



Australian Government

Office of the Registrar of Indigenous Corporations



## POLICY STATEMENT 10

# Corporations' native title status

<b>Policy</b>	PS-10: Corporations' native title status
<b>Relevant legislative provisions</b>	CATSI Act Part 3-4
<b>Last updated</b>	4 February 2013
<b>Other relevant policies</b>	PS-08: Corporation names

## **PS-10: Corporations' native title status**

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## **PS-10: Corporations' native title status**

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### **1 Purpose**

- 1.1 In this policy statement, the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) describes the administrative arrangements that have been established to record changes in native title status for corporations.
- 1.2 References to sections in this policy statement are references to sections of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) unless otherwise specified. References to corporations in this policy statement are references to Aboriginal and Torres Strait Islander corporations unless otherwise specified. In addition, references in this policy statement to the Registrar are also references to a delegate who is lawfully exercising the powers of the Registrar.

### **2 Native title status**

- 2.1 A key aim of the CATSI Act is to interact appropriately with native title legislation.
- 2.2 Under the *Native Title Act 1993* a registered native title body corporate (RNTBC), must be registered under the CATSI Act to hold or manage native title rights and interests on behalf of Aboriginal or Torres Strait Islander people. Accordingly, the CATSI Act seeks to recognise and make special provision for those corporations which hold native title rights and interests.
- 2.3 Under the CATSI Act, an RNTBC is defined by reference to the *Native Title Act 1993*, which establishes a National Native Title Register (NNTR) containing all RNTBCs' names and addresses. The CATSI Act requires a corporation, which is also a RNTBC, to include in its name the words 'registered native title body corporate' or the abbreviation 'RNTBC'—sections 85-1(4) and 85-10. This signals to third parties that the corporation holds or manages native title rights and interests. For more information on corporation naming requirements, refer to 'PS-08: Corporation names'.
- 2.4 If a corporation becomes a RNTBC under the *Native Title Act 1993*, the corporation must, within 28 days of it being registered on the NNTR, notify the Registrar in writing—section 88-10(1). When the Registrar is notified or otherwise becomes aware of the change, the Registrar must change the corporation's name on the Register of Aboriginal and Torres Strait Islander Corporations (the Register) and include the words 'registered native title body corporate' in the corporation's name—section 88-10(2).
- 2.5 In addition, an Aboriginal and Torres Strait Islander corporation must notify the Registrar in writing, within 28 days, if it ceases to be an RNTBC—section 88-15(1). When the Registrar is notified or otherwise becomes aware

of the change, the Registrar must change the corporation's name on the Register by removing the words 'registered native title body corporate'—section 88-15(2).

### **3 Agreement between the National Native Title Tribunal and the Registrar**

- 3.1 To help facilitate notification of changes in native title status, the National Native Title Tribunal (the Tribunal) has agreed to notify the Registrar of any additions, amendments or deletions of RNTBCs on the NNTR. The Registrar will also notify the Tribunal of any amendments to the names of RNTBCs on the Register.
- 3.2 Once notified by the Tribunal of any change in status of a RNTBC the Registrar will change the corporation's name on the Register and issue a new certificate of registration to the corporation—section 88-20(1).
- 3.3 The Registrar also receives regular reports from the Tribunal regarding native title determinations made by the Federal Court, including the name (where known) of the RNTBCs which are to hold native title interests. The Tribunal will continue to provide the Registrar with these reports.
- 3.4 The Registrar has implemented these arrangements with the Tribunal to reduce the administrative burden on corporations. It is the Registrar's aim to reduce procedural and administrative requirements on corporations wherever possible—section 658-5(d).

**END OF POLICY STATEMENT**