

Aboriginal Peak Organisations Northern Territory (APO NT)

An alliance of the Central and Northern Land Councils and
Aboriginal Medical Services Alliance Northern Territory

Senator James Paterson
Chair, Senate Finance and Public Administration Legislation Committee
PO BOX 6100, Parliament House
Canberra ACT 2600
Via email: fpa.sen@aph.gov.au

25 January 2019

Dear Senator,

Re: APO NT's Submission to the Inquiry by Senate Finance and Public Administration Legislation Committee into the Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018

The Aboriginal Peak Organisations of the Northern Territory (APO NT) write to you in response to the Discussion Paper issued August 2018 and to provide a brief submission to the Inquiry on the amendments to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act) proposed by the *Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018* (Inquiry). APO NT acknowledges the submission presented by the National Aboriginal Community Controlled Health Organisation (NACCHO) to the Inquiry and we endorse NACCHO's recommendations.

APO NT is an alliance comprising the Central Land Council (CLC), the Northern Land Council (NLC) and the Aboriginal Medical Services Alliance of the Northern Territory (AMSANT). Since its establishment in 2010, APO NT has been working to develop constructive policies on critical issues facing Aboriginal and Torres Strait Islander people in the Northern Territory and to influence the work of the Australian and Northern Territory Governments. As representatives from peak organisations in the Northern Territory, our goal is to protect and promote the rights and wellbeing of Aboriginal people. APO NT is auspiced through AMSANT, which is registered under the CATSI Act.

The CATSI Act is an important piece of legislation that helps facilitate the self-determination of Aboriginal and Torres Strait Islander peoples in modern Australia. We therefore welcome a review to ensure that the CATSI Act continues to benefit Aboriginal and Torres Strait Islander corporations as intended.

Although we support many of the changes proposed by the Bill, we see no urgency for the Bill to be passed at this time and agree with NACCHO's recommendation that a Bill should not proceed before the upcoming federal election has been held in May 2019.

We agree with NACCHO's submission that the CATSI Act should be considered a 'special measure' for the purposes of subsection 8(1) of the *Racial Discrimination Act 1975* (Cth) and believe it should be treated accordingly. To date, the process for amending the CATSI Act and drafting the Bill has largely ignored this. Additionally, the Bill has not been based on transparent, comprehensive review and has lacked meaningful consultation and participation of Aboriginal people and their representative organisations during the decision making process. In light of this, we support the recommendation included in the NACCHO submission that an incoming federal government agree to a comprehensive review that is more inclusive than the technical review conducted in 2017. We believe this would help to ensure that the unique needs and interests of the Indigenous sector are being served.

Such a review should look closely at the current Bill to determine whether all of the proposed amendments are beneficial to Aboriginal corporations and communities. APO NT shares the concerns expressed in the NACCHO submission regarding new reporting requirements for corporations concerning the work history and remuneration of CEOs and senior executives. We do not see the need for remuneration of Key Management Personnel to be disclosed to the Registrar and disagree that the Registrar should have the power to set maximum limits on remuneration. We would however suggest that the Registrar be able to establish indicative salary bandwidths as a way to benchmark industry standard. This could serve as a guide for boards and could be specific to the different sectors and service providers.

Additionally, APO NT suggests that the statutory duties of care and diligence of CEOs and senior executives outlined in the CATSI Act should be supported by an amendment requiring corporations to undertake regular performance reviews of their most senior manager. If not incorporated into the CATSI Act then this requirement should be embedded in all Commonwealth grant agreements.

To discuss the details of APO NT's submission, please contact Brionee Noonan

Yours sincerely,

John Paterson

Mr. John Paterson
CEO AMSANT



Mr. David Ross
Director CLC



Mr. Rick Fletcher
Interim CEO



