



Australian Government

**Office of the Registrar of Aboriginal
and Torres Strait Islander Corporations**

**DETERMINATION UNDER SECTION 336-1(1) OF THE *CORPORATIONS
(ABORIGINAL AND TORRES STRAIT ISLANDER) ACT 2006***

**NOTICE UNDER SECTION 453-5(1) OF THE *CORPORATIONS
(ABORIGINAL AND TORRES STRAIT ISLANDER) ACT 2006***

Mr David Mirrawana
Secretary
Bawinanga Aboriginal Corporation
PMB Box 102
WINNELLIE NT 0822

The directors
Bawinanga Aboriginal Corporation
PMB Box 102
WINNELLIE NT 0822

WHEREAS the Bawinanga Aboriginal Corporation (the corporation) (ICN: 29) was under special administration under section 487-1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) from Wednesday 31 October 2012 until Monday 30 June 2014.

TAKE NOTICE THAT I, Ruth Jones, a delegate of the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) have determined under section 336-1 of the CATSI Act, that the corporation must prepare the following additional reports by the specified time frames.

Consolidated financial reports

- A.** The corporation must prepare consolidated monthly financial reports that comprise of:
- (i) a monthly and progressive year to date income and expenditure statement which is prepared as at the last day of each calendar month (the statement must record the amount and type of income derived by the corporation during the relevant month, and detail the expenditure incurred by the corporation throughout the month on a line item basis)
 - (ii) a balance sheet showing the assets and liabilities of the corporation as at the close of business on the last day of each calendar month
 - (iii) a consolidated cash flow statement reconciled to the corporation's bank accounts showing the cash position of the corporation as at the close of business on the last day of each calendar month
 - (iv) a list of unpaid creditors as at the last day of each month. The list should include the name, address and amount owing to each of the corporation's creditors, and the number of days the account has been outstanding
 - (v) a list of outstanding debtors as at the last day of each month. The list should include the name, address and amount owing to the corporation from each of the corporation's debtors, and the number of days the amount has been outstanding.

Divisional financial reports

B. The corporation must also prepare the following monthly financial reports for each division of the corporation (i.e. Barlmarrk Store, Djelk Rangers, Mechanical Workshop, Road Crew Operations, Remote Communities Program, Corporate Services and Maningrida Arts and Culture) comprising of:

- (i) a monthly and progressive year to date income and expenditure statement which is prepared as at the last day of each calendar month.

The statement must record the amount and type of income derived for the division during the relevant month, and detail the expenditure incurred by the division throughout the month by line item.

The increased monthly financial reporting requirements referred to in paragraphs A and B above commence from the date of this notice. The first monthly financial report required will be for the month from 1 July 2014 until 31 July 2014.

The corporation must lodge each monthly financial report required under paragraphs A and B above with the Registrar within 28 days after the end of the month being reported on.

The increased monthly financial reporting requirements referred to in paragraphs A and B above end when the Registrar advises the corporation in writing that these reports are no longer required.

AND TAKE NOTICE THAT under section 453-5(1) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, I, Ruth Jones, a delegate of the Registrar of Aboriginal and Torres Strait Islander Corporations require you to provide to the Registrar of Aboriginal and Torres Strait Islander Corporations (Registrar) the following information by the specified time frames:

Minutes of all meetings

C. The corporation must forward to the Registrar:

- copies of the minutes and board papers of all directors' meetings (together with copies of any notices sent to directors for such meetings)
- copies of minutes and reports of all general meetings (together with copies of any notices sent to members for such meetings)
- copies of the minutes and reports of all meetings held by the audit and risk committee (together with copies of any notices sent to members for such meetings).

The documentation referred to in paragraph C above is to be forwarded to the Registrar within 14 days after each meeting is held.

The corporation must send the documents referred to in paragraph C above to the Registrar from the date of this notice until such time as the Registrar notifies the corporation in writing that he is satisfied that it is no longer necessary to do so.

Australian Taxation Office repayment plan

- D.** The corporation must provide a copy of the quarterly statement from the Australian Taxation Office for the integrated client account referencing the payment arrangement for the monthly instalment payments of \$10,594.71.

The documentation referred to in paragraph D above is to be forwarded to the Registrar within 28 days after the end of each quarter (i.e. 1 July 2014 to 30 September 2014 and 1 October to 31 December 2014 and 1 January 2015 to 31 March 2015 and 1 April 2015 to 30 June 2015).

Maningrida Progress Association Incorporated loan repayment plan

- E.** The corporation must also provide a quarterly report on the repayment plan for the interest only loan from the Maningrida Progress Association Incorporated.

The documentation referred to in paragraph E above is to be forwarded to the Registrar within 28 days after the end of each quarter (i.e. 1 July 2014 to 30 September 2014 and 1 October to 31 December 2014 and 1 January 2015 to 31 March 2015 and 1 April 2015 to 30 June 2015).

Chief Executive Officer

- F.** The corporation must report monthly to the Registrar on the progress made towards appointing a chief executive officer (CEO) at the corporation.

The report should include the following information:

- details of any interviews conducted
- expected date of appointment.

The documentation referred to in paragraph F above is to be forwarded to the Registrar within 14 days after the end of each calendar month.

Lodgement of the reports and documents

- G.** The corporation may lodge the reports and documents referred to in the above paragraphs in one (or more) of the following ways:
- (i) by posting the documents to the Registrar PO Box 2029 Woden ACT 2606
 - (ii) by faxing the documents to the Registrar via (02) 6133 8080
 - (iii) by emailing the documents to the Registrar at info@oric.gov.au

The corporation must send the documents referred to above to the Registrar from the date of this notice or such time as the Registrar notifies the corporation in writing that he is satisfied that it is no longer necessary to do so.

DATED this 1st day of July 2014.



A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a dotted line.

Ruth Jones
Delegate of the Registrar of Aboriginal and Torres Strait Islander Corporations

Note: The decision to issue this determination is a reviewable decision under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and you have the right to have the decision reviewed under Part 15-4 of the CATSI Act. Should you wish to avail yourself of that right, you will need to comply with the requirements of section 620-5 of the CATSI Act.