most corporations were required to lodge by 31 December 2024. Thirty-three per cent of corporations lodged their reports by 31 December 2024. This compares with the compliance rates of preceding years which was:

- 41% for 2022–23 reports
- 37% for 2021–22 reports.

Improving the timeliness of corporation reporting will remain a regulatory focus for ORIC in 2025 and we will consider different ways to boost compliance among corporations.

Corporation compliance with AGM requirements

AGM compliance is another area of focus in the Regulatory Posture, meaning that corporations are holding AGMs within 5 months of the end of the financial year unless an exemption has been granted.

Of the 163 corporation survey respondents, 138 said their corporation had held its AGM within 5 months of the end of the financial year, 19 said their corporations didn't and 5 don't know if their corporation had held its AGM.

Only 24 respondents answered the survey question about whether their corporations received an exemption or extension to holding their AGMs. Eight respondents said their corporation had an exemption to not hold an AGM within 5 months of the end of the financial year, 12 said they didn't and 4 were unsure.

Reasons provided for not holding AGMs on time included sorry business, insufficient quorum, financial constraints, governance issues, availability of an audit report, safety concerns and other matters.

When asked what ORIC could do better to support corporations meeting their AGM requirements, some of the suggestions were:

- set out 'model' processes for notification, agenda, standing orders, director elections and opening meetings for new boards
- provide increased support and guidance on how to run an AGM, including how to keep minutes.

ORIC will consider these suggestions as well as how it can better promote its existing AGM resources such as the minute taking training it offers, and the minutes and other templates available on its website.

Examinations and special administrations

The Registrar's power to examine a corporation is a regulatory power unique to the CATSI Act. The Registrar conducts a rolling program of regular examinations and also examines corporations in response to identified issues.

Between 1 July 2024 and 4 February 2025, ORIC finalised 26 examinations; of which, 12 resulted in a compliance notice, 13 resulted in a management letter, and 2 resulted in a show cause notice asking why the corporation should not be placed into special administration. One of the corporations that were issued with a show cause



notice was subsequently placed into special administration.

Since 1 July 2024, ORIC has finalised 2 special administrations with both corporations being returned back to member control. This is a great outcome and a key aim of special administration, which is to return corporations to members in a healthier position.

Registrar’s Regulatory Posture

In 2024, ORIC released its first Regulatory Posture to reflect both its standing regulatory priorities as well as its annual regulatory priorities.

ORIC recently released its 2025 Regulatory Posture which includes updated regulatory priorities, including:

- corporations that generate income from non-government sources – risk of reduced accountability
- officer duties – for example directors denying members their rights, failing to manage conflicts of interests and related party benefits, falsifying documents and neglecting their responsibilities in overseeing the financial health of a corporation
- fit and proper people and services – members of corporations have the right to make informed decisions about those who govern their corporation on their behalf, and to receive professional services from fit and proper people

- member rights and harmony – the Registrar may also prioritise intervention where conflict and disputes between directors and members are interfering in the personnel, governance and financial safety of a corporation.

Corporate governance principles for Aboriginal and Torres Strait Islander corporations

ORIC has worked with stakeholders to produce a set of corporate governance principles for Aboriginal and Torres Strait Islander corporations, which it released in February 2025.

The principles are designed to assist corporations build on the foundational requirements of the CATSI Act and their rule book, becoming a mature well-governed and self-determining corporation with corporate governance that supports performance and compliance, and is culturally legitimate.

We encourage corporations to use the principles as a guide to understanding what effective corporate governance looks like, for inducting new board members and managers, and to evaluate a board’s performance.

ORIC’s training opportunities

ORIC provides a range of training opportunities to corporations, including online workshops, in person workshops, and corporation specific training to address identified needs.

Between 1 July 2024 and 31 January 2025, ORIC offered 7 of its 2-day governance workshops, which had 109 participants from 49 corporations.

ORIC refreshed its 2-day governance workshop in 2024 and commissioned an evaluation of the pilot series of 6 workshops held between August to November 2023. Ninety-two participants attended the 6 workshops; of which, 73 completed an evaluation.

Participants were asked to rate their confidence in corporate governance and their role and responsibilities as a director before the workshop and again after the workshop. There was a significant increase in participants’ self-assessment of their confidence in corporate governance and understanding the roles and responsibilities of the board following the workshops, as illustrated in the following tables.

Confidence in corporate governance increased across all workshops:

	not at all confident	not very confident	neither/ don't know	fairly confident	very confident
pre workshop	8%	24%	22%	41%	5%
post workshop	0%	4%	2%	67%	28%

Confidence in understanding roles and responsibilities of the board also increased significantly:

	not at all confident	not very confident	neither/ don't know	fairly confident	very confident
pre workshop	7%	17%	21%	50%	5%
post workshop	0%	0%	0%	65%	35%

Participants responded positively to other evaluation questions, with:

- 96% saying the learning activities were effective
- 91% indicating they found the subject matter relevant to their needs
- 96% agreeing the workshop aids were useful
- 94% agreeing the facilitator answered questions clearly.

Over the same period ORIC held 18 online workshops on topics such as the legal duties of directors, and privacy and data laws. There were 454 participants from 363 corporations in these workshops. Ninety-nine per cent of online workshop participants reported an increase in knowledge following the workshop and 98% reported an increase in confidence.