



Change of officer

The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) says corporations need to lodge notice with the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) of:

- the personal details of a director, secretary, alternate director or contact person following their appointment
- changes to the personal details of a director, secretary, alternate director or contact person
- the cessation of a director, secretary, alternate director or contact person.¹

Corporations are required to lodge notice within 28 days of a change to an officer's details or their appointment or cessation.

Officers are responsible for their corporations.

The Register of Aboriginal and Torres Strait Islander Corporations needs to accurately reflect who the officers of a corporation are and their details. A corporation's members, funders, stakeholders and the public should be able to rely on the register to know who is responsible for the corporation's affairs.

¹ Section 304-5 of the CATSI Act.



Principle

1. The Registrar will consider regulatory action to ensure officer information is complete, accurate, reliable and current on the Register of Aboriginal and Torres Strait Islander Corporations (the Register).
2. Officers cannot alone appoint or remove themselves from a corporation.
3. The Registrar may remove an officer from the Register in certain circumstances.

Principle 1: The Registrar will consider regulatory action to ensure officer information is complete, accurate, reliable and current on the Register of Aboriginal and Torres Strait Islander Corporations (the Register).

1. The Registrar, Office of the Registrar of Indigenous Corporations (ORIC), members, funding bodies, creditors and other stakeholders rely on the accuracy, completeness and currency of the Register.
2. ORIC will not process a change of officer form when there is a question as to the accuracy of the information in the form, including who the appointed officers are.
3. The Registrar will consider regulatory action to ensure officer details on the Register are complete, accurate, reliable and current.
4. Regulatory action may be considered when:
 - a. there is a dispute about, or it is unclear, who the officers of a corporation are
 - b. information required by the CATSI Act about officers has not been provided to the Registrar
 - c. the Registrar becomes aware a corporation has not met its responsibility under the CATSI Act to advise of changes to officer details or the appointment or cessation of officers within 28 days.
5. The Registrar will consider regulatory action such as prosecution when an individual intentionally falsifies a change of officer form.

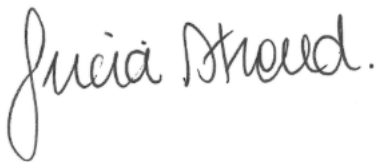
Principle 2: Officers cannot alone appoint or remove themselves from a corporation.

1. The Registrar's view is that for an officer to appoint or remove themselves, it is a conflict of interest, lacks transparency and openness and presents risks that a corporation may breach the CATSI Act.
2. A breach of the CATSI Act could occur if an individual:
 - a. appoints themselves without due process, such as by an election or decision by directors
 - b. removes themselves, leaving the corporation inquorate or without any directors.

3. So if an officer lodges a change of officer form in which they are appointing or removing themselves, this form will be refused.
4. The exception to this is if the director is in a one member/one director corporation.
5. Officers can advise the Registrar of changes to their information, such as address, phone number or email address, through a change of officer form.

Principle 3: The Registrar may remove an officer from the Register in certain circumstances.

1. The Registrar will consider removing an officer from a corporation under section 304-1 of the CATSI Act if:
 - a. an officer demonstrates to the Registrar they have resigned according to the requirements of the CATSI Act and corporation's rule book
 - b. the Registrar has issued a notice to the corporation requiring it to lodge a change of officer form to remove the officer
 - c. the corporation has failed to provide notice of the changes within 28 days.
2. The Registrar will consider regulatory action in response to the corporation failing to lodge a change of officer form.



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