



Complaints involving Aboriginal and Torres Strait Islander corporations

1 July to 31 December 2020

Report prepared April 2021

Introduction

This report provides an overview of complaints submitted to the Registrar between 1 July and 31 December 2020. It also includes comparisons to data from previous periods.

As at 31 December 2020 a total of **3273** Aboriginal and Torres Strait Islander corporations were registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). Of these **227** were registered native title bodies corporate (RNTBCs).

Key findings

For the six months between 1 July and 31 December 2020:

- » **206** complaints were received (72 about RNTBCs)
- » **215** complaints were finalised (74 about RNTBCs)
- » the average number of complaints received each month was **34** (average for RNTBCs was 12)
- » the average number of days to finalise complaints by type was:
 - straightforward—**15 days** (previous period 38.6 days) (14.3 days for RNTBC complaints)
 - detailed—**23 days** (previous period 25 days) (22.6 days for RNTBC complaints)
 - complex—**44.8 days** (previous period 112 days) (39.7 days for RNTBC complaints)
- » the largest category of complaints received related to the conduct of **directors and officers (74)**. (28 for RNTBCs)

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 January to 30 June 2019	258	240
1 July to 31 December 2019	281 (90)	283 (89)
1 January to 30 June 2020	242 (77)	273 (87)
1 July to 31 December 2020	206 (72)	215 (74)

Table 2: Number of complaints received and finalised, 2017–18 to 2020–21

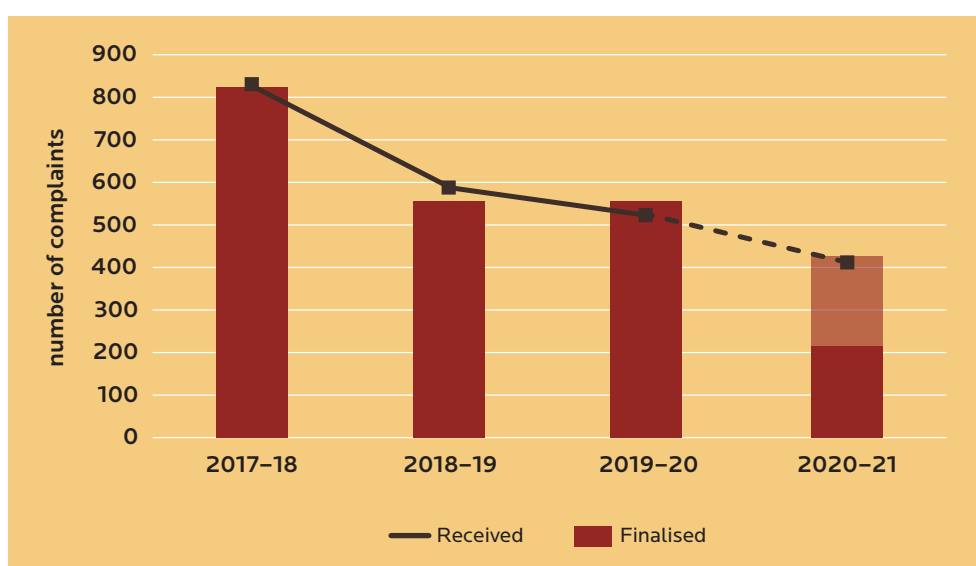
Year	Number received	Number finalised	Number carried over to the next year
2017–18	831	823	8
2018–19	588	557	31
2019–20	523 (167)	556 (176)	21
2020–21	206 ytd (412)* (72)	215 ytd (430)* (74)	–

Notes:

* Data for 2020–21 is projected based on the number of complaints received in the first half of the financial year. The projections are shown in brackets.

The number carried over to the next year for 2020–21 is not yet calculable.

Figure 1: Number of complaints received and finalised, 2017–18 to 2020–21



Dealing with complaints

Table 3: Average number of days to finalise complaints by complexity, 1 July to 31 December 2020

	Straightforward	Detailed	Complex
July 2020	12.3 (12.7)	57.6 (13.8)	49.6 (-)
August 2020	23.3 (42.0)	7.2 (7.0)	37.0 (49.0)
September 2020	17.4 (9.7)	14.4 (22.8)	19.0 (-)
October 2020	19.6 (1.0)	14.9 (16.5)	58.3 (31.0)
November 2020	11.8 (21.8)	20.6 (28.4)	5.0 (30.0)
December 2020	6.9 (1.5)	21.8 (30.4)	60.3 (-)
Average for six-month period (rounded)	15.0 (14.3)	22.9 (22.6)	44.9 (39.7)

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

	Jan–Jun 2019	Jul–Dec 2019	Jan–Jun 2020	Jul–Dec 2020
Straightforward	97 (38%)	98 (34.9%) 35 (38.9%)	92 (38.2%) 29 (37.7%)	60 (29.1%) 13 (18.1%)
Detailed	128 (49%)	119 (42.3%) 41 (45.6%)	116 (48.1%) 40 (52.0%)	130 (63.1%) 55 (76.4%)
Complex	33 (13%)	64 (23.0%) 14 (15.6%)	33 (13.7%) 8 (10.4%)	16 (7.8%) 4 (5.6%)
Total	258*	281 (90)	241 (77)	206 (72)

* At the time of reporting nine complaints received had not been categorised by complexity.

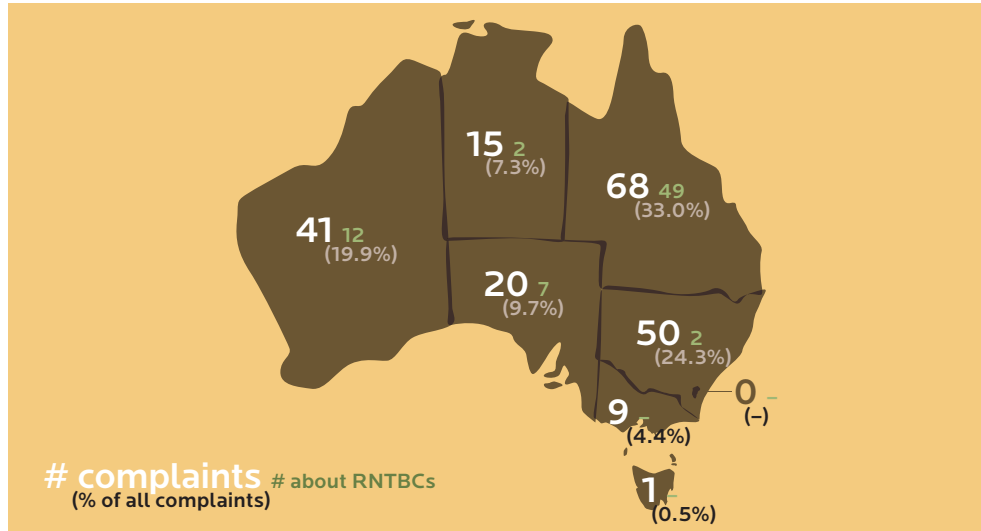
Categories of complaints

Table 5: All complaints received by category, 1 January to 30 June 2020

Rank	Complaint category	Number received
1	Corporation directors and officers Complaints about the conduct of directors or breaches of directors, officers or employees' duties.	74 (28)
2	Multiple categories Complaints that each cover a number of issues and are not easily placed into a single complaint category.	41 (13)
3	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.	31 (5)
4	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.	27 (13)
5	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.	12 (4)
6	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 and 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.	10 (6)
7	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.	2 (-)
8	Rules Complaints about the corporation's rules.	3 (-)
9	Dispute handling Complaints about how a corporation is managing an internal dispute.	2 (1)
10	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.	3 (1)
11	Annual returns compliance Complaints that a corporation has not met its annual reporting obligations under the CATSI Act.	1 (-)
12	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.	- (-)
13	Public register and lodgement of documents Complaints about documents released on the public Register of Aboriginal and Torres Strait Islander Corporations at oric.gov.au .	- (-)

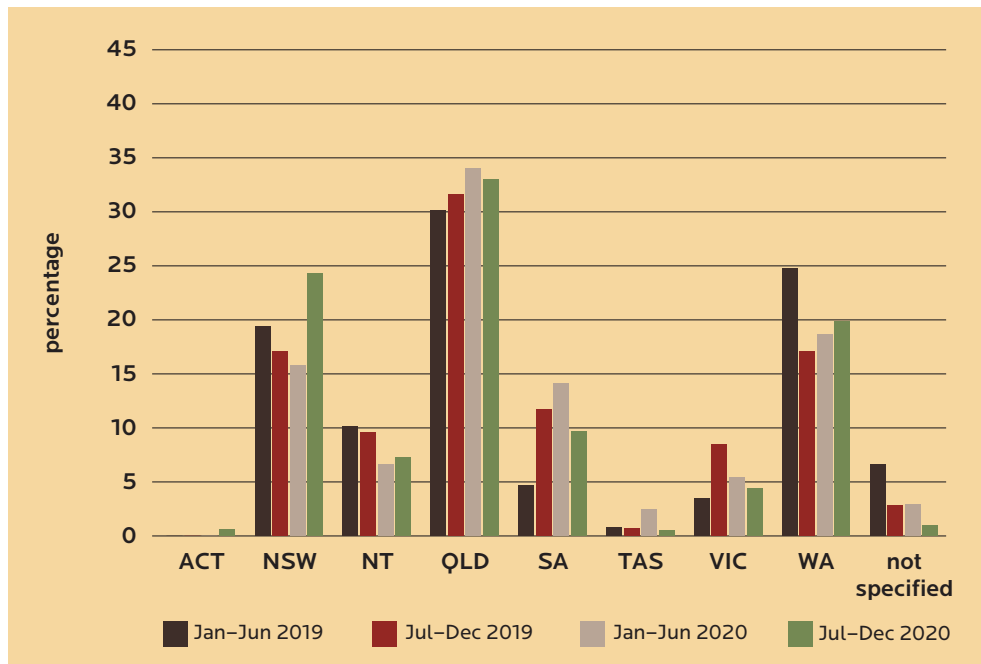
Geographic spread of complaints

Figure 2: Complaints received by state/territory, 1 July to 31 December 2020



Note: Two complaints (0.9 per cent) were made where the corporation, and therefore the state, was not identified.

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



Geographic spread of corporations involved in complaints

Figure 4: Corporations involved in complaints received by state/territory, 1 July to 31 December 2020

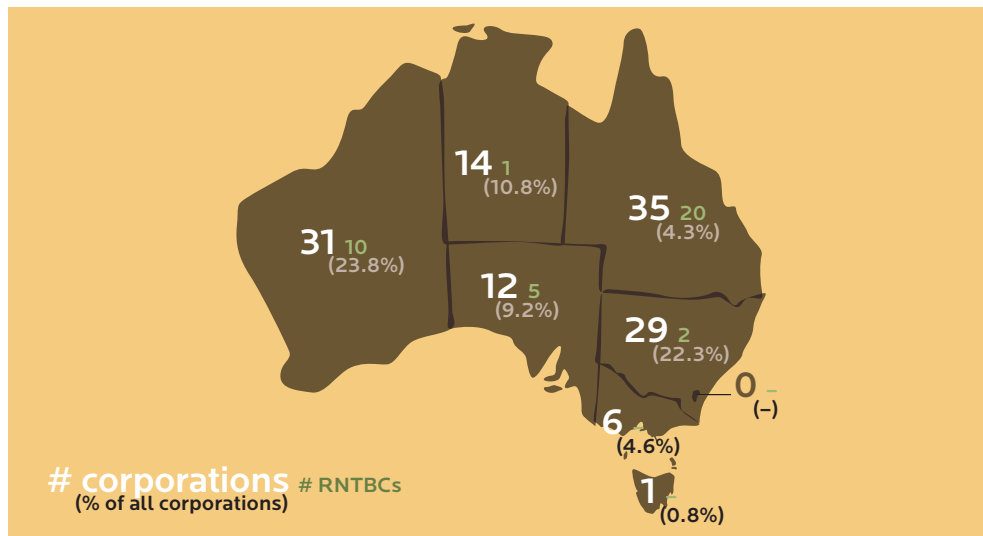
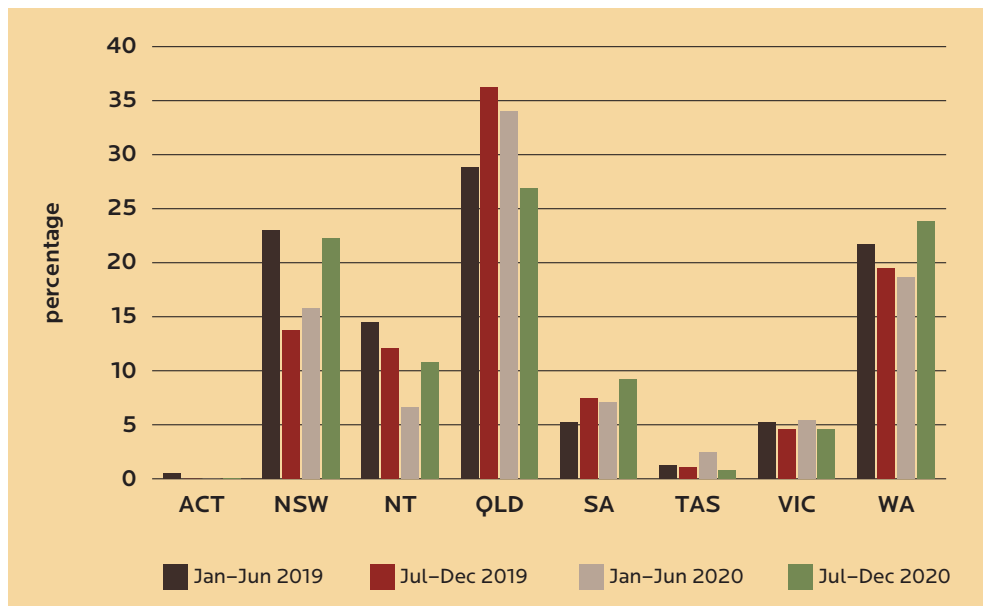


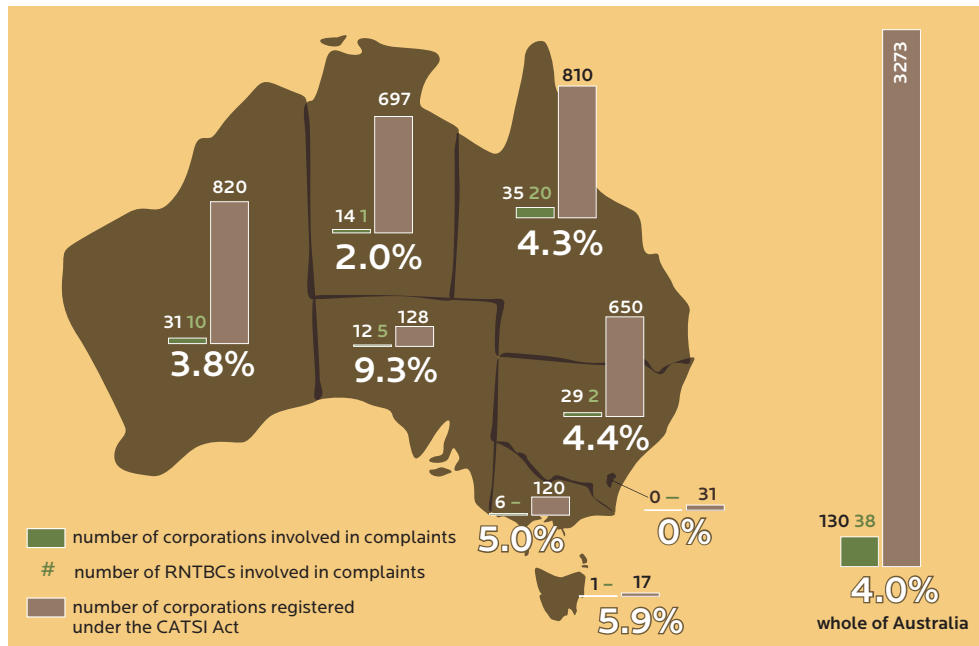
Figure 5: Percentage share of corporations involved in complaints by state/territory, six-monthly periods



Proportional level of corporations involved in complaints

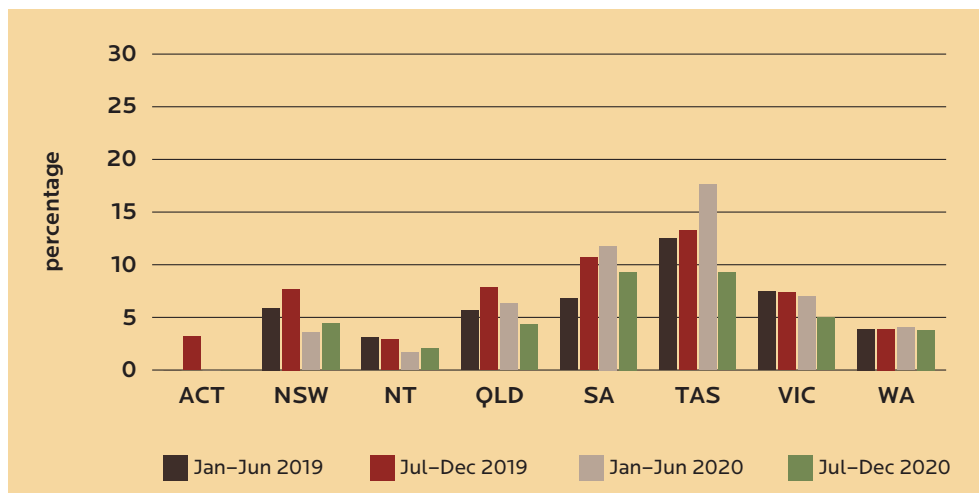
Australia-wide 4.0 per cent of all corporations were involved in complaints.

Figure 6: Proportion of corporations involved in complaints by state/territory, 1 January to 30 June 2020



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 oric.gov.au.