

Registrar of Indigenous Corporations

**SENATE ECONOMICS COMMITTEE
QUESTION ON NOTICE**

Inquiry into cooperatives, mutual and member-owned

Question No. 1

On 29 February 2016 the Senate Estimates Committee asked:

"How has the mandatory incorporation of Indigenous Organisations receiving grants of \$500,000 or more per annum under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, administered by the Office of the Registrar of Indigenous Corporations through the Federal Indigenous Advancement Strategy, affected existing and pending Aboriginal Coops who are incorporated under other legislation , and how has this mandatory situation removed an important element of Aboriginal cultural diversity from the Cooperative sector in Australia?"

Registrar of Indigenous Corporations – The Registrar of Indigenous Corporations has provided the following answer to the committee's question:

The Registrar of Indigenous Corporations (the Registrar) administers the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). The CATSI Act is a special statute of incorporation designed for the protection and advancement of Aboriginal and Torres Strait Islander people.

The CATSI Act is the only incorporation statute specifically enacted to promote and protect the culture of Aboriginal and Torres Strait Islander people. The CATSI Act 'provides sufficient flexibility for [Aboriginal and Torres Strait Islander] corporations to accommodate specific cultural practices and tailoring to reflect the particular needs and circumstances of individual groups'.¹

All corporations registered under the CATSI Act must be controlled and owned by Aboriginal and Torres Strait Islander people.²

From 1 July 2014 the Australian Government set the requirement for Indigenous organisations receiving grants of \$500,000 or more per annum from the Indigenous Affairs Group within the Department of the Prime Minister and Cabinet (PM&C) to incorporate under the CATSI Act.

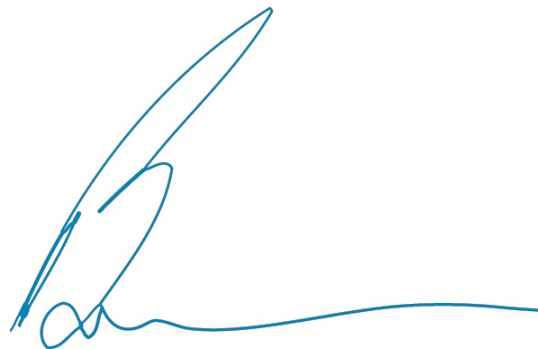
¹ Explanatory memorandum: Corporations (Aboriginal and Torres Strait Islander) Bill 2005, clause 3.15, p8

² Section 246-5 (Majority of director requirements); s29-5 (Indigeneity requirement).

The Registrar does not administer the incorporation requirement or the Indigenous Advancement Strategy. Any questions regarding these should be directed to PM&C.

Since 1 July 2014 only one 'cooperative' has transferred its incorporation to the CATSI Act.

The Registrar's office is unable to comment on the cooperative sector nor its diversity as he does not regulate that sector. However, the Registrar is of the view that the transfer of one cooperative to the CATSI Act in almost two years would not have any impact on the 'cooperative sector'.

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a horizontal line that ends in a small loop.

Anthony Beven
Registrar of Indigenous Corporations
11 March 2016