

Attachment G – Summary of Consultations on Proposed CATSI Act Amendments

Summary of the consultations for the proposed amendments to the CATSI Act

Consultations were conducted between August and September 2018. These consultations included both group and individual sessions with CATSI corporations, native title representative bodies, and government staff. In addition to this, representatives from the Office of the Registrar of Indigenous Corporations (ORIC) also conducted live radio interviews and gave presentations. Over 400 people attended the consultation sessions, another approximately 100 people attended the presentations and four live radio interviews were broadcasted.

Summary of responses to proposed amendments

Size classifications

Generally participants supported the proposed change to simplify the size classification test, although requested that ORIC provide guidance on the definition of ‘revenue’.

All participants supported the increased threshold for small corporations particularly to reduce the regulatory burden for those corporations.

Rule books

Participants agreed that having **all rules in one location** would be beneficial.

Most participants were satisfied that a two-year transition period would be adequate provided that ORIC provided thorough review and drafting support early.

Participants agreed in principle that having rules that are fit for purpose—that is, rules that members can understand and use—is important. Although there were differing opinions on how important it is to have simple language compared with thorough coverage of technical matters.

Business structures

Participants generally agreed that having more options for business structure under the CATSI Act was a positive change that mean entities could benefit from regulatory protection and support.

Meetings and reporting

Less frequent general meetings for small corporations

Participants generally supported the proposal and noted a number of things for ORIC to consider in implementation including directors’ terms, succession planning for boards, and member participation in corporate activities if members only meet once in three years.

Members’ access to reports

All corporation participants said they already table reports at their AGMs and didn’t realise it wasn’t already a requirement. All commented there is no doubt that this is basic good governance. Some participants wanted to know what penalty applies if a corporation fails to table reports at their AGM.

30-day automatic extension of time for meetings and reporting

Participants received this proposal well and asked for further guidance in regard to some issues.

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Membership

Use of alternative contact details

Participants expressed some concern about reducing the non-contactable period to 12 months and corporations not undertaking genuine attempts to contact. Addressed through drafting.

Privacy of member register info

Corporations strongly opposed publishing of personal information for members and directors for reasons of general privacy and identity theft.

Many referred to the Australian Securities and Investment Commission's (ASIC) registry practice where users have to pay to access member lists. Some participants indicated support for ORIC to adopt a similar scheme requiring an effort for a user to access a list.

Participants raised that cases where member information is redacted may make it difficult to conduct member petitions. Addressed through drafting.

Transparency of senior executives

10-year work history

No comments were recorded on this specific issue.

Remuneration

Stakeholder responses ranged from strong support to vigorous opposition. Some of those that supported the proposed amendment were cautious in their support. While they agreed in principle that accountability needed to be improved they were quite concerned that the proposed level of accountability may be too much, particularly reporting to members. Policy position subsequently modified through drafting.

Thresholds for related party benefits

Consultations revealed that many participants were unaware of the current requirement for member approval for all related party transactions.

The value of the proposed threshold generated varying responses—with clear position emerging from the discussions.

Special administration

Stakeholders generally supported the additional grounds.

Voluntary deregistration

No debate or opposition.

Compliance powers

Stakeholders generally understood and agreed that action in court was a drastic and inappropriate remedy for lower-level cases of non-compliance.

Miscellaneous e.g.

Prohibited names

Supported.

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Independent directors

Supported.

Native title protections

Supported.

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Consultation sessions on the proposed amendments to the CATSI Act

Consultations with corporations

Location	Date	Corporation	No. of Participants
Darwin	Wed 8 Aug	Arnhem Land Progress Association	2
Broome	Mon 13 Aug	Kullarri Regional Communities Indigenous Corporation	3
		Mamabulanjin Aboriginal Corporation	1
	Tues 14 Aug	Yawuru	3
Derby	Tues 14 Aug	Winun Ngari Aboriginal Corporation	6
		Emama Nguda Aboriginal Corporation	3
Kununurra	Thur 16 Aug	MG Corporation	4
	Fri 17 Aug	Ord Valley Aboriginal Health Service	14
Alice Springs	Mon 20 Aug	Central Australian Aboriginal Media Association	1
		NPY Women’s Council	2
	Tues 21 Aug	Regional Anangu Services Aboriginal Corporation	1
Perth	Thu 23 Aug	Buurabalayji Thalanyji Aboriginal Corporation RNTBC	2
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Public information sessions

Location	Date	Venue	No. of Participants
Coffs Harbour	Tues 7 Aug	Coffs ex Services Club	26
Darwin	Wed 8 Aug	Vibe Hotel Darwin Waterfront	27
Broome	Mon 13 Aug	Mangrove Hotel, Broome	17
Kununurra	Thur 16 Aug	Kimberley Grande Resort	7
Alice Springs	Tues 21 Aug	DoubleTree by Hilton Hotels	15
Perth	Wed 22 Aug	Liberty Conference Room, 197 St Georges Terrace Perth	33
Adelaide	Fri 23 Aug	ATO Office, Adelaide	14
Cairns	Mon 27 Aug	Tjapukai Cultural Centre	25
Dubbo	Tues 28 Aug	Dubbo RSL	9
Sydney	Wed 29 Aug	National Centre of Indigenous Excellence, Redfern	8
Thursday Island	Wed 29 Aug	Port Kennedy Hall	4
Melbourne	Mon 3 Sept	Novotel, St Kilda	11
Canberra	Thur 13 Sept	Centraplaza, Woden	10
Brisbane	Fri 14 Sept	Christie Conference Space	16
		14	222

General broadcasts or presentations

Location	Date	Format		Audience
Darwin	Wed 8 Aug	Media interview	Aboriginal Broadcasting Australia (Radio Larrakia)	Live Broadcast
Torres Strait	Thur 30 Aug	Media interview	Radio 4MW	Live Broadcast
Broome	Mon 13 Aug	Media interview	ABC Broome	Live Broadcast
Darwin	Thur 9 Aug	Media interview	TEABBA Radio 886 Stuart Highway, Pinelands	Live Broadcast
Thursday Island	Wed 29 Aug	Presentation	Fisheries Summit	Approx. 80
Torres Strait		Presentation	TSRA Board	Approx. 20

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Individual consultations with native title representative bodies/service providers

Location	Date	Organisation	No. of Participants
Brisbane		Queensland South Native Title Services	5
Cairns	Tues 28 Aug	Cape York Land Council	3
Alice Springs	Wed 22 Aug	Central Land Council	4
Broome	Tues 14 Aug	Kimberley Land Council	5
Melbourne		National Native Title Council, NNTC members, Australian Institute of Aboriginal and Torres Strait Islander Studies, National Native Title Tribunal	45
Cairns	Tues 28 Aug	North Queensland Land Council	4
Perth	Thu 23 Aug	South West Land and Sea Council	1
	Thu 23 Aug	Yamatji Marlpa Aboriginal Corporation	2
		8	69

Individual consultations with peak bodies and key stakeholders

Location	Date	Stakeholder	No. of Participants
Darwin	Thur 9 Aug	Aboriginal Peak Organisations of the NT & Aboriginal Medical Services Alliance Northern Territory	4
Melbourne	Mon 3 Sept	Australian Securities and Investment Commission	4
Perth	Thu 23 Aug	National Native Title Council	1
Video (multiple locations)	Fri 3 Aug	National Native Title Tribunal Registrar	1
Canberra	Mon 10 Sept	National Aboriginal Community Controlled Health Organisation	1
		5	11