



## **Corporations (Aboriginal and Torres Strait Islander) Regulations 2017**

---

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 18 September 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Nigel Scullion  
Minister for Indigenous Affairs

---



---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedules .....	1
5 Definitions .....	1
<b>Part 2—Aboriginal and Torres Strait Islander corporations</b>	3
6 Registration—Indigeneity requirement.....	3
7 Registration—creditor notice requirement.....	3
8 Registration as a small, medium or large corporation.....	3
9 Counting employees.....	4
10 Modification of Corporations Act arrangements and reconstructions provisions.....	4
<b>Part 3—Basic features of Aboriginal and Torres Strait Islander corporations</b>	5
11 Available names.....	5
12 Consent required to use certain unacceptable names .....	5
<b>Part 4—Meetings</b>	6
13 Rules concerning general meetings.....	6
14 Exercise of proxies at general meetings.....	6
15 Members’ access to minutes of meetings.....	6
<b>Part 5—Officers</b>	7
16 Members may obtain information about directors’ remuneration .....	7
<b>Part 6—Record keeping and reporting</b>	8
<b>Division 1—General reports</b>	8
17 Contents of general reports .....	8
18 General reports to be lodged with Registrar.....	8
<b>Division 2—Financial and other reports</b>	9
<b>Subdivision A—Large corporations and certain small and medium corporations</b>	9
19 Application of Subdivision .....	9
20 Requirement to prepare reports.....	9
21 Financial reports .....	9
22 Directors’ reports .....	10
23 Requirement for financial reports to be prepared in compliance with accounting standards.....	12
24 Requirement for financial reports to be audited .....	12
<b>Subdivision B—Certain small and medium corporations</b>	12
25 Application of Subdivision .....	12
26 Requirement to prepare reports.....	13
27 Financial reports .....	13
28 Requirement for certain financial reports to be audited .....	14
<b>Division 3—Auditor independence</b>	15
29 Modification of Corporations Act auditor independence provisions.....	15
30 Alternative independence requirements .....	15
<b>Division 4—Appointment and removal of auditors</b>	16
31 Purpose of this Division.....	16

32	Nomination .....	16
33	Appointment of auditor .....	16
34	Consent of auditor required.....	16
35	Notice of appointment of auditor .....	17
36	Resignation .....	17
37	Removal of auditor by resolution at general meeting.....	17
38	Auditor ceasing to hold office by reason of unresolved conflict of interest .....	18
39	Control by another corporation .....	18
40	Effect of winding up .....	18
41	Surviving or continuing auditor .....	18
	<b>Division 5—Lodging reports</b> .....	19
42	Modification—time for lodgement of annual reports with Registrar .....	19
	<b>Part 7—Registers</b> .....	20
43	Information or documents to be included in Register of Aboriginal and Torres Strait Islander Corporations .....	20
44	Inspection and production of records .....	20
45	Exempt documents.....	20
	<b>Part 8—Regulation and enforcement</b> .....	21
46	Registrar may call a general meeting (other than an AGM).....	21
47	Authorised officers—identity cards .....	21
	<b>Part 9—External administration</b> .....	22
48	Grounds for special administration .....	22
49	Modification of Corporations Act special administration provisions.....	22
50	Modification of Corporations Act receiver provisions.....	22
51	Modification of Corporations Act administration provisions.....	22
52	Grounds for Court ordered winding up .....	22
53	Modification of Corporations Act winding up provisions.....	22
	<b>Part 10—Administration</b> .....	23
54	Authorised use or disclosure of protected information .....	23
	<b>Part 11—Registrar of Aboriginal and Torres Strait Islander Corporations</b> .....	25
55	Functions of the Registrar .....	25
	<b>Part 12—Application, savings and transitional provisions</b> .....	26
	<b>Division 1—Corporations (Aboriginal and Torres Strait Islander) Regulations 2017</b> .....	26
56	Definitions .....	26
57	Things done under old regulations .....	26
58	Application—fees for members’ access to minutes .....	26
59	Application—required number of members for directions and requests .....	26
60	Savings—information or documents mentioned in the <i>Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006</i> .....	26
	<b>Schedule 1—Availability of names and consent required</b> .....	27
1	Rules for ascertaining whether names are identical .....	27
2	Names unacceptable for registration.....	28
3	Words, phrases and abbreviations that are unacceptable for registration .....	29

---

<b>Schedule 2—Information and documents to be included in Register</b>	31
1 Information or documents mentioned in the Act.....	31
2 Information or documents mentioned in this instrument.....	38
3 Information or documents mentioned in the Corporations Act.....	38
4 Documents mentioned in the Corporations Regulations.....	40
<b>Schedule 3—Documents exempt from inspection</b>	41
1 Documents mentioned in the Act.....	41
2 Documents mentioned in the Corporations Act.....	41
<b>Schedule 4—Modification of applied Corporations Act provisions</b>	43
1 Modification of Corporations Act special administration provisions.....	43
2 Modification of Corporations Act receiver provisions.....	43
3 Modification of Corporations Act administration provisions.....	44
4 Modification of Corporations Act winding up provisions.....	44
<b>Schedule 5—Repeals</b>	47
<i>Corporations (Aboriginal and Torres Strait Islander) Regulations 2007</i>	47



## Part 1—Preliminary

### 1 Name

This instrument is the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2017*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2017.	1 October 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note 1: A number of expressions used in this instrument are defined in section 700-1 of the Act, including the following:

- (a) accounting standard;
- (b) consolidated entity;
- (c) control;
- (d) Corporations Act auditor independence provisions.

Note 2: Sections 45-1, 499-10, 516-1, 521-1, 526-35, 526-40, 531-1 and 536-1 of the Act apply certain provisions of the Corporations Act and Corporations Regulations to an Aboriginal and Torres Strait Islander corporation.

In this instrument:

Section 5

---

*Act* means the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

*Corporations Act* means the *Corporations Act 2001*.

*Corporations Regulations* means the *Corporations Regulations 2001*.

*director's declaration about the statements and the notes*: see subsection 21(5).

*financial statements for the financial year*: see subsection 21(2).

*funding body* means any of the following:

- (a) the Commonwealth, a State or a Territory;
- (b) a Commonwealth, State or Territory statutory authority;
- (c) a body corporate established for a public purpose by a law of the Commonwealth, a State or a Territory;
- (d) a body corporate established by the Governor of a State;
- (e) a body corporate established by the Administrator of the Northern Territory;
- (f) a body corporate established by or under an enactment (within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*), or otherwise by the Australian Capital Territory Executive.

*notes to the financial statements*: see subsection 21(3).



## Part 2—Aboriginal and Torres Strait Islander corporations

### 6 Registration—Indigeneity requirement

For the purposes of paragraph 29-5(a) of the Act, the percentage of members is 51%.

Note: Under paragraph 29-5(a) of the Act, an Aboriginal and Torres Strait Islander corporation that has 5 or more members meets the Indigeneity requirement if the corporation has at least the prescribed percentage of its members who are Aboriginal and Torres Strait Islander persons.

### 7 Registration—creditor notice requirement

#### *Written objection—information*

- (1) For the purposes of paragraph 29-18(3)(a) of the Act, the information that must be contained in a written objection is:
  - (a) the name of the person (the *creditor*) claiming to be a substantial creditor of an amalgamating corporation; and
  - (b) the name of the amalgamating corporation; and
  - (c) a statement, signed by the creditor, that:
    - (i) the amalgamating corporation owes a debt, or debts, to the creditor; and
    - (ii) the amount of that debt, or the sum of the amounts of those debts, that is unsecured exceeds the amount mentioned in subsection (2); and
    - (iii) the creditor objects to the grant of the application made under section 23-1 of the Act.

Note: It is an offence to provide a false or misleading statement to the Registrar: see section 561-1 of the Act.

#### *Substantial creditor—amount of debt*

- (2) For the purposes of subsection 29-18(5) of the Act, the amount is \$2,000.
- Note: Under subparagraph 29-18(5)(a)(ii) of the Act, a person is a *substantial creditor* of an amalgamating corporation if the amount of a debt, or the sum of the amounts of debts, that is unsecured exceeds the prescribed amount.

### 8 Registration as a small, medium or large corporation

- (1) For the purposes of paragraphs 37-10(1)(a) and (b) of the Act, the amount is \$100,000.
- (2) For the purposes of paragraph 37-10(1)(c) of the Act, the number of employees is 5.
- (3) For the purposes of paragraph 37-10(3)(a) of the Act, the amount is \$5,000,000.
- (4) For the purposes of paragraph 37-10(3)(b) of the Act, the amount is \$2,500,000.

## Section 9

---

- (5) For the purposes of paragraph 37-10(3)(c) of the Act, the number of employees is 25.

### 9 Counting employees

- (1) For the purposes of section 37-20 of the Act, this section sets out a method for calculating the number of employees of an Aboriginal and Torres Strait Islander corporation.

Note: The number of employees are calculated for the purposes of paragraphs 37-10(1)(c), (2)(c) and (3)(c) of the Act and paragraph 17(c) of this instrument.

- (2) The method is:
- (a) count each full-time employee of the corporation; and
  - (b) for each part-time employee of the corporation, work out a fraction that represents the employee's weekly hours of work divided by the weekly hours of work of a full-time employee; and
  - (c) count the fraction for each part-time employee of the corporation.

### 10 Modification of Corporations Act arrangements and reconstructions provisions

For the purposes of paragraph 45-1(2)(b) of the Act, the Corporations Act arrangements and reconstructions provisions are modified by inserting after paragraph 425(5)(b) of the Corporations Act '(ba) a special administrator; or'.

Note: For the definition of *Corporations Act arrangements and reconstructions provisions*, see subsection 45-1(4) of the Act.

## Part 3—Basic features of Aboriginal and Torres Strait Islander corporations

### 11 Available names

- (1) For the purposes of paragraphs 85-5(1)(a) and (b) of the Act, the rules for ascertaining whether a name is identical to another name are the rules set out in clause 1 of Schedule 1.
- (2) For the purposes of paragraphs 85-5(1)(c) and (2)(b) of the Act, a name is unacceptable for registration if it is unacceptable under the rules set out in clause 2 of Schedule 1.

### 12 Consent required to use certain unacceptable names

For the purposes of subsection 85-5(4) of the Act, an unacceptable name specified in column 1 of an item of the following table is available for an Aboriginal and Torres Strait Islander corporation if the Minister specified in column 2 of the item has consented, in writing, to the corporation using or assuming the name.

#### Consent required for use of certain unacceptable names

Item	Column 1	Column 2
1	Anzac	Minister administering the <i>Protection of Word “Anzac” Act 1920</i>
2	Geneva Cross	Minister administering the <i>Defence Force Discipline Act 1982</i>
3	Red Crescent	Minister administering the <i>Defence Force Discipline Act 1982</i>
4	Red Cross	Minister administering the <i>Defence Force Discipline Act 1982</i>
5	Red Lion and Sun	Minister administering the <i>Defence Force Discipline Act 1982</i>
6	United Nations	Minister administering the <i>Charter of the United Nations Act 1945</i>
7	University	Minister administering the <i>Higher Education Funding Act 1988</i>

## **Part 4—Meetings**

### **13 Rules concerning general meetings**

For the purposes of paragraphs 201-5(5)(b), 201-40(5)(b) and 201-50(9)(b) of the Act, the prescribed number of members is:

- (a) for an Aboriginal and Torres Strait Islander corporation with between 2 and 10 members—1; and
- (b) for an Aboriginal and Torres Strait Islander corporation with between 11 and 29 members—3.

### **14 Exercise of proxies at general meetings**

For the purposes of subsection 201-95(4) of the Act, the prescribed number of members is 3.

### **15 Members' access to minutes of meetings**

For the purposes of subsection 220-10(6) of the Act, the prescribed amount for copies of minutes, or an extract of the minutes, is \$1 per page.

## **Part 5—Officers**

### **16 Members may obtain information about directors' remuneration**

For the purposes of paragraph 252-5(8)(b) of the Act, the prescribed number of members is:

- (a) for an Aboriginal and Torres Strait Islander corporation with between 2 and 10 members—1; and
- (b) for an Aboriginal and Torres Strait Islander corporation with between 11 and 29 members—3.

## Part 6—Record keeping and reporting

### Division 1—General reports

#### 17 Contents of general reports

For the purposes of paragraph 330-5(1)(b) of the Act, the following information is required to be contained in a general report prepared by an Aboriginal and Torres Strait Islander corporation in respect of a financial year:

- (a) the consolidated gross operating income of the corporation, and the entities it controls (if any), for the financial year;
- (b) the value of the consolidated gross assets of the corporation, and the entities it controls (if any), at the end of the financial year;
- (c) the number of employees of the corporation at the end of the financial year, calculated using the method set out in subsection 9(2) (about counting employees);
- (d) if the corporation has an ABN—the ABN of the corporation;
- (e) whether the corporation is a deductible gift recipient under Division 30 of the *Income Tax Assessment Act 1997*;
- (f) for each director of the corporation—whether the director is also an employee of the corporation on 30 June of the financial year;
- (g) for each secretary of the corporation—whether the secretary is also an employee of the corporation on 30 June of the financial year;
- (h) if the corporation is registered as a small or medium corporation—whether each contact person of the corporation referred to in paragraph 330-5(1)(a)(iv) of the Act is also an employee of the corporation on 30 June of the financial year.

#### 18 General reports to be lodged with Registrar

For the purposes of paragraph 330-10(2)(b) of the Act, the longer period is the period within 6 months after the end of the financial year to which a general report relates.

---

## Division 2—Financial and other reports

### Subdivision A—Large corporations and certain small and medium corporations

#### 19 Application of Subdivision

This Subdivision applies to an Aboriginal and Torres Strait Islander corporation for a financial year if, on 30 June of the financial year:

- (a) the corporation is registered under the Act as a large corporation; or
- (b) both of the following apply:
  - (i) the corporation is registered under the Act as a small or medium corporation;
  - (ii) the consolidated gross operating income of the corporation, and the entities it controls (if any), is \$5,000,000 or more for the financial year.

#### 20 Requirement to prepare reports

For the purposes of subsection 333-5(1) of the Act, an Aboriginal and Torres Strait Islander corporation must prepare:

- (a) a financial report for a financial year; and
- (b) a directors' report for a financial year.

#### 21 Financial reports

- (1) For the purposes of subsection 333-10(1) of the Act, a financial report for a financial year prepared by an Aboriginal and Torres Strait Islander corporation must contain:
  - (a) the financial statements for the financial year; and
  - (b) the notes to the financial statements; and
  - (c) the directors' declaration about the statements and the notes.
- (2) The *financial statements for the financial year* are:
  - (a) the financial statements for the corporation that are required by the accounting standards; or
  - (b) if compliance with the accounting standards requires the corporation to include other entities in its financial statements—the consolidated financial statements for the consolidated entity.

Note: For accounting standards applicable to an Aboriginal and Torres Strait Islander corporation, see section 23.

- (3) The *notes to the financial statements* are:
  - (a) the notes to the financial statements required by the accounting standards; and
  - (b) any other information necessary to give a true and fair view of the financial position and performance of the corporation or the consolidated entity (as the case may be).

## Section 22

---

- (4) The financial statements for the financial year and the notes to the financial statements must give a true and fair view of the financial position and performance of the corporation or the consolidated entity (as the case may be).
- (5) The **directors' declaration about the statements and the notes** is a declaration by the corporation's directors:
  - (a) whether, in the directors' opinion, there are reasonable grounds to believe that the corporation will be able to pay its debts when they become due and payable; and
  - (b) whether, in the directors' opinion, the financial statements for the financial year and the notes to the financial statements are in accordance with this instrument, including:
    - (i) whether they comply with the accounting standards; and
    - (ii) whether they provide a true and fair view of the financial position and performance of the corporation or the consolidated entity (as the case may be).
- (6) The directors' declaration about the statement and the notes must:
  - (a) be made in accordance with a resolution of the directors; and
  - (b) specify the date when the resolution was made; and
  - (c) be signed by a director of the corporation.

## 22 Directors' reports

- (1) For the purposes of subsection 333-10(1) of the Act, a directors' report for a financial year prepared by an Aboriginal and Torres Strait Islander corporation must include the following information:
  - (a) a review of operations of the corporation during the financial year and the results of those operations;
  - (b) details of any significant changes in the corporation's state of affairs during the financial year;
  - (c) a statement of the corporation's principal activities, and any significant changes in the nature of those activities, during the financial year;
  - (d) details of any matter or circumstance that has arisen since the end of the financial year that has significantly affected, or may significantly affect:
    - (i) the corporation's operations in future financial years; or
    - (ii) the results of those operations in future financial years; or
    - (iii) the corporation's state of affairs in future financial years;
  - (e) likely developments in the corporation's operations in future financial years and the expected results of those operations;
  - (f) if the corporation's operations are subject to any particular and significant environmental regulation under a Commonwealth, State or Territory law—details of the corporation's performance in relation to that environmental regulation;
  - (g) details of distributions paid to members during the financial year;
  - (h) details of distributions recommended or declared for payment to members, but not paid, during the financial year;
  - (i) the name of each person who has been a director of the corporation during the financial year and the period of the director's tenure;



- (j) details of each director's qualifications, experience and special responsibilities in relation to the corporation;
  - (k) the number of meetings of the board of directors held during the financial year and each director's attendance record at those meetings;
  - (l) the number of meetings of each board committee held during the financial year and each director's attendance record at those meetings;
  - (m) the name of each person who has been a secretary of the corporation during the financial year;
  - (n) details of each secretary's qualifications and experience;
  - (o) the name of each person who:
    - (i) was an officer of the corporation at any time during the financial year; and
    - (ii) was, when an audit firm or audit company that is an auditor of the corporation undertook an audit of the corporation, a partner in the audit firm or a director of the audit company;
  - (p) a copy of the auditor's written declaration under subsection 339-50(2) or (4) of the Act for the audit for the financial year;
  - (q) for any application for leave made during the year under section 169-5 of the Act:
    - (i) the applicant's name; and
    - (ii) a statement whether leave was granted;
  - (r) for any proceedings that, during the year, a person has brought or intervened in for the corporation with leave under section 169-5 of the Act:
    - (i) the person's name; and
    - (ii) the names of the parties to the proceedings; and
    - (iii) sufficient information to enable members of the corporation to understand the nature and status of the proceedings (including the cause of action and orders made by the Court).
- (2) The directors' report must be prepared:
- (a) if consolidated financial statements are not required—for the corporation; or
  - (b) if consolidated financial statements are required—for the consolidated entity.
- (3) If the financial report for the financial year includes additional information under paragraph 21(3)(b), the directors' report must also specify:
- (a) the directors' reasons for forming the opinion that the inclusion of the additional information was necessary to give a true and fair view of the financial position and performance of the corporation or the consolidated entity (as the case may be); and
  - (b) where the additional information can be found in the financial report.
- (4) The directors' report may omit information that would otherwise be included under paragraph (1)(e) if the inclusion of the information would be likely to result in unreasonable prejudice to the corporation or the consolidated entity.
- (5) The directors' report may omit information that is included in the corporation's financial report for the financial year.

## Section 23

---

- (6) If information mentioned in subsections (4) or (5) is not included in the directors' report, the directors' report:
- (a) must contain a statement that the information is not included; and
  - (b) if the information omitted is included in the corporation's financial report for the financial year—must state where the information may be found in the financial report.
- (7) The directors' report must:
- (a) be prepared in accordance with a resolution of the directors; and
  - (b) specify the date when the report is made; and
  - (c) be signed by a director.

### **23 Requirement for financial reports to be prepared in compliance with accounting standards**

For the purposes of subsection 333-15(1) and paragraph 333-15(2)(e) of the Act, a financial report of an Aboriginal and Torres Strait Islander corporation must be prepared in compliance with the accounting standards:

- (a) to the extent that the accounting standards are capable of applying to an Aboriginal and Torres Strait Islander corporation; and
- (b) whether or not the corporation is, or would be, regarded as a reporting entity within the meaning of that term in the accounting standards.

Note: For the definition of *accounting standard*, see section 700-1 of the Act.

### **24 Requirement for financial reports to be audited**

- (1) This section is made for the purposes of subsection 333-15(1) and paragraphs 333-15(2)(a), (b) and (d) of the Act.
- (2) An Aboriginal and Torres Strait Islander corporation must have a financial report for a financial year audited and must obtain an auditor's report.
- (3) The auditor of the financial report must be:
- (a) an individual auditor who is a registered company auditor; or
  - (b) an audit firm that has at least one member who is a registered company auditor who is ordinarily resident in Australia; or
  - (c) an authorised audit company.
- (4) The audit of the financial report must be conducted in accordance with the auditing standards.

Note: For the definition of *auditing standard*, see section 700-1 of the Act.

### **Subdivision B—Certain small and medium corporations**

#### **25 Application of Subdivision**

This Subdivision applies to an Aboriginal and Torres Strait Islander corporation for a financial year if, on 30 June of the financial year:

- (a) both of the following apply:
  - (i) the corporation is registered under the Act as a small corporation;

- (ii) the consolidated gross operating income of the corporation and the entities it controls (if any) is more than \$100,000 but less than \$5,000,000 for the financial year; or
- (b) both of the following apply:
  - (i) the corporation is registered under the Act as a medium corporation;
  - (ii) the consolidated gross operating income of the corporation and the entities it controls (if any) is less than \$5,000,000 for the financial year.

## 26 Requirement to prepare reports

For the purposes of subsection 333-5(1) of the Act, an Aboriginal and Torres Strait Islander corporation must prepare a financial report for a financial year.

## 27 Financial reports

### *Reporting requirements*

- (1) For the purposes of subsections 333-10(1) and 333-15(1) and paragraph 333-15(2)(e) of the Act, a financial report for a financial year:
  - (a) must contain the information required by section 21 of this instrument; and
  - (b) must be prepared in accordance with the requirements of section 23 of this instrument.

### *Alternative reporting requirements*

- (2) However, a financial report for a financial year prepared by an Aboriginal and Torres Strait Islander corporation may instead contain the information mentioned in subsection (3) if:
  - (a) the corporation would not be required by the accounting standards to prepare consolidated financial statements for the financial year; and
  - (b) at least 90% of the gross operating income of the corporation in the financial year consists of funding provided by one or more funding bodies; and
  - (c) as a condition of the provision of funding, the corporation is required (by legislation or otherwise) to prepare and submit to the funding body or bodies, one or more annual reports accounting for the expenditure of the funding by the corporation over the full financial year.
- (3) For the purposes of subsection 333-10(1) of the Act, the information is the following:
  - (a) a copy of each annual report mentioned in paragraph (2)(c);
  - (b) a copy of any auditor's reports relating to those annual reports;
  - (c) an income and expenditure statement for any income and expenditure of the corporation in the financial year which has not already been included in any of the annual reports;
  - (d) a balance sheet disclosing any assets and liabilities of the corporation as at 30 June of the financial year which have not already been included in any of those annual reports;
  - (e) a declaration by the corporation's directors that:

**Section 28**

---

- (i) is made in accordance with a resolution of the directors; and
- (ii) states whether in the directors' opinion there are reasonable grounds to believe that the corporation will be able to pay its debts when they become due and payable; and
- (iii) specifies the date when the resolution was made; and
- (iv) is signed by a director of the corporation.

**28 Requirement for certain financial reports to be audited**

- (1) This section applies to an Aboriginal and Torres Strait Islander corporation that has prepared a financial report for a financial year in accordance with subsection 27(1).
- (2) This section is made for the purposes of subsection 333-15(1) and paragraphs 333-15(2)(a), (b) and (d) of the Act.
- (3) The corporation must have the financial report audited and must obtain an auditor's report.
- (4) The auditor of the financial report must be:
  - (a) a person or entity mentioned in subsection 24(3); or
  - (b) a chartered accountant or an affiliate of Chartered Accountants Australia and New Zealand; or
  - (c) a certified practising accountant or a fellow of CPA Australia; or
  - (d) a member or fellow of the Institute of Public Accountants.
- (5) The audit of the financial report must be conducted in accordance with the auditing standards.

Note: For the definition of *auditing standard*, see section 700-1 of the Act.

## **Division 3—Auditor independence**

### **29 Modification of Corporations Act auditor independence provisions**

For the purposes of subsection 339-75(2) of the Act, the Corporations Act auditor independence provisions apply to the audit of a financial report of an Aboriginal and Torres Strait Islander corporation as if:

- (a) references in those provisions to ASIC were references to the Registrar;  
and
- (b) references in those provisions to a small proprietary company were references to an Aboriginal and Torres Strait Islander corporation registered as a small or medium corporation.

### **30 Alternative independence requirements**

For the purposes of subsection 339-80(2) of the Act, the auditor independence requirements to be met in relation to the audit of a financial report prepared under subsection 27(1) are the Corporations Act auditor independence provisions:

- (a) as modified by subsection 339-75(2) of the Act and section 29 of this instrument; and
- (b) disregarding the imprisonment terms in the penalties referred to in items 116CA to 116GC in Schedule 3 to the Corporations Act.

Section 31

---

## **Division 4—Appointment and removal of auditors**

### **31 Purpose of this Division**

This Division is made for the purposes of section 339-100 of the Act.

### **32 Nomination**

- (1) A director or member of an Aboriginal and Torres Strait Islander corporation may nominate, in writing, an individual, firm or company for appointment as auditor of the corporation.
- (2) The corporation must send a copy of the nomination to:
  - (a) each nominated individual, firm or company; and
  - (b) each person entitled to receive notice of general meetings of the corporation.
- (3) The copy of the nomination must be sent at least 7 days before the day of the general meeting at which the nomination is to be considered.

### **33 Appointment of auditor**

- (1) An auditor may be appointed by an Aboriginal and Torres Strait Islander corporation in a general meeting (whether or not a requirement of section 32 has been complied with).
- (2) If an auditor has not been appointed by an Aboriginal and Torres Strait Islander corporation in a general meeting, the directors of the corporation may appoint an auditor for the corporation.

### **34 Consent of auditor required**

- (1) An Aboriginal and Torres Strait Islander corporation, or the directors of the corporation, must not appoint an individual, firm or company as auditor of the corporation unless the individual, firm or company:
  - (a) has consented, before the appointment, to act as auditor; and
  - (b) has not withdrawn the consent before the appointment is made.
- (2) The consent, or a withdrawal of the consent, must be given by written notice to the corporation.
- (3) A notice under subsection (2) given by a firm must be signed by a member of the firm:
  - (a) in the firm's name; and
  - (b) in the member's name.
- (4) For the purposes of subsection (3), if an Aboriginal and Torres Strait Islander corporation must use a registered company auditor, the member of the firm who signs the notice of consent must be a registered company auditor.

- (5) A notice under subsection (2) given by a company must be signed by a director or senior manager of the company:
  - (a) in the company's name; and
  - (b) in the director or senior manager's name.
- (6) An appointment that does not comply with this section has no effect.

### **35 Notice of appointment of auditor**

- (1) An Aboriginal and Torres Strait Islander corporation must lodge with the Registrar a notice, in the approved form, of the appointment of an auditor.
- (2) The notice must be lodged within 14 days after the day on which the appointment is made.

### **36 Resignation**

- (1) An auditor of an Aboriginal and Torres Strait Islander corporation may resign by giving notice in writing to the corporation.
- (2) The resignation takes effect on:
  - (a) the day specified in the notice of resignation; or
  - (b) if no day is specified—the day the notice is received by the corporation.
- (3) Within 14 days after receiving a notice of resignation from an auditor, the corporation must lodge the notice with the Registrar.

### **37 Removal of auditor by resolution at general meeting**

- (1) An auditor of an Aboriginal and Torres Strait Islander corporation may be removed from office only by resolution of the corporation at a general meeting of which notice under subsection (2) has been given.
- (2) Notice of an intention to move the resolution must be given to the corporation at least 2 months before the meeting is to be held.
- (3) If the corporation calls a meeting after the notice of intention is given under subsection (2), the meeting may pass the resolution even though the meeting is held less than 2 months after the notice of intention is given.

Note: For the notice period for a general meeting to remove an auditor, see subsection 201-20(4) of the Act.

- (4) If notice under subsection (2) has been received by a corporation it must, as soon as possible, send a copy of the notice to the auditor and lodge a copy of the notice with the Registrar.
- (5) Within 7 days after receiving a copy of the notice, the auditor may make representations to the corporation.
- (6) The representations must:
  - (a) be in writing; and
  - (b) not exceed a reasonable length; and

## Section 38

---

- (c) request that, before the meeting at which the resolution is to be considered, a copy of the representations be sent by the corporation at its expense to every member of the corporation to whom notice of the meeting is sent.
- (7) Unless the Registrar on application from the corporation determines otherwise, the corporation must send a copy of the representations in accordance with the auditor's request.
- (8) The auditor may require that the representations be read out at the meeting, without prejudice to the auditor's right to be heard orally.

Note: For an auditor's entitlement to be heard at the meeting, see section 201-80 of the Act.

### **38 Auditor ceasing to hold office by reason of unresolved conflict of interest**

- (1) Subsections (2) and (3) apply to an auditor of an Aboriginal and Torres Strait Islander corporation undertaking an audit of a financial report prepared under Division 2 of this Part.
- (2) Subsections 327B(2A) to (2D) of the Corporations Act apply to the auditor as if:
  - (a) references in those provisions to the company were references to the corporation; and
  - (b) references in those provisions to ASIC were references to the Registrar.
- (3) If an audit firm ceases to be an auditor of an Aboriginal and Torres Strait Islander corporation at a particular time because of the applied provisions in subsection (2), each member of the audit firm ceases to be an auditor of the corporation at that time.

### **39 Control by another corporation**

An auditor of an Aboriginal and Torres Strait Islander corporation that begins to be controlled by another corporation:

- (a) must retire at the next AGM of the corporation; and
- (b) is, subject to this instrument, eligible for reappointment.

### **40 Effect of winding up**

An auditor of an Aboriginal and Torres Strait Islander corporation ceases to hold office if:

- (a) a special resolution is passed for the voluntary winding up of the corporation; or
- (b) an order is made by the Court for the winding up of the corporation.

### **41 Surviving or continuing auditor**

While a vacancy in the office of auditor of an Aboriginal and Torres Strait Islander corporation continues, any surviving or continuing auditor may act as auditor of the corporation.



## **Division 5—Lodging reports**

### **42 Modification—time for lodgement of annual reports with Registrar**

For the purposes of section 368-1 of the Act, the operation of Part 7-3 of the Act is modified for all Aboriginal and Torres Strait Islander corporations by omitting from paragraph 348-1(3)(a) of the Act ‘3 months’ and substituting ‘6 months’.

## Part 7—Registers

### 43 Information or documents to be included in Register of Aboriginal and Torres Strait Islander Corporations

For the purposes of section 418-10 of the Act, the information or documents to be included in the Register are the information or documents mentioned in Schedule 2.

### 44 Inspection and production of records

- (1) For the purposes of paragraph 421-1(1)(b) of the Act:
  - (a) the Register of Aboriginal and Torres Strait Islander Corporations is prescribed; and
  - (b) all information in that register, including all information in documents in that register, is prescribed.
- (2) For the purposes of paragraph 421-1(1)(b) of the Act:
  - (a) the Register of Disqualified Officers is prescribed; and
  - (b) all information in that register, including all information in documents in that register, is prescribed.

### 45 Exempt documents

For the purposes of paragraph (f) of the definition of *exempt document* in subsection 421-1(4) of the Act, the documents mentioned in Schedule 3 are specified.

## **Part 8—Regulation and enforcement**

### **46 Registrar may call a general meeting (other than an AGM)**

For the purposes of paragraph 439-10(10)(b) of the Act, the prescribed number of members is:

- (a) for an Aboriginal and Torres Strait Islander corporation with between 2 and 10 members—1; and
- (b) for an Aboriginal and Torres Strait Islander corporation with between 11 and 29 members—3.

### **47 Authorised officers—identity cards**

For the purposes of subsection 447-5(1) of the Act, the form of an identity card is any form that:

- (a) allows the authorised officer's name to be displayed; and
- (b) allows a recent photograph of the authorised officer to be displayed; and
- (c) allows the date on which the identity card expires to be displayed; and
- (d) includes a statement that the person is an authorised officer for the purposes of the Act.

## **Part 9—External administration**

### **48 Grounds for special administration**

For the purposes of paragraph 487-5(5)(b) of the Act, the prescribed number of members is:

- (a) for an Aboriginal and Torres Strait Islander corporation with between 2 and 10 members—1; and
- (b) for an Aboriginal and Torres Strait Islander corporation with between 11 and 29 members—3.

### **49 Modification of Corporations Act special administration provisions**

For the purposes of paragraph 499-10(3)(b) of the Act, the provisions mentioned in subsection 499-10(1) of the Act:

- (a) apply to an Aboriginal and Torres Strait Islander corporation that is under special administration as if a reference to ASIC were a reference to the Registrar; and
- (b) are modified as set out in the table in clause 1 of Schedule 4.

### **50 Modification of Corporations Act receiver provisions**

For the purposes of paragraph 516-1(2)(b) of the Act, the Corporations Act receiver provisions are modified as set out in the table in clause 2 of Schedule 4.

### **51 Modification of Corporations Act administration provisions**

For the purposes of paragraph 521-1(2)(b) of the Act, the Corporations Act administration provisions are modified as set out in the table in clause 3 of Schedule 4.

### **52 Grounds for Court ordered winding up**

For the purposes of paragraph 526-5(k) of the Act, the prescribed period is 2 years.

Note: Under paragraph 526-5(k) of the Act, one of the grounds on which an Aboriginal and Torres Strait Islander corporation may be wound up is that the corporation has failed, for a prescribed period, to lodge any financial or other reports required to be lodged by Part 7-3 of the Act.

### **53 Modification of Corporations Act winding up provisions**

For the purposes of paragraph 526-35(2)(b) of the Act, the Corporations Act winding up provisions are modified as set out in the table in clause 4 of Schedule 4.

---

## Part 10—Administration

### 54 Authorised use or disclosure of protected information

- (1) For the purposes of paragraph 604-25(4)(f) of the Act, the following Agencies are prescribed:
  - (a) each Department of State that is responsible for general policy on Aboriginal and Torres Strait Islander affairs;
  - (b) each Department of State that is responsible for the administration of a program that relates specifically to Aboriginal and Torres Strait Islander persons;
  - (c) the Office of the Director of Public Prosecutions of the Commonwealth.
- (2) For the purposes of paragraph 604-25(4)(g) of the Act, the Australian Federal Police is prescribed.
- (3) For the purposes of paragraph 604-25(4)(i) of the Act, each Department of State of a State or Territory that is responsible for general policy on Aboriginal and Torres Strait Islander affairs is prescribed.
- (4) For the purposes of paragraph 604-25(4)(i) of the Act, each of the following Departments of State of a State or Territory is prescribed to the extent to which subsection (3) does not apply to the Department:
  - (a) the Department of State of New South Wales that is responsible for the administration of the *Aboriginal Land Rights Act 1983* of that State;
  - (b) each Department of State of Victoria that is responsible for the administration of any of the following Acts of that State:
    - (i) the *Aboriginal Heritage Act 2006*;
    - (ii) the *Aboriginal Land (Northcote Land) Act 1989*;
    - (iii) the *Aboriginal Lands (Aborigines' Advancement League) (Watt Street, Northcote) Act 1982*;
    - (iv) the *Aboriginal Lands Act 1970*;
    - (v) the *Aboriginal Lands Act 1991*;
    - (vi) the *Traditional Owner Settlement Act 2010*;
  - (c) each Department of State of Queensland that is responsible for the administration of either of the following Acts of that State:
    - (i) the *Aboriginal Land Act 1991*;
    - (ii) the *Torres Strait Islander Land Act 1991*;
  - (d) the Department of State of Western Australia that is responsible for the administration of the *Aboriginal Affairs Planning Authority Act 1972* of that State;
  - (e) the Department of State of South Australia that is responsible for the administration of the *Aboriginal Lands Trust Act 2013* of that State;
  - (f) the Department of State of Tasmania that is responsible for the administration of the *Aboriginal Lands Act 1995* of that State.
- (5) For the purposes of paragraph 604-25(4)(j) of the Act, the following bodies are prescribed:

Section 54

---

- (a) the police force or service of a State;
  - (b) the Northern Territory Police Force;
  - (c) an authority of a State or Territory that has functions and powers similar to those of the Director of Public Prosecutions of the Commonwealth.
- (6) For the purposes of paragraph 604-25(4)(k) of the Act, the following professional disciplinary bodies are prescribed:
- (a) CPA Australia;
  - (b) the Chartered Accountants Australia and New Zealand;
  - (c) the Institute of Public Accountants;
  - (d) the New South Wales Bar Association;
  - (e) the Law Society of New South Wales;
  - (f) the Victorian Bar Inc.;
  - (g) the Law Institute of Victoria;
  - (h) the Bar Association of Queensland;
  - (i) the Queensland Law Society;
  - (j) the Legal Practice Board of Western Australia;
  - (k) the Law Society of South Australia;
  - (l) the Law Society of Tasmania;
  - (m) the Law Society of the Australian Capital Territory;
  - (n) the Law Society Northern Territory.
- (7) For the purposes of paragraph 604-25(4)(l) of the Act:
- (a) Indigenous Business Australia, established by section 145 of the *Aboriginal and Torres Strait Islander Act 2005*, is prescribed; and
  - (b) the purpose of performing the functions of Indigenous Business Australia under that Act is prescribed.
- (8) For the purposes of paragraph 604-25(4)(l) of the Act:
- (a) the Indigenous Land Corporation, established by section 191A of the *Aboriginal and Torres Strait Islander Act 2005*, is prescribed; and
  - (b) the purpose of performing the functions of the Indigenous Land Corporation under that Act is prescribed.

---

## **Part 11—Registrar of Aboriginal and Torres Strait Islander Corporations**

### **55 Functions of the Registrar**

- (1) For the purposes of paragraph 658-1(1)(k) of the Act, the Registrar has the function of making documents, and information in documents, available to the public that:
  - (a) are in the possession of the Registrar; and
  - (b) the Registrar considers appropriate to make available to the public; and
  - (c) before 1 July 2007, were:
    - (i) filed or lodged with the ACA Registrar, or served on the ACA Registrar, under the ACA Act; or
    - (ii) kept by the ACA Registrar under the ACA Act; or
    - (iii) given to or served on a person by the ACA Registrar under, or for, the ACA Act.

- (2) In subsection (1):

*ACA Act* means the *Aboriginal Councils and Associations Act 1976*.

*ACA Registrar* has the meaning given by subitem 1(1) of Schedule 3 to the *Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006*.

- (3) For the purposes of subsection (1), the documents may include documents containing personal information within the meaning given by subsection 6(1) of the *Privacy Act 1988*.

## **Part 12—Application, savings and transitional provisions**

### **Division 1—Corporations (Aboriginal and Torres Strait Islander) Regulations 2017**

#### **56 Definitions**

In this Division:

*commencement day* means the day this instrument commences.

*old regulations* means the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007*, as in force immediately before the commencement day.

#### **57 Things done under old regulations**

- (1) If:
  - (a) a thing was done for a particular purpose under the old regulations as in force immediately before those regulations were repealed; and
  - (b) the thing could be done for that purpose under this instrument;the thing has effect for the purposes of this instrument as if it had been done for that purpose under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, approval or other instrument being given or made.

#### **58 Application—fees for members' access to minutes**

Section 15 applies in relation to any requests for copies of minutes made after this section commences.

#### **59 Application—required number of members for directions and requests**

Sections 16, 46 and 48 apply in relation to any direction given, or request made, after this section commences.

#### **60 Savings—information or documents mentioned in the *Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006***

Despite the repeal of the old regulations by Schedule 5, the following provisions, as in force immediately before the commencement day, continue to apply as if the repeal had not happened:

- (a) paragraph 418-10.01(c) of the old regulations;
- (b) Part 3 of Schedule 2 to the old regulations;
- (c) any other provisions of the old regulations necessary for the effective operation of a provision mentioned in paragraph (a) or (b).



## Schedule 1—Availability of names and consent required

Note: See sections 11 and 12.

### 1 Rules for ascertaining whether names are identical

In comparing one name with another for the purposes of paragraphs 85-5(1)(a) and (b) of the Act, the following matters are to be disregarded:

- (a) the use of the definite or indefinite article as the first word in one or both of those names;
- (b) the use of:
  - (i) ‘Aboriginal corporation’; or
  - (ii) ‘Torres Strait Islander corporation’; or
  - (iii) ‘Aboriginal and Torres Strait Islander corporation’; or
  - (iv) ‘Torres Strait Islander and Aboriginal corporation’; or
  - (v) ‘Indigenous corporation’; or
  - (vi) ‘registered native title body corporate’; or
  - (vii) ‘RNTBC’;
 in one or both of those names;
- (c) whether a word is in the plural or singular number in one or both of those names;
- (d) the type, size and case of letters, the size of any numbers or other characters, and any accents, spaces between letters, numbers or characters, and punctuation marks, used in one or both of those names;
- (e) the fact that one name contains a word or expression in column 1 of an item in the following table and the other name contains an abbreviation for that word or expression in column 2 of the item.

<b>Abbreviations for words or expressions</b>		
<b>Item</b>	<b>Column 1 Word or expression</b>	<b>Column 2 Abbreviation</b>
1	and	&
2	Australian	Aust
3	Australian Business Number	ABN
4	Australian Company Number	ACN
5	Company	Co Coy
6	Corporation	Corp
7	Incorporated	Inc
8	Indigenous Corporation Number	ICN
9	Number	No

Clause 2

---

**2 Names unacceptable for registration**

- (1) For the purposes of paragraph 85-5(1)(c) of the Act, a name is unacceptable for registration if the name:
- (a) in the opinion of the Registrar, is undesirable, or likely to be offensive to:
    - (i) members of the public; or
    - (ii) members of any section of the public; or
  - (b) subject to subclause (3), either:
    - (i) contains a word, phrase or an abbreviation specified in an item in the table in clause 3; or
    - (ii) contains a word, phrase or an abbreviation having the same or a similar meaning to a word, phrase or abbreviation specified in an item in the table in clause 3; or
  - (c) subject to subclause (4), includes the word ‘Commonwealth’ or ‘Federal’; or
  - (d) in the context in which it is proposed to be used, suggests a connection with:
    - (i) the Crown; or
    - (ii) the Commonwealth Government; or
    - (iii) the Government of a State or Territory; or
    - (iv) a municipal or other local authority; or
    - (v) the Government of any other part of the Queen’s dominions, possessions or territories; or
    - (vi) a department, authority or instrumentality of the Commonwealth Government; or
    - (vii) a department, authority or instrumentality of the Government of a State or Territory; or
    - (viii) the government of a foreign country;if that connection does not exist; or
  - (e) in the context in which it is proposed to be used, suggests a connection with:
    - (i) a member of the Royal Family; or
    - (ii) the receipt of Royal patronage; or
    - (iii) an ex-servicemen’s organisation; or
    - (iv) Sir Donald Bradman; or
    - (v) Mary MacKillop;if that connection does not exist; or
  - (f) in the context in which it is proposed to be used, suggests that the members of an organisation are totally or partially incapacitated if those members are not so affected; or
  - (g) is, uses or includes:
    - (i) a prescribed term; or
    - (ii) a word resembling a prescribed term; or
    - (iii) a word that is of like import to a prescribed term; or
    - (iv) a prescribed term as part of another word or expression; or
    - (v) a prescribed term in combination with other words or letters, or other symbols;

whether or not in English.

- (2) For the purposes of paragraph (1)(g), the following letters, words or expressions are **prescribed terms**:
- (a) Anzac;
  - (b) Geneva Cross, Red Crescent, Red Cross or Red Lion and Sun;
  - (c) United Nations;
  - (d) University.
- (3) Paragraph (1)(b) does not apply to use of the letters ADI as part of another word.  
Example: The letters *adi* appear in the word *traditional*, but paragraph (1)(b) is not intended to apply to use of the word *traditional*.
- (4) Paragraph (1)(c) does not apply if the Registrar is satisfied that the word is used in a geographical context.

### 3 Words, phrases and abbreviations that are unacceptable for registration

For the purposes of paragraph 2(1)(b), the following table sets out Words, phrases and abbreviations that are unacceptable for registration.

<b>Words, phrases and abbreviations that are unacceptable for registration</b>	
<b>Item</b>	<b>Word, phrase or abbreviation</b>
1	ADI
2	Authorised deposit-taking institution
3	Bank
4	Banker
5	Banking
6	Building Society
7	Chamber of Commerce
8	Chamber of Manufacture
9	Chartered
10	Co
11	Company
12	Consumer
13	Cooperative
14	Coy
15	Credit Society
16	Credit Union
17	Executor
18	Friendly Society
19	GST
20	G.S.T.
21	Guarantee
22	Incorporated
23	Limited

**Schedule 1** Availability of names and consent required

Clause 3

---

---

**Words, phrases and abbreviations that are unacceptable for registration**

---

<b>Item</b>	<b>Word, phrase or abbreviation</b>
24	Ltd
25	Made in Australia
26	NL
27	No Liability
28	Proprietary
29	Pty
30	RSL
31	R.S.L
32	Starr-Bowkett
33	Stock Exchange
34	Trust
35	Trustee

---

## Schedule 2—Information and documents to be included in Register

Note: See section 43.

### 1 Information or documents mentioned in the Act

The following table sets out information or documents mentioned in the Act that are to be included in the Register.

Information or documents mentioned in the Act		
Item	Provision	Information or document
1	21-1	Application for registration
2	21-10(3)	Notice by Registrar that application is treated as withdrawn
3	22-1	Application for registration of existing body corporate
4	22-10(3)	Notice by Registrar that application is treated as withdrawn
5	23-1	Application for registration of amalgamated corporation
6	23-10(3)	Notice by Registrar that application is treated as withdrawn
7	29-18(1)(a)	Notice by applicant of intention to make application in relation to amalgamated corporation
8	29-18(3)(a)	Notice by substantial creditor objecting to application
9	29-18(4)	Notice by substantial creditor withdrawing objection to application
10	32-1(1)(c)	Certificate of registration
11	32-1(2)	Record of registration and constitution
12	32-5(1)	Notice by Registrar of unsuccessful application
13	37-5(5)	Notice by Registrar of alteration of registered size of corporation
14	42-4(6)	Certificate signed by Registrar identifying land and stating that the land has become vested in an amalgamated corporation
15	42-4(8)	Certificate signed by Registrar identifying an asset and stating the asset has become vested in an amalgamated corporation
16	42-4(11)(a)	Certificate signed by Registrar that a specified matter is an exempt matter
17	42-4(11)(b)	Certificate signed by Registrar that a specified thing is connected with a specified exempt matter
18	42-10(3)	Notice of determination by Registrar that applicant for registration is contact person for corporation on registration
19	69-30(4)(b)	Notice by Registrar of decision to refuse registration of constitutional change
20	69-30(5)	Copy of registered constitutional change
21	69-35(1) and (6)	Copy of registered constitutional change made on initiative of Registrar
22	69-35(7)	Notice by Registrar of constitutional change
23	77-5(3)	Request by applicant for further determination of lesser minimum number of members

## Schedule 2 Information and documents to be included in Register

### Clause 1

<b>Information or documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
24	77-5(4)	Request by applicant for determination of lesser minimum number of members
25	77-10	Exemption by Registrar allowing corporation to have lesser minimum number of members
26	77-25(1)	Notice by Registrar of exemption
27	77-25(2)	Notice by Registrar that exemption has not been granted
28	85-5(2)	Consent by Registrar to availability of name
29	85-5(2)	Notice by Registrar of refusal to consent to availability of name
30	88-1(1)(b) and 88-1(2)	Application for change of name of corporation and documents lodged with application
31	88-1(4)	Notice by Registrar of refusal to change name of corporation
32	88-5(1)	Direction by Registrar to change name of corporation
33	88-10(1)	Notice by corporation that it has become a registered native title body corporate
34	88-15(1)	Notice by corporation that it has ceased to be a registered native title body corporate
35	88-20(1)	Certificate of registration of corporation specifying change of name
36	112-5(3)	Notice by corporation of change of address of registered office
37	112-10(4)(c)	Notice by Registrar of intention to change address of registered office of corporation to address of director
38	112-20(4)	Notice by Registrar requiring production of consent of occupier of corporation's registered address
39	112-20(4)	Copy of consent of occupier of corporation's registered address
40	115-5(2)	Notice by corporation of change of document access address
41	115-10(4)(c)	Notice by Registrar of intention to change document access address of corporation to address of director
42	115-15(1)	Notice by Registrar of direction to change document access address of corporation
43	115-20(4)	Notice by Registrar requiring production of occupier's consent to document access address of corporation
44	166-15(1)	Copy of Court order—oppressive conduct of affairs
45	172-10(6)	Copy of Court order setting aside, or confirming, a variation, cancellation or modification of members' rights
46	180-35(1)	Notice by Registrar requesting copy of register of members, or register of former members, of corporation
47	180-35(1)	Copy of register of members or register of former members provided by corporation in response to request from Registrar
48	187-5(1)	Application by corporation to exempt corporation or directors from exemptible provisions of Chapter 4
49	187-5(1)	Determination by Registrar of application to exempt corporation or directors from exemptible provisions of Chapter 4
50	187-5(1)	Notice by Registrar of refusal to make determination
51	187-5(5)	Instrument by Registrar revoking, varying or suspending determination

<b>Information or documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
52	187-5(6)	Notice by Registrar of revocation, variation or suspension of determination
53	187-15(1)	Determination by Registrar to exempt corporation or directors from exemptible provisions of Chapter 4
54	187-15(4)	Instrument by Registrar revoking, varying or suspending determination
55	187-15(5)	Notice by Registrar of revocation, variation or suspension of determination
56	201-10(1)	Application by a director for permission to deny request under section 201-5
57	201-10(4)(a)	Determination by Registrar of application by director for permission to deny request by members
58	201-10(4)(b)	Notice by Registrar of outcome of determination
59	201-155(1)	Application by corporation to extend period to hold AGM
60	201-155(2)	Notice by Registrar of extension of period to hold AGM
61	201-155(2)	Notice by Registrar of refusal to extend period to hold AGM
62	204-1(5)(b) and (c)	Copy of information or documents lodged with Registrar relating to resolutions passed without a general meeting
63	204-5(2)	Resolution and related documents of 1 member corporation lodged with Registrar
64	225-5(1)	Application to exempt corporation or directors from provisions of Chapter 5
65	225-5(1)	Determination by Registrar exempting corporation or directors from provisions of Chapter 5
66	225-5(1)	Notice by Registrar of refusal to make determination
67	225-5(4)	Instrument by Registrar revoking, varying or suspending determination
68	225-5(5)	Notice by Registrar of the making, revocation, variation or suspension of determination
69	225-15(1)	Determination by Registrar to exempt corporation, a class of corporation or directors from specified provisions of Chapter 5
70	225-15(3)	Instrument by Registrar revoking, varying or suspending determination
71	225-15(4)	Notice by Registrar of the making, revocation, variation or suspension of determination
72	252-5(2)	Direction by Registrar to disclose remuneration and expenses paid to directors
73	252-5(5)(c)(ii)	Copy of audited statement of remuneration and expenses of directors
74	257-25(1)	Notice by Registrar of determination that director is new contact person of corporation
75	268-25(1)	Declaration by Registrar that director with material personal interest in a matter may be present and vote on the matter
76	268-25(5)	Order by Registrar made in respect of a class of corporation, directors, resolutions or interests
77	279-30(5)	Notice by Registrar advising of disqualification
78	279-30(7)	Copy of Registrar's permission for disqualified person to manage corporation

## Schedule 2 Information and documents to be included in Register

### Clause 1

<b>Information or documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
79	279-30(7)	Notice by Registrar of refusal of permission for disqualified person to manage corporation
80	279-35(3)	Notice by disqualified person of intention to make application for leave to manage corporations, a class of corporation or a particular corporation
81	279-35(5)	Copy of any order granting leave or refusing to grant leave
82	290-5(1)	Documents to be lodged with Registrar for a related party benefit resolution
83	290-5(3)(a)	Approval by Registrar of lodgement of related party benefit documents less than 14 days before convening of meeting
84	290-5(3)(b)	Revocation of approval by Registrar of lodgement of related party benefit documents less than 14 days before convening of meeting
85	290-35(4)	Declaration by Registrar that subsection 290-35(1) does not apply to proposed resolution or does not prevent casting a vote etc.
86	290-45	Notice by corporation setting out text of resolution
87	304-1(1)	Notice by director, alternate director, secretary or contact person of retirement or resignation
88	304-5(1)	Notice by corporation of personal details of director, secretary or contact person
89	304-5(3)	Notice by corporation of personal details and terms of appointment of alternate director
90	304-5(5)	Notice by corporation of change in personal details of director, alternate director, secretary or contact person
91	304-5(6)	Notice by corporation of person having stopped being a director, alternate director, secretary or contact person
92	307-1(1)	Request from Registrar as to whether person is a director, secretary or contact person of a corporation and, if not, the date on which the person stopped being a director, secretary or contact person
93	307-1(2)	Written notification by person in response to request under subsection 307-1(1)
94	310-5(1)	Application by corporation to exempt corporation or directors from exemptible provisions of Chapter 6
95	310-5(1)	Determination by Registrar exempting corporation or directors from exemptible provisions of Chapter 6
96	310-5(1)	Notice by Registrar of refusal to make determination exempting corporation or directors from exemptible provisions of Chapter 6
97	310-5(5)	Instrument by Registrar revoking, varying or suspending determination
98	310-5(6)	Notice by Registrar of the making, revocation, variation or suspension of determination
99	310-15(1)	Determination by Registrar to exempt corporation or directors, or a class of corporation or directors of a corporation of that class, from exemptible provisions of Chapter 6
100	310-15(4)	Instrument by Registrar revoking, varying or suspending determination
101	310-15(5)	Notice by Registrar of the making, revocation, variation or suspension of determination



<b>Information or documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
102	330-10(1)	General report
103	336-1(1)(a)	Determination by Registrar for corporation to prepare additional report
104	336-1(1)(b)	Determination by Registrar of additional requirements for general report or section 333-5 report
105	336-1(9)	Instrument by Registrar revoking, varying or suspending determination
106	336-1(11)	Notice by Registrar of the making, revocation, variation or suspension of determination
107	336-5(1)(a)	Determination by Registrar that a particular class of corporation prepare an additional report
108	336-5(1)(b)	Determination by Registrar of additional requirements for a particular class of corporation
109	336-5(9)	Instrument by Registrar revoking, varying or suspending determination
110	336-5(10)	Notice by Registrar of the making, revocation, variation or suspension of determination
111	339-55(7)	Application by person seeking earlier date for audit working papers
112	339-55(7)	Determination by Registrar allowing earlier date for audit working papers
113	348-1(1)	Report lodged with Registrar under Part 7-3
114	348-5(1)	Amended financial report or directors' report
115	353-3(1)	Application for exemption from provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
116	353-3(1)	Determination by Registrar exempting directors, corporation or auditor from specified provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
117	353-3(1)	Notice by Registrar of refusal to make determination exempting directors, corporation or auditor from the provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
118	353-3(4)	Instrument by Registrar revoking, varying or suspending determination
119	353-3(5)	Notice by Registrar of the making, revocation, variation or suspension of determination
120	353-10(1)	Determination by Registrar exempting corporation, a class of corporation or directors from specified provisions of Part 7-2 or 7-3 or regulations made for the purposes of those Parts
121	353-10(3)	Instrument by Registrar revoking, varying or suspending determination
122	353-10(4)	Notice by Registrar of the making, revocation, variation or suspension of determination
123	376-5(1)	Certified English translation of document required to be lodged that is not written in English
124	404-10(2)	Written agreement between Registrar and person that documents may be lodged electronically
125	404-10(3)	Approval by Registrar that documents may be lodged electronically
126	404-10(4)	Approval by Registrar that specified kinds of documents may be lodged electronically
127	404-15(1)	Application for leave to lodge copy of lost or destroyed document

## Schedule 2 Information and documents to be included in Register

### Clause 1

<b>Information or documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
128	404-15(2)	Direction by Registrar about notice of application
129	404-15(4)	Certified copy of lost or destroyed document
130	404-15(4)	Notice of leave by Registrar for lodging of certified copy in same manner as original document
131	404-15(4)	Notice of refusal by Registrar to grant leave for lodging of certified copy in same manner as original document
132	404-15(7)	Copy of AAT decision varying or setting aside decision of Registrar
133	407-1(1)	Notice by Registrar of refusal to receive or register document and of request for amendments or supplementary document
134	407-5(1)	Notice by Registrar requesting further document or information
135	407-5(2)	Information or document provided in response to request from Registrar
136	407-10(1)	Notice by Registrar requiring person to provide specified information about the person
137	407-10(2)	Information given in response to request by Registrar
138	407-15(1)	Notice of change to detail in relation to corporation
139	410-1(1)(b)	Notice requiring compliance with requirements mentioned in subsection 410-1(7)
140	410-1(1)	Copy of court order requiring compliance with requirements mentioned in subsection 410-1(7)
141	410-1(2)(b)	Notice requiring compliance with requirements mentioned in subsection 410-1(7)
142	410-1(2)	Copy of court order requiring compliance with requirements mentioned in subsection 410-1(7)
143	424-5(1)	Certificate by Registrar that no corporation was registered by a particular name at a date or during a period specified in the certificate
144	424-5(2)	Certificate by Registrar as to compliance or otherwise with requirements of the Act
145	424-5(3)	Certificate by Registrar about registration of corporation during specified period
146	424-10	Certificate by Registrar that a person was a director, secretary or contact person of a corporation at a particular time or during a particular period
147	439-5(1)	Notice by Registrar convening meeting of corporation to discuss a matter that affects the corporation
148	439-10(1)	Notice by Registrar of general meeting of corporation (convened by Registrar)
149	439-10(5)	Determination by Registrar that specified rules in Chapter 5 do not apply to a general meeting (other than an AGM)
150	439-15(1)	Notice by Registrar of AGM (convened by Registrar)
151	439-15(3)	Determination by Registrar that specified rules in Chapter 5 do not apply to an AGM
152	439-20(1)	Notice by Registrar to corporation or directors requiring specified action to comply with the Act, the constitution of the corporation or to

<b>Information or documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
		remedy an irregularity
153	453-1(1)	Record of authorisation of authorised officer to examine books of corporation or related body corporate
154	453-5(1)	Notice by Registrar to provide information, produce books or appear and answer questions
155	487-1(1)	Determination by Registrar that corporation is to be under special administration for specified period
156	487-10(5)	Notice by Registrar that corporation is not to be under special administration
157	487-15(1)	Notice by Registrar of extension of period for which corporation is to be under special administration
158	487-20(1)	Determination by Registrar that corporation is to cease to be under special administration
159	490-1(1)	Appointment by Registrar of special administrator
160	490-5(2)	Notice by Registrar of extension of period for which special administrator is appointed
161	493-1(2)	Notice by Registrar in relation to special administration determination or appointment of special administrator
162	496-5(1)	Determination by Registrar that offices of corporation's directors or secretaries are not vacated on appointment of special administrator
163	505-1(1)(e)	Notice of resignation by special administrator
164	505-1(3)	Application by special administrator for resignation to take effect before end of period referred to in subsection 505-1(2)
165	505-1(3)	Determination by Registrar that resignation of special administrator is to take effect before end of period referred to in subsection 505-1(2)
166	505-1(4)	Notice by Registrar terminating appointment of special administrator
167	505-10(1)	Appointment by Registrar of person as special administrator if previous special administrator's appointment terminated
168	526-20(3)	Consent by Registrar to voluntary winding up of corporation
169	526-20(6)(a)	Notice by corporation of passing of resolution for voluntary winding up of corporation
170	526-20(6)(b)	Copy of resolution
171	540-5	Application by corporation to transfer registration to registration under a law of the Commonwealth, a State or a Territory including: (a) a copy of the special resolution for transfer; and (b) a statement signed by the directors that the corporation's creditors are not likely to be prejudiced by the change
172	540-10	Transfer of registration declaration by Registrar
173	546-1(1)	Application by corporation, director or member of corporation, or liquidator of corporation, to deregister corporation
174	546-1(4)	Notice by Registrar of proposed deregistration of corporation
175	546-1(7)	Notice by Registrar to applicant (or nominated person) of deregistration of corporation
176	546-5(3)	Notice by Registrar of proposed deregistration of corporation

## Schedule 2 Information and documents to be included in Register

### Clause 2

#### Information or documents mentioned in the Act

Item	Provision	Information or document
177	546-5(5)	Notice by Registrar of deregistration of corporation
178	546-40(4)	Notice by Registrar of reinstatement of registration of corporation
179	566-5(1)	Notice by Registrar of prescribed offence
180	617-10(3)	Determination by decision maker not to give notice of reviewable decision to person affected by decision
181	620-1(3)	Notice by Registrar of reconsideration of reviewable decision
182	620-5(1)	Notice by affected person requesting Registrar to reconsider reviewable decision
183	620-5(5)	Notice to affected persons of reconsideration of reviewable decision

## 2 Information or documents mentioned in this instrument

The following table sets out information or documents mentioned in this instrument that are to be included in the Register.

#### Information or documents mentioned in this instrument

Item	Provision	Information or document
1	20(a)	Financial report—large corporations etc.
2	20(b)	Directors' report—large corporations etc.
3	24(2)	Auditor's report—large corporations etc.
4	26	Financial report—certain small and medium corporations
5	28(3)	Auditor's report—certain small and medium corporations
6	35	Notice of appointment of auditor
7	36(3)	Notice of resignation of auditor
8	37(4)	Notice of intention to move resolution to remove auditor

## 3 Information or documents mentioned in the Corporations Act

The following table sets out information or documents mentioned in the Corporations Act that are to be included in the Register.

#### Information or documents mentioned in the Corporations Act

Item	Provision	Information or document
1	411(2)(a)	Notice to Registrar of hearing of application for compromise or arrangement with creditors or members
2	411(7)(f)	Direction by Registrar that paragraph 411(7)(f) does not apply
3	411(10)	Copy of Court order approving compromise or arrangement
4	411(17)(b)	Statement that Registrar has no objection to compromise or arrangement
5	412(6)	Explanatory statement concerning proposed compromise or arrangement with creditors or members

<b>Information or documents mentioned in the Corporations Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Information or document</b>
6	413(3)	Copy of Court order for facilitating reconstruction and amalgamation of bodies
7	415(1)	Notice of appointment of person to administer compromise or arrangement
8	421A(2)	Report by managing controller about affairs of corporation
9	422A(3)	Annual return by controller
10	427(1A)	Notice of appointment of person to enter into possession or take control of corporation property
11	427(1B)	Notice by person (other than receiver) who enters into possession or takes control of corporation property
12	427(2)	Notice of address of controller's office
13	427(3)	Notice of change of address of controller's office
14	427(4)	Notice of person ceasing to be controller
15	429(2)(c)(i)	Copy of report to controller about affairs of corporation at the control day and notice by controller about reporting officers' report
16	429(4)	Notice by controller of extension of time for reporting officer to submit report about affairs of corporation at the control day
17	429(5)	Copy of Court order for extension of time for reporting officer to submit report about affairs of corporation at the control day
18	436E(3)	Notice of first meeting of creditors
19	443B(3)	Notice specifying property
20	444A	Instrument setting out deed of company arrangement
21	446A(5)	Notice by liquidator that corporation is taken to have passed resolution to wind up the corporation
22	450A(1)	Notice of appointment of administrator
23	450B(b)	Notice of execution of deed of company arrangement
24	450C(a)	Notice by administrator of failure by corporation to execute deed of company arrangement
25	450D(a)	Notice by administrator of termination of deed of company arrangement
26	465A(1)(a)	Notice by applicant of application for winding up corporation
27	470(1)(a)	Notice by applicant of filing of application for winding up corporation
28	470(1)(b)	Notice by applicant of making an order for winding up corporation, including the date on which the order was made, and the name and address of the liquidator
29	470(1)(c)	Notice by applicant that application has been withdrawn or dismissed
30	470(2)(a)	Copy of winding up order
31	474(3)	Copy of Court order vesting corporation property in liquidator
32	475(6) and (7)(b)	Notice by liquidator of grant of extension of time for submission or report as to affairs of corporation
33	475(7)(a)	Copy of report to liquidator
34	481(5)	Copy of Court order releasing liquidator or deregistering corporation
35	482(5)	Court order terminating or staying winding up

## Schedule 2 Information and documents to be included in Register

### Clause 4

#### Information or documents mentioned in the Corporations Act

Item	Provision	Information or document
36	494(3)(b)	Declaration of solvency by directors
37	496(7)	Notice by liquidator following meeting of creditors
38	497(1)(b)	Copy of notice by liquidator to creditors providing copy of documents mentioned in paragraph 497(1)(a) of the Corporations Act
39	506(1B)	Copy of special resolution by corporation for members' voluntary winding up
40	507(11)	Copy of special resolution by corporation authorising liquidator to enter into arrangement
41	507(11)	Copy of special resolution by corporation about manner in which liquidator may raise purchase money
42	509(3)	Copy of Court order to deregister corporation
43	510(1A)	Special resolution of corporation sanctioning arrangement between corporation and creditors
44	537(1)	Notice by liquidator of appointment and office address and any change of office address
45	537(2)	Notice by liquidator of resignation or removal from office
46	568A(1)(a)	Notice of disclaimer by liquidator of corporation property
47	596E	Notice by applicant of examination summons

#### 4 Documents mentioned in the Corporations Regulations

The following table sets out information or documents mentioned in the Corporations Regulations that are to be included in the Register.

#### Documents mentioned in the Corporations Regulations

Item	Provision	Document
1	5.3A.01	Notice by administrator of ending of administration of company
2	5.3A.03	Notice of appointment of administrator under section 436E, 444A, 449B, 449C or 449D of the Act

## Schedule 3—Documents exempt from inspection

Note: See section 45.

### 1 Documents mentioned in the Act

The following table sets out documents mentioned in the Act that are exempt documents.

<b>Documents mentioned in the Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Documents</b>
1	21-5	Documents to accompany application
2	22-5	Documents to accompany application
3	23-5	Documents to accompany application
4	69-20(1) and (2)	Documents evidencing constitutional changes
5	69-25	Documents evidencing constitutional changes made by special administrator
6	88-1(2)	Special resolution and relevant minutes
7	201-10(1)	Application by director for permission to deny request to hold general meeting
8	304-1(2)	Copy of letter of resignation
9	339-90(1)(c), (2)(c) and (3)(d)	Notice by auditor of suspected contravention of Act or attempt to improperly influence conduct of audit
10	439-10(1)(b)	Request by corporation members for Registrar to arrange and hold general meeting
11	487-5(1)(h)	Request by directors for Registrar to appoint special administrator
12	487-5(1)(i)	Request by members for Registrar to appoint special administrator
13	487-10(1)(b)	Copies of written representations made in response to notice given under paragraph 487-10(1)(a)
14	502-1	Copy of document given to Registrar under section 502-1
15	546-1(1)	Application by corporation, director, member or liquidator to deregister corporation
16	663-20(1)	Notice by Registrar of pecuniary and other interests

### 2 Documents mentioned in the Corporations Act

The following table sets out documents mentioned in the Corporations Act that are exempt documents.

<b>Documents mentioned in the Corporations Act</b>		
<b>Item</b>	<b>Provision</b>	<b>Documents</b>
1	324CA(1A)(d)(ii)	Notice of conflict of interest
2	324CB(1A)(e)(ii)	Notice of conflict of interest
3	324CC(1A)(e)(ii)	Notice of conflict of interest

**Schedule 3** Documents exempt from inspection

Clause 2

---

**Documents mentioned in the Corporations Act**

---

<b>Item</b>	<b>Provision</b>	<b>Documents</b>
4	324CE(1A)(d)(ii)	Notice of particular circumstances
5	324CF(1A)(e)(ii)	Notice of particular circumstances
6	324CG(1A)(d)(ii)	Notice of particular circumstances
7	324CG(5A)(e)(ii)	Notice of particular circumstances
8	327B(2A)(b)	Notice that conflict of interest or particular circumstances have changed
9	327B(2B)(b)	Notice that conflict of interest or particular circumstances have changed
10	327B(2C)(b)	Notice that conflict of interest or particular circumstances have changed

---



## Schedule 4—Modification of applied Corporations Act provisions

Note: See paragraph 49(b) and sections 50, 51 and 53.

### 1 Modification of Corporations Act special administration provisions

The following table sets out modifications of Corporations Act special administration provisions.

<b>Corporations Act special administration provisions</b>		
<b>Item</b>	<b>Provision</b>	<b>Modification of provision</b>
1	Section 9	Insert: <i>CATSI Act</i> means the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> . <i>CATSI Regulations</i> means any regulations made under the CATSI Act.
2	Subsections 440J(2) and (3)	Omit “section 1323” (wherever occurring), substitute “section 576-20 of the CATSI Act”.
3	Paragraph 440J(2)(c)	Omit “this Act”, substitute “the CATSI Act, the CATSI Regulations and any provision of this Act applied by a provision of the CATSI Act”.
4	Subsection 442F(1)	Omit “Sections 128 and 129”, substitute “Sections 104-1 and 104-5 of the CATSI Act”.
5	Paragraph 442F(1)(b)	Omit “section 129”, substitute “section 104-5 of the CATSI Act”.
6	Subsection 442F(2)	Omit “sections 128 and 129” (wherever occurring), substitute “sections 104-1 and 104-5 of the CATSI Act”.
7	Section 443D	Repeal the section, substitute: <b>443D Right of indemnity</b> The administrator of a company under administration is entitled to be indemnified out of the company’s property for: (a) debts for which the administrator is liable under Subdivision A or a remittance provision as defined in subsection 443BA(2); or (b) any other debts or liabilities incurred, or damages or losses sustained, in good faith and without negligence, by the administrator in the performance or exercise, or purported performance or exercise, of any of his or her functions or powers as administrator.

### 2 Modification of Corporations Act receiver provisions

The following table sets out modifications of Corporations Act receiver provisions.

## Schedule 4 Modification of applied Corporations Act provisions

### Clause 3

#### Corporations Act receiver provisions

Item	Provision	Modification of provision
1	Section 9	Insert: <i>CATSI Act</i> means the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> . <i>CATSI Regulations</i> means any regulations made under the CATSI Act.
2	Subparagraph 423(1)(a)(iv)	Omit “this Act, the regulations or the rules”, substitute “the CATSI Act, the CATSI Regulations and any provision of this Act applied by a provision of the CATSI Act or the rules”.
3	After paragraph 425(5)(b)	Insert: (ba) a special administrator;

### 3 Modification of Corporations Act administration provisions

The following table sets out modifications of Corporations Act administration provisions.

#### Corporations Act administration provisions

Item	Provision	Modification of provision
1	Section 9	Insert: <i>CATSI Act</i> means the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> . <i>CATSI Regulations</i> means any regulations made under the CATSI Act.
2	Subsection 437E(3)	Omit “section 1318”, substitute “section 576-1 of the CATSI Act”.
3	Subsections 440J(2) and (3)	Omit “section 1323” (wherever occurring), substitute “section 576-20 of the CATSI Act”.
4	Paragraph 440J(2)(c)	Omit “this Act”, substitute “the CATSI Act, the CATSI Regulations and any provision of this Act applied by a provision of the CATSI Act”.
5	Paragraph 446A(2)(a)	Omit “section 491”, substitute “section 526-20 of the CATSI Act”.
6	Subsection 446B(1)	Omit “section 491”, substitute “section 526-20 of the CATSI Act”.

### 4 Modification of Corporations Act winding up provisions

The following table sets out modifications of Corporations Act winding up provisions.

#### Corporations Act winding up provisions

Item	Provision	Modification of provision
1	Section 9	Insert: <i>CATSI Act</i> means the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> .

<b>Corporations Act winding up provisions</b>		
<b>Item</b>	<b>Provision</b>	<b>Modification of provision</b>
		<i>CATSI Regulations</i> means any regulations made under the CATSI Act.
2	Section 9 (definition of <i>registered liquidator</i> )	Repeal the definition, substitute: <i>registered liquidator</i> , for the Corporations Act winding up provisions, means a person who is approved in writing as a liquidator by the Registrar of Aboriginal and Torres Strait Islander Corporations.
3	Paragraphs 459C(1)(a) and (b)	Repeal the paragraphs, substitute: (a) an application under section 166-10 or 526-15 of the CATSI Act; or (b) an application for leave to make an application under section 526-15 of the CATSI Act.
4	Subsections 465A(1) and (2)	Omit “459P, 462 or 464”, substitute “526-15 of the CATSI Act”.
5	Subsection 465B(1)	Omit “459P, 462 or 464”, substitute “526-15 of the CATSI Act”.
6	Section 465C	Omit “459P, 462 or 464”, substitute “526-15 of the CATSI Act”.
7	Section 467A	Omit “or 5.4A”
8	Section 467B	Omit “section 233, 459A, 459B or 461”, substitute “section 166-5 or 526-1 of the CATSI Act”.
9	Subsection 486A(3)	Omit “section 1323”, substitute “section 576-20 of the CATSI Act”.
10	Section 513A	Omit “section 233, 459A, 459B or 461”, substitute “section 166-5 or 526-1 of the CATSI Act”.
11	Paragraph 513D(a)	Omit “section 233, 459A, 459B or 461”, substitute “section 166-5 or 526-1 of the CATSI Act”.
12	Subsection 532(1)	Omit “is a registered liquidator”, substitute “approved in writing by the Registrar of Aboriginal and Torres Strait Islander Corporations as a liquidator of that company”.
13	Paragraph 588E(4)(a)	Omit “subsection 286(1)”, substitute “subsection 322-10(1) of the CATSI Act”.
14	Paragraph 588E(4)(b)	Omit “subsection 286(2)”, substitute “subsection 322-10(2) of the CATSI Act”.
15	Subsection 588E(5)	Omit “subsection 286(1)”, substitute “subsection 322-10(1) of the CATSI Act”.
16	Subsection 588E(6)	Omit “subsection 286(2)”, substitute “subsection 322-10(2) of the CATSI Act”.
17	Subsection 588J(1)	Omit “section 1317G”, substitute “section 386-10 of the CATSI Act”.
18	Subsection 588J(1)	Omit “section 206C”, substitute “section 279-15 of the CATSI Act”.
19	Paragraph 588Z(b)	Omit “section 206A”, substitute “section 279-1 of the CATSI Act”.
20	Paragraph 589(1)(d)	Repeal the paragraph.
21	Subsection 589(2)	Repeal the subsection.
22	Paragraph 589(3)(a)	Omit “subsection 601AA(4) or 601AB(3)”, substitute

## Schedule 4 Modification of applied Corporations Act provisions

### Clause 4

#### Corporations Act winding up provisions

<b>Item</b>	<b>Provision</b>	<b>Modification of provision</b>
		“subsection 546-1(4) or 546-5(3) of the CATSI Act”.
23	Paragraph 589(3)(b)	Omit “subsection 601AA(4) or under subsection 601AB(3)”, substitute “subsection 546-1(4) or 546-5(3) of the CATSI Act”.
24	Paragraph 589(3)(b)	Omit “subsection 601AB(1)”, substitute “subsection 546-5(1) of the CATSI Act”.
25	Subsection 589(5) (paragraph (c) of the definition of <i>appropriate officer</i> )	Repeal the paragraph.
26	Subsection 589(5) (paragraph (e) of the definition of <i>appropriate officer</i> )	Omit “or the NCSC, as the case requires”.
27	Subsection 589(5) (paragraph (c) of the definition of <i>relevant day</i> )	Repeal the paragraph.
28	Subsection 589(5) (paragraph (f) of the definition of <i>relevant day</i> )	Omit “subsection 601AA(4) or 601AB(3)”, substitute “subsection 546-1(4) or 546-5(3) of the CATSI Act”.
29	Subsection 589(6)	Repeal the subsection.
30	After subsection 590(1)	Insert: (1A) Paragraphs 590(1)(c), (g) and (h) do not apply to conduct or representations before the commencement of the CATSI Act.
31	Sections 592 to 594	Repeal the sections.

## **Schedule 5—Repeals**

### *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007*

#### **1 The whole of the instrument**

Repeal the instrument.