OFFICIAL

CATSI Act Review

# Part 3—Membership applications, member contact details and electronic communication

**Items 24 to 52, 74, 76, 77 and 83—Collecting other contact details**

Recommendation 46 in the CATSI Act Review aims to modernise the CATSI Act by allowing the collection of contact details such as email addresses and phone numbers when addresses are required to be collected, stating:

*It is recommended the CATSI Act be amended to provide for the collection of other contact details, such as email address and phone number, in addition to physical address details.*

These amendments give effect to the recommendation by inserting ‘and other contact details’ at sections in the CATSI Act which refer to addresses.

Some of the changes amend existing sections of the CATSI Act to ensure consistency of the collection of personal information across key positions within a corporation. For example, while section 304-5 requires corporations to provide the personal details of a newly appointed director, alternate director, secretary and contact person within 28 days of their appointment, this information is not collected for these positions when the corporation is registered. Items 26 to 30 amend section 21-1 to require the collection of this information when a corporation is being registered. Other sections are amended in the same way, including sections 22-1 and 23-1.

**Items 53 to 54 and 82—Contacting corporations and individuals**

The CATSI Act Review final report recommended enabling the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) to contact corporations and individuals using other contact methods than by-post or in person which can be lengthy and time consuming (recommendation 43):

*It is recommended the CATSI Act be amended to allow the Registrar to contact individuals and corporations using electronic means in addition to in-person or by post.*

These changes enable the Registrar to contact corporations and individuals using other contact details that are available, such as email.

**Items 55, 65, 66, 75 and 78—Phone numbers, email addresses and alternative addresses**

There was a strong theme in the CATSI Act Review final report to modernise existing provisions of the legislation and make it easier to contact corporations, members, other individuals and the Registrar. Recommendations 11 and 12 aim to make it easier for corporations to manage their membership bases:

Recommendation 11: *It is recommended corporations be required to collect phone numbers and email addresses of members where available*.

Recommendation 12: *It is recommended corporations be required to record alternative contact details, and be able to use those contact details when contacting members where available.*

These items amend existing sections of the CATSI Act that refer to corporations collecting address details from members, to also enable the corporation to collect, record and use other contact details such as email addresses, phone numbers and alternative addresses.

**Items 56 to 58 and 84—Timeframe for deciding membership applications, and grounds on which applications may be refused**

Two recommendations in the CATSI Act Review final report deal with the consideration of membership applications:

Recommendation 15: *It is recommended the CATSI Act be amended to require corporations to make a determination of membership applications within six months, and that the Registrar can extend or exempt this consideration period for a corporation or class of corporations.*

Recommendation 16: *It is recommended the CATSI Act require corporations to outline a dispute resolution process to deal with membership applications in their rule books.*

The changes proposed by item 56 would require directors to make a decision on a membership application within six months of the application being made. This will ensure that membership applications are considered in a timely manner and avoid delaying the initiation of new members that could have financial and other consequences for the affected members.

The change in wording to subsection 144-10(3), that is proposed by item 57, reflects the recent changes introduced through the *Native Title Legislation Amendment Act 2021* which prevents directors of a Registered Native Title Body Corporate from refusing a membership application from an applicant who is eligible for membership and has applied in the required manner.

Proposed subsection 144-10(3AA) enables Aboriginal and Torres Strait Islander corporations, that are not Registered Native Title Bodies Corporate, to introduce rules in their rule books in relation to the process for considering membership applications. These rules may limit the discretion that directors have to refuse an application from a person who meets the membership eligibility criteria and has applied in the required manner. These rules may also provide for a review process when directors have refused an application when a person meets the membership eligibility criteria and has applied in the required manner.

Item 58 empowers the Registrar to extend the six month timeframe for a corporation to make a decision about a particular membership application, or exempt a corporation from the timeframe altogether, upon request. It also enables the Registrar to make an extension or exemption determination in relation to applications for membership generally.

Item 84 adds to the list of reviewable decisions in section 617-1, the Registrar’s refusal to make a determination extending the six month timeframe for considering a membership application, or exempting a corporation from the period for making a decision. It also adds to the list a decision by the Registrar to revoke, vary or suspend a determination to extend the timeframe for making a decision or to exempt a corporation from the period for making a decision.

**Items 59 to 64—Cancelling memberships**

Another theme in the CATSI Act Review was making it easier for corporations to manage their membership bases, including recommendation 17:

*It is recommended the provision in the CATSI Act in relation to cancelling memberships based on contact with members and number of contact attempts be a replaceable rule.*

Item 59 inserts a new proposed section 150-24—a replaceable rule for cancelling memberships for CATSI corporations that are not Registered Native Title Bodies Corporate (RNTBCs). As a replaceable rule, corporations can change the provisions to tailor them to suit their own circumstances. The proposed provisions change the existing requirements for corporations when considering membership cancellation by changing the number of member contact attempts, the means by which the member should be contacted and timeframe within which contact must be attempted.

Items 60 to 64 deal with membership cancellation provisions for RNTBCs by amending existing section 150-25. Cancellation provisions are not a replaceable rule for RNTBCs as a result of the recent changes introduced by the *Native Title Legislation Amendment Act 2021*,whichrestrict membership cancellation provisions for RNTBCs to those grounds outlined in the CATSI Act. The existing cancellation provisions in section 150-25 are amended to align with cancellation requirements outlined in the proposed new section 150-24 (refer above).

**Items 67 to 71—Proper purpose test to inspect or copy membership registers**

To increase the privacy of members personal information held on registers of members and former members, recommendation 14 of the CATSI Act Review final report is:

*It is recommended the CATSI Act be amended to include a proper purpose requirement in relation to
section 180-25, inspecting a CATSI corporation’s member register.*

A proper purpose test is introduced when non-members seek to inspect a corporation’s register of members or register of former members, or request a copy of the register of members or register of former members. These changes require that a person state each purpose for which they are seeking to inspect, or seeking to access a copy of, either the register of members or register of former members. If the purposes stated by a person are prescribed in the CATSI Regulations, the corporation is prohibited from allowing the person to inspect, or providing the person with a copy of, either the register of members or register of former members. Members will be able to access both the register of members and register of former members without a proper purpose test.

These changes ensure that people who are seeking to inspect or receive a copy of either the register of members or register of former members have a genuine need to do so and are not attempting to misuse or exploit the information held on those registers. This change will require a corresponding change to the CATSI Regulations.

**Items 69, 72, 73, 79 and 85—Redacting members’ information from registers**

To enable members to control access to their personal information, recommendation 13 of the CATSI Act Review final report is:

*It is recommended members be able to make a request to corporations to have their contact details redacted from a member register and that if a member is dissatisfied with a corporation’s response to such a request, they can have the decision reviewed by the Registrar.*

These changes empower members and former members to request a corporation to redact their personal information from a corporation’s register of members or register of former members, respectively. Corporations are required to maintain redacted versions of the registers when they have received such requests, and when a person is seeking to inspect the registers, it is taken to mean the redacted versions. Also, when a corporation makes the registers available at its Annual General Meeting, it is taken to be the redacted versions.

Feedback is being sought in relation to the process by which a person could seek access to an unredacted register. Two possible versions of a new section 180-28 are included in the exposure draft (refer to pages 31-32). One alternative is that the Registrar grants access to an unredacted register. The second alternative is that the directors of the corporation do so.

Minor **technical** amendments to be taken forward

Items 80 and 81 broaden the means by which the Registrar is able to accept notice of changes to the Register (orally or in writing, rather than ‘by telephone or email’).