

# CHAPTER 1

## INTRODUCTION

1.1 This report examines the following three bills:

- the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 (the 2005 Bill);
- the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 (the Transitional Bill); and
- the Corporations Amendment (Aboriginal and Torres Strait Islander) Bill 2006 (the Amendment Bill).

1.2 The three bills form an interrelated package. The 2005 Bill was introduced into the House of Representatives on 23 June 2005. It is intended to repeal and replace the *Aboriginal Councils and Associations Act 1976* (the ACA Act) and improve the governance and capacity of Indigenous corporations.

1.3 The two 2006 bills complement the 2005 Bill. As its title indicates, the Transitional Bill provides for measures to assist Indigenous corporations to adapt their operations from the requirements of the 1976 Act to the requirements of the 2005 Bill. The Amendment Bill amends the Corporations Act 2001 to ensure the 2005 Bill interacts appropriately with the Corporations Act.

1.4 In addition to the bills, the Minister for Families, Community Services and Indigenous Affairs, the Hon Mal Brough, provided the committee with draft Parliamentary Amendments to the 2005 Bill which will be introduced during the committee stages of the consideration of the bills. These amendments were originally provided confidentially and reflect, in part, issues that emerged during the committee's inquiry during 2005. Subsequently, the minister authorised their publication to help promote transparency about the proposed changes to the 2005 Bill.<sup>1</sup>

### Background

1.5 On 6 September 2005, the Senate referred the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 (the 2005 Bill) to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 12 October 2005. The committee held a public hearing in Canberra on 4 October 2005.

1.6 On 11 October 2005, the committee agreed to extend the reporting date to the first sitting day in 2006. On 8 December 2005, the committee agreed to seek leave to further extend the reporting date to 30 March 2006. On 7 February 2006, the reporting date was further extended to 14 September 2006.

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1 The minister authorised publication of the draft amendments on 5 October 2006.

1.7 The extensions of the reporting date were intended to allow the Bill to be considered in conjunction with an exposure draft of the Transitional Bill. The Transitional Bill was introduced into Parliament on 14 September 2006, along with the Amendment Bill.

1.8 On 14 September 2006, the Senate referred the provisions of the Transitional Bill and the Amendment Bill to the committee for inquiry and report by 9 October 2006.

### **Conduct of the inquiry**

1.9 The committee advertised the inquiry for the 2005 Bill in *The Australian* newspaper on 14 September 2005, and invited submissions by 19 September 2005. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to over 30 organisations and individuals.

1.10 The committee received 17 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.11 The committee held a public hearing in Canberra on 4 October 2005. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

1.12 On 14 September 2006 the committee tabled an interim report on the 2005 Bill and stated it would present its final report to the Senate on 9 October 2006.

1.13 On 19 September 2006 the committee advertised the inquiry for the 2006 bills in *The Australian* newspaper and invited submissions by 25 September 2006. In addition to placing details of the inquiry on the committee's website, the committee wrote to all organisations and individuals that made submissions to the 2005 Bill. The committee also wrote to State premiers and Territory chief ministers inviting them to comment on the bills.

### **Structure of report**

1.14 Chapter 2 of this report summarises the 2005 Bill, while chapter 3 summarises the 2006 bills and the draft Parliamentary Amendments.

1.15 In chapter 4 the committee discusses the key issues that arose during the inquiry, and in chapter 5 the committee presents its views on all three bills and the draft Parliamentary Amendments.

### **Note on references**

1.16 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the

official Hansard: page numbers may vary between the proof and the official Hansard transcript.

### **Acknowledgement**

1.17 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

