



Australian Government

Office of the Registrar of Indigenous Corporations

oric.gov.au

Email: info@oric.gov.au

Freecall: 1800 622 431

Charles Perkins House
16 Bowes Place
Woden ACT 2606

PO Box 29
Woden ACT 2606

ABN 30 429 895 164

24 July 2025

Australian Law Reform Commission
PO Box 209
Flinders Lane
Victoria 8009

Email: nativetitle@alrc.gov.au

Dear Ms Fatchen

ALRC Future Acts Inquiry

Thank you for the opportunity to provide a submission to the Inquiry.

The Registrar of Aboriginal and Torres Strait Islander Corporations (**Registrar**) is an independent office holder appointed by the Minister for Indigenous Australians. I am supported by the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations (**ORIC**) and have statutory authority under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (**CATSI Act**).

Only **283** of all corporations registered under the CATSI Act are RNTBCs. ORIC's role with respect to RNTBCs is predominantly:

- registration and incorporation
- monitoring compliance with the CATSI Act, including reporting and the specific internal rules requirements in RNTBC rule books
- membership matters concerning Common Law Holders
- dispute resolution, including between the corporation and Common Law Holders, or people who claim to be Common Law Holders.

The Registrar has limited statutory responsibility under the *Native Title Act* (**NTA**).

The Registrar's Regulatory Posture focuses on matters that ensure the integrity of Indigenous member-controlled corporate governance, including:

- Annual General Meetings (AGMs) are held ensuring members have the right to ask questions about their corporation's health, and appoint directors whom they have trust and confidence in
- Annual Reports are accurate and lodged providing transparency and accountability to members

- Director details and duties with directors fulfilling their fiduciary duty with care, diligence and good faith
- Rule books are modern, transparent and workable for members
- Members rights are protected, and directors and members are acting in the best interests of the membership as a whole, including resolving issues and conflicts appropriately.

The penultimate and last points above being matters that are particularly relevant to regulating and supporting RNTBCs.

Matters such as Common Law Holder membership, eligibility and representation structures including directorships, corporate structures relating to native title monies and benefits, corporate decisions versus native title decisions, transparent native title decision making processes that follow traditional law and custom and intractable disputes are prevalent in the regulation and support of RNTBCs.

While these issues are outside of this Inquiry's scope, they provide context to the comments set out below.

Response to Proposal 17

RNTBCs can charge fees under s 60AB of the NTA. The Registrar may issue fee opinions under 60AC of the NTA. Since 23 September 2022, the Registrar has issued 5 fee opinions.

Apart from the Registrar's limited powers to issue opinions regarding Regulation 9 *Native Title (Prescribed Bodies Corporate) Regulations 1999* (PBC Regulations) certificates and section 60AC, the Registrar has no other statutory or regulatory role with respect to the regulated community and their involvement in ILUAs, section 31 agreements or section 29 notices (future act notices). This response makes no substantive comment on Proposal 17 on this basis.

The discussion paper at paragraph 315 suggests a potential reform to transfer responsibility for issuing fee opinions under s 60AC from the Registrar to the National Native Title Tribunal (**NNTT**). ORIC supports this proposal, acknowledging that the Registrar has no other substantive role in, or exposure to, the native title processes to which fee opinions relate.

ORIC's role is to monitor RNTBC compliance with the CATSI Act requirements and to respond to instances of non-compliance. Under the CATSI Act, ORIC can deal with corporate governance matters but not operational matters. Consequently, ORIC does not have sufficient exposure to RNTBCs' operational matters relevant to the charging of fees and another agency with this exposure and expertise may be more effective in discharging this statutory responsibility. Section 60AC is a unique statutory responsibility that may better sit with an agency with a role and specific expertise in native title processes.

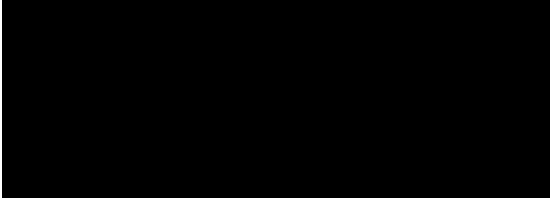
Other Comments

While the ALRC has defined its scope for the purposes of the discussion paper, ORIC would welcome ALRC review on the transparency of the management and use of native title monies: RNTBCs can establish complex corporate structures including trusts and other regulated (and unregulated) entities registered under statute other than the CATSI Act.

The Registrar's ability to require transparency and accountability to Common Law Holders about the management and use of native title monies and non-monetary benefits (negotiated on behalf of Common Law Holders) is limited when held under external trust arrangements.

The requirement to report to Common Law Holders on the management and use of native title monies and non-monetary benefits, regardless of the statute under which any trust arrangements exist would provide greater transparency, accountability and control to Common Law Holders whom these benefits are held in trust for.

Yours sincerely



Tricia Stroud
Registrar of Aboriginal and Torres Strait Islander Corporations