

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Supplementary Budget Estimates 19-23 October 2015

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: Outcome 2: Indigenous

Topic: Cooperative, mutual and member-owned firms

Senator: Senator Nick Xenophon

Question reference number: 157

Type of question: Written

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Question:

Why does the current reading of the Commonwealth IAS Guideline 2.8.2 apply to Aboriginal organisations in the first part of that Guideline Clause but not to non-Aboriginal organisations in the second part of that Guideline?

Answer:

The first part of clause 2.8.2 requires Indigenous organisations to incorporate under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). The second part of clause 2.8.2 requires other organisations (non-Indigenous organisations) to incorporate under the *Corporations Act 2001*.

Non-indigenous organisations are not required to incorporate under the CATSI Act because the CATSI Act “maintains a special statute of incorporation for Aboriginal and Torres Strait Islander peoples that takes account of the special risks and requirements of the Indigenous corporate sector” (CATSI Act Explanatory Memorandum refers).