



REGISTRAR'S POSITION STATEMENT

Registered Native Title Bodies Corporate (RNTBCs)

A corporation must be registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) to legally hold or manage native title rights and interests on behalf of common law holders. A corporation that holds or manages native title rights and interests is known as a registered native title body corporate (RNTBC). An Aboriginal and Torres Strait Islander corporation does not become an RNTBC until it has been properly authorised by the claimants and the Federal Court makes a determination that native title exists. After a determination, the RNTBC will be recorded on the National Native Title Register maintained by the National Native Title Tribunal (NNTT). When the Office of the Registrar of Indigenous Corporations (ORIC) is notified by the NNTT that the RNTBC has been added to its register, ORIC will take action to change the status of the corporation to an RNTBC.



Principles

1. The Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) will support native title claimant groups to register an Aboriginal and Torres Strait Islander corporation with the intent that it will become an RNTBC.
2. An Aboriginal and Torres Strait Islander corporation established with an intent to become an RNTBC must have a membership that reflects the native title claimant group.
3. The Registrar will support an Aboriginal and Torres Strait Islander corporation that intends to become an RNTBC to have a native title rule book if there is a business need and it has clear authority from the native title claimant group.
4. The Registrar will minimise the administrative burden on Aboriginal and Torres Strait Islander corporations by working with the NNTT to change the legal name and make the corresponding changes to the corporation's rule books to reflect its appointment as an RNTBC.

Principle 1: The Registrar will support native title claimant groups to register an Aboriginal and Torres Strait Islander corporation with the intent that it will become an RNTBC.

1. The Registrar will support native title claimant groups to register an Aboriginal and Torres Strait Islander corporation with the intent that it will become an RNTBC.
2. The Registrar will not register an Aboriginal and Torres Strait Islander corporation identical or similar to an existing Aboriginal and Torres Strait Islander corporation. That is, the Registrar will not register a new corporation:
 - a. where an existing corporation with the same or similar objectives and/or membership has incurred unmet debts or liabilities,
 - b. where an existing corporation would be left with no way to fulfil its objectives, or
 - c. where it is not in the public interest to do so.
3. If more than one Aboriginal and Torres Strait Islander corporation is established by a native title claimant group:
 - a. the Registrar will not give preferential treatment to any corporation
 - b. it is the responsibility of the native title claimant group to decide which corporation will manage any native title rights and interests – noting the membership of the corporation must reflect the determination.

Principle 2: An Aboriginal and Torres Strait Islander corporation established with an intent to become an RNTBC must have a membership that reflects the native title claimant group.

4. An Aboriginal and Torres Strait Islander corporation can have an objective in its rule book to become an RNTBC only if the corporation's membership represents the native title claimant group.
5. The Registrar will not register an Aboriginal and Torres Strait Islander corporation that intends to become an RNTBC unless each apical ancestry line is represented in the membership and on the Board.
6. The Registrar will not register an Aboriginal and Torres Strait Islander corporation that intends to become an RNTBC where the membership and directorship ratio presents a risk to member-control or membership disputes.

Principle 3: The Registrar will support an Aboriginal and Torres Strait Islander corporation that intends to become an RNTBC to have a native title rule book if there is a business need and it has clear authority from the native title claimant group.

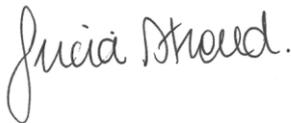
7. The Registrar may decide to register a rule book for an Aboriginal and Torres Strait Islander corporation that includes native title specific rules if there is:
 - a. a business requirement that these rules are included,
 - b. evidence that the corporation is the claimant group's preferred entity to manage any native title rights and interests determined by the Federal Court, and
 - c. its membership and directorship is representative of the apical ancestry line.
8. The Registrar will take action to remove native title rules from a corporation's rule book if:
 - a. the native title claimant group have decided another corporation will be the RNTBC,
 - b. certain rights, such as the right to negotiate, are included within the rules where the native title claim has not been filed or registered with the NNTT, or
 - c. inclusion of the rules in the corporation's rule book is, or could be, perceived as the corporation holding RNTBC status when it does not.

Principle 4: The Registrar will minimise the administrative burden on Aboriginal and Torres Strait Islander corporations by working with the NNTT to change the legal name and make the corresponding changes to the corporation's rule books to reflect its appointment as an RNTBC.

9. An Aboriginal and Torres Strait Islander corporation established to become an RNTBC will only have RNTBC added to its legal name and any corresponding changes to its rule book after a Federal Court determination.

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10. If an Aboriginal and Torres Strait Islander corporation's rule book does not include the required native title rules when it becomes an RNTBC, the Registrar will work with it to include these rules.
11. If the Aboriginal and Torres Strait Islander corporation's membership and directorship rules are not aligned to the determination the Registrar will change its rule book after a Federal Court determination.
12. The Registrar will consider taking regulatory action in relation to RNTBCs that are disharmonious to the extent that their operations are affected.
13. The Registrar may consider winding up RNTBCs that continue to experience disharmony following regulatory intervention. If an RNTBC is wound up, the native title rights and interests must be transferred to another entity.



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