

5 August 2021

National Indigenous Australians Agency

By email: CATSIActReview@niaa.gov.au

Dear CATSI Act Review Team

Exposure draft of the Corporations (Aboriginal and Torres Strait Islander) Amendment Bill 2021

Thank you for the opportunity to provide comments on the exposure draft of the Corporations (Aboriginal and Torres Strait Islander) Amendment Bill 2021.

First Nations Legal & Research Services (**First Nations**, formerly Native Title Services Victoria Ltd) is a not-for-profit company limited by guarantee providing professional services to Victorian Traditional Owners and Traditional Owner Corporations.

First Nations is funded by the Commonwealth government under s203FE of the *Native Title Act 1993* (Cth) to carry out the functions of a native title representative body as prescribed in that Act. First Nations also receives funding from the Victorian Government to assist Traditional Owners in negotiations and settlements under the *Traditional Owner Settlement Act 2010* (Vic). First Nations is committed to working with government to develop policy, legislative and administrative reforms targeted at achieving community aspirations and increasing levels of self-determination.

First Nations supports the submissions made by the National Native Title Council (**NNTC**). Further to our support for those submissions, we provide the following comments.

1. RNTBC chapter of the CATSI Act

First Nations made submissions in response to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) Draft Review Report in support of the creation of a separate chapter of the CATSI Act for RNTBCs. A separate chapter would pull together the provisions relevant to RNTBCs in a coherent and accessible manner and support increased transparency, accountability and effective corporate governance under the CATSI Act. A separate chapter/division could be developed over time to respond to the changing needs of RNTBCs, including the management of native title benefits.

A separate chapter for RNTBCs is an appropriate way to respond to the complex environment in which RNTBCs are required to operate and give effect to the status of the CATSI Act as a special measure for the advancement and protection of Aboriginal and Torres Strait Islander peoples.

The creation of a separate chapter/division was one of the 72 recommendations (Recommendation 62) made in the CATSI Act Review Final Report. Recommendation 62 is one of only 8 recommendations not being implemented by the Amendment Bill. In our view, this decision represents a missed opportunity to acknowledge the unique obligations and functions of RNTBCs and to support their



effective governance. First Nations strongly urges NIAA to reconsider the decision not to adopt recommendation 62.

2. Benefit management structures

In our previous submission to the CATSI Act Review, First Nations emphasised the need for improved options for benefit management structures for RNTBCs and noted our support for the NNTC's proposed PBC Economic Vehicle Status model. Supporting RNTBCs to be economically sustainable and viable corporations has long been recognised as a priority for government and the sector. A strong commitment to timely legislative change is required to remove the structural impediments to the economic development of RNTBCs.

I would be pleased to discuss further any of the matters raised in this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tony Kelly", is written in a cursive style.

Tony Kelly
Chief Executive Officer
First Nations Legal & Research Services