



ANTAKIRINJA MATU-YANKUNYTJATJARA ABORIGINAL CORPORATION RNTBC (ICN 2932)

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AMYAC Membership – Review of the CATSI Act

The Australian Government has proposed reforms to improve the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). These reforms will include changes to make Registered Native Title Bodies Corporate (RNTBCs) like AMYAC more transparent to its members, and to make clearer the obligations of these corporations when reviewing membership. As part of the reform process, the Australian Government engaged consultants at DLA Piper in late 2017 to conduct a technical review of the *CATSI Act* ('Technical Review').

The Technical Review

Part of the Technical Review looks at the membership responsibilities of RNTBCs. In particular, the Technical Review emphasises the fact that RNTBCs have a dual role; they act not only as the representative body of their members but also as the trustee for the common law holders whose interests they represent. For AMYAC, these common law holders are those who have a traditional spiritual connection and affiliation with the Antakirinja Matu-Yankunytjatjara (AMY) determination area in accordance with Western Desert traditional laws and customs.

To uphold the responsibilities of RNTBCs in carrying out their dual role, the Technical Review made the following recommendation:

It is recommended that directors may not refuse to accept an application if the eligibility requirements are met, that the directors be required to give notice where a person is considered not to meet eligibility requirements and that consideration be given to conferring powers upon the National Native Title Tribunal in relation to the resolution of disputes regarding whether or not a person is a common law holder of the relevant native title.

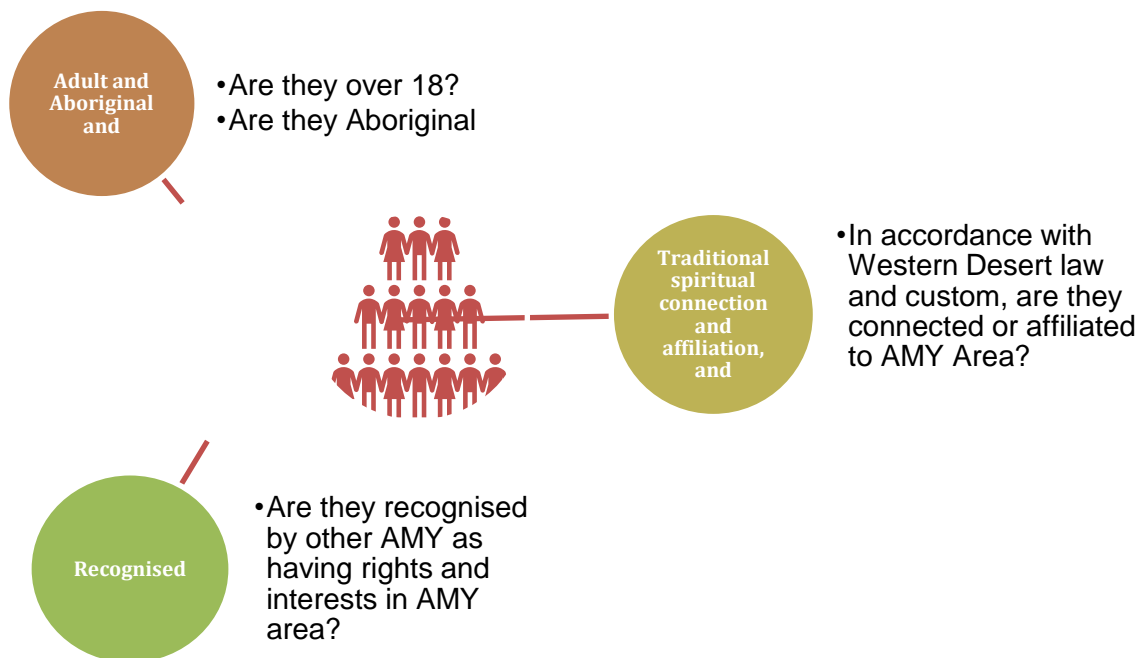
Membership to AMYAC

The CATSI Act requires RNTBCs to keep membership open to all common law holders of the native title for which the RNTBC acts as trustee. For AMYAC, membership is in accordance with the eligibility requirements set out by the AMY consent determination. These requirements have been adopted by the AMYAC Rule Book, which makes membership available to the common law holders of the AMY determination area. In particular, Rule 6.3.1(a) sets out the following eligibility requirements for AMYAC membership:

A person is eligible for membership of the corporation if they are an adult Aboriginal person who in accordance with traditional laws and customs of the Western Desert language and cultural group, and with whom they identify, has a traditional spiritual connection and affiliation with the Determination Area by way of one or more of the following means:

- i. being 'born' on that land, which includes being carried by their mother on that land for most of her pregnancy (a true bloodline); or*

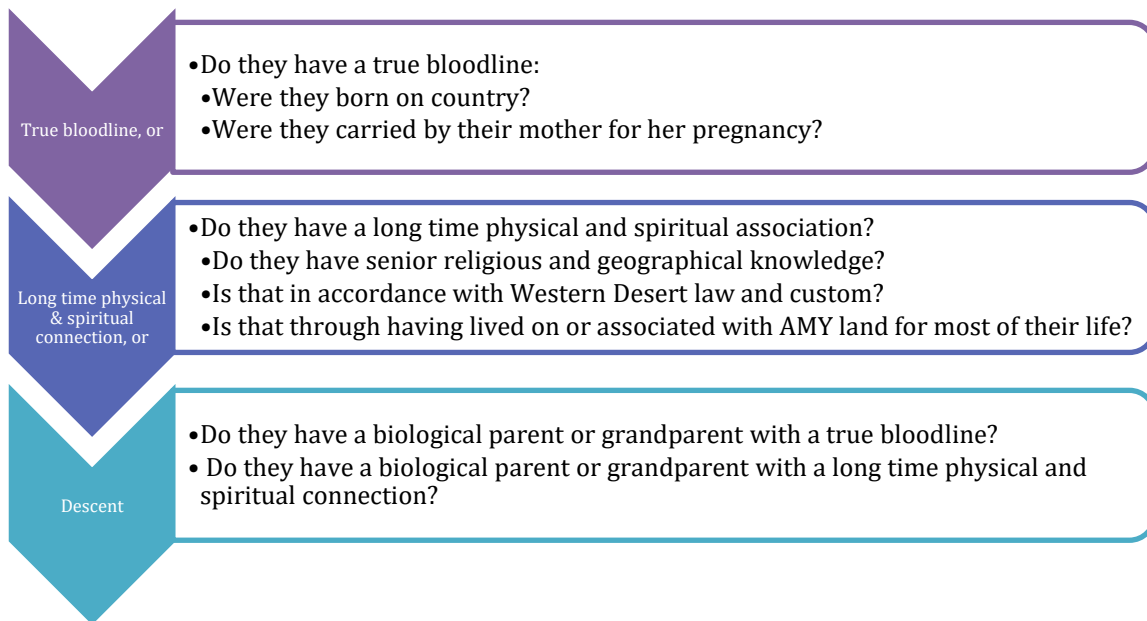
- ii. *having senior religious and geographical knowledge of the Determination Area in accordance with Western Desert traditional law and custom having lived on or associated with that land for most of their lifetime (long time physical and spiritual association); or*
- iii. (a) *by having a parent or grand-parent with a traditional connection to that land who was 'born' on that land, which includes being carried by their mother on that land for most of her pregnancy (a true bloodline); or*
 (b) *by having a parent or grandparent who has as a traditional connection to the Determination Area due to their senior religious and geographical knowledge of the Determination Area in accordance with Western Desert traditional law and custom having lived on or associated with that land for most of their lifetime; and is*
- iv. *recognised under the relevant Western Desert traditional laws and customs by other native title holders as having rights and interests in the Determination Area*



Who can be a member of AMYAC?

Under Rule 6.3.1(b), there are a number of factors that the AMYAC directors can take into account when considering Rule 6.3.1(a)(iv). These factors include:

- where the applicant, their parents and their grandparents were born;
- how the applicant's parents and grandparents are connected to the AMY determination area;
- periods where the applicant has lived in the AMY determination area;
- attendance by the applicant at cultural events, funerals, community events, and AMYAC meetings; and
- whether the applicant is recognised as Antakirinja, Matuntjarjara or Yankunytjatjara by those groups.



What will the board consider when reviewing a membership application?

The CATSI Act – A Comprehensive Review

A comprehensive review of the CATSI Act will take place this year, and discussion papers are scheduled for release in April. These discussion papers will provide the opportunity to let the Australian Government know interested people’s views on how the *CATSI Act* can be improved.

Further information

The full text of the Technical Review is available at:

https://www.oric.gov.au/sites/default/files/TechnicalReviewCATSIAct_DLAPiper.pdf