

Victorian Aboriginal Community Controlled Health Organisation

Impact Statement – Requirement to register with Office of the Registrar of Indigenous Corporations

Under the new [Indigenous Advancement Strategy](#), in the Department of the Prime Minister and Cabinet Aboriginal Organisations receiving \$500,000 or more in a single year are required to incorporate with the Office of the Registrar of Indigenous Corporations (ORIC) under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act). All non-Aboriginal organisations receiving these funds must incorporate with the Australian Securities and Investment Commission (ASIC), under the Corporations Act 2001. This requirement removes the sovereign right of a board to choose its registering body and discriminates between organisations. Removal of this right is a breach of the principles underpinning community control and self-determination. This will have significant implications for ACCHOS in Victoria.

- Over 25% of Victorian ACCHOs will be required to move if they wish to retain staff, funding and front-line service delivery
- Powers of the Registrar under ORIC that do not exist under ASIC include powers to:
 - appoint a special administrator
 - appoint an examiner to look at the business to identify financial or governance issues
 - change the rule book/constitution
 - call a general meeting
 - convene meeting of “interested persons”
 - act for Members “in certain circumstances”
 - remove directors from office
 - disqualify persons from managing a CATSI corporation
 - apply to have the corporation “wound up”
- The move to ORIC will:
 - need to be supported by a 75% majority of an ACCHO’s Membership; this will require significant resources, and
 - be a financial, legal and administrative burden, for which limited support has been offered

VACCHO and our Members oppose this requirement. To determine organisational registration requirements on the basis of race is discrimination.

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