

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the Corporations (Aboriginal and Torres Strait Islander) Amendment Bill 2021

Prime Minister and Cabinet Portfolio

Department/Agency: National Indigenous Australians Agency

Topic: CATSI Amendment Bill - recommendations

Senator: Dodson

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Question:

Senator DODSON: ... Why were recommendation 1 and recommendation 62 of the NIAA review not supported?

Mrs Hope: I might hand over to Mr Huey to talk through the detail of that, but recommendation 1, in essence, we believe is picked up within the heart of the bill and is at the heart of the amendments. Mr Huey, would you like to provide some more clarification for the senator?

Mr Huey: As Ms Hope explained, on reviewing the bill we actually identified that recommendation 1 is essentially already embodied within the bill, so it was considered there was no further requirement to actually expressly include that provision. Recommendation 62 is a very important recommendation, as you'd be aware, and at this point in time we've not excluded taking this recommendation forward at a subsequent date. It was a recommendation that we felt actually required very strong consideration and further engagement, particularly with the native title sector, to make sure that, in whatever form that recommendation was taken forward, it would actually be appropriate.

Senator DODSON: Are you able to point me to—

Mr Huey: [inaudible] change in the future.

Senator DODSON: Sorry. You dropped out and I intervened. I missed a bit of what you were saying.

Mr Huey: My apologies. We're aware that some stakeholders have expressed concern about this recommendation not being taken forward, but I did want to make it clear that it has not actually been ruled out, in terms of taking it forward at a future time. With this particular recommendation, we thought it was important that we do the appropriate level of consultation and engagement with the community to actually take this recommendation forward in a really meaningful way, and we thought it actually was the recommendation that needed a fairly additional amount of consideration. At the moment, as the registrar this morning explained, the C(ATSI) Act actually applies in its entirety to RNTBCs, and then there are a number of provisions within the C(ATSI) Act that specifically apply only to RNTBCs. In the interim,

ORIC will work with the NIAA to develop a policy statement or fact sheet to assist the native title sector. Longer term, we'll be looking to take forward some further work around whether or not this is a potential amendment we could make in subsequent years.

Senator DODSON: Maybe, for the purpose of completeness, it would be useful as well to identify the places within the act where you say there's already the embodiment of the capacity-building requirements that organisations say are necessary.

Mr Huey: Yes, we certainly can. I'll just see if I can find the specific section for you now. I can come back to that question in a moment, if you like, Senator, if you have another question. I'll just find the particular section for you.

Answer:

Section 658-1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) specifies that the functions of the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) include conducting public education programs on the operation of the Act and on the governance of Aboriginal and Torres Strait Islander corporations, and conducting research in relation to matters affecting Aboriginal and Torres Strait Islander corporations.

Further, section 658-5 of the CATSI Act requires that in performing his or her functions and exercising his or her powers, the Registrar must have as aims (among others) to:

- facilitate and improve the effectiveness, efficiency, sustainability and accountability of Aboriginal and Torres Strait Islander corporations
- have regard to Aboriginal and Torres Strait Islander tradition and circumstances.

As such, in administering the CATSI Act—everything from incorporation, training, guidance, examinations, investigations, special administrations, deregistration and winding up—the Registrar must facilitate and improve the capability of Aboriginal and Torres Strait Islander corporations and have regard to the tradition and circumstances of Aboriginal and Torres Strait peoples.