

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 |
| | | 12 | 42 |

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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 |