



ORIC ref: 1547270 / 8210  
Contact officer: Luke Wenitong  
Contact phone: 1800 622 431

**20 September 2023**

Budjiti Aboriginal Corporation RNTBC (ICN: 8210)  
C/- Queensland South Native title Services  
Level 4, 293 Queen Street  
BRISBANE CITY QLD 4000

Dear directors

### **Request to change your corporation's rules refused**

Thank you for your application to change the rule book (constitution) of Budjiti Aboriginal Corporation RNTBC.

I am writing to tell you that I have decided to refuse to register the changes to your corporation's rules (under section 69-30(4) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act)). The reason for your application being refused is due to the included clause:

#### **8.2.4 Director Identification Number**

- (a) A person will not be appointed as a Director of the Corporation until they obtain a DIN\_in accordance with the Act.

I wrote to your corporation in February 2023 regarding this clause. I also wrote to the corporation in September 2023. I have not received a response to these communications. The communications relating to the clause are included below.

*Having a Director ID is not an eligibility requirement to be a director under the CATSI Act. Rather, not having or having applied for a director ID in circumstances where a person is required to have one will be an offence, for which there are certain penalties. The Act does not require corporations to make having Director IDs an eligibility requirement to be a director, however it is open to corporations reflect this in their eligibility provisions. In fact this is recommended in the current RNTBC model rule book.*

*The offence provisions mean it will not be an offence if a person has applied for but not yet obtained a Director ID. However your proposed new rule goes beyond that and would prevent persons who have applied for but not yet obtained a director ID from being eligible to be appointed as a director. In this respect your proposed new rule goes beyond the requirements of the CATSI Act. This might not be workable in the context of AGMs where people are thinking of nominating to be a director for the first time, have applied for but not yet obtained a Director ID.*

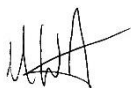
This means that the changes you have made are of no effect (under Division 69 of the CATSI Act). The rule book of your corporation continues to be the one last registered before your corporation applied to change it.

You have the right to ask for a review of this decision by this office under section 620-5 of the CATSI Act. The review would be done by a different person to the one who decided not to register the proposed rule book. To have the decision reviewed you must write to us within 28 days of receiving this letter setting out your reasons.

If you would like to discuss this letter, please call Luke Wenitong on our freecall number 1800 622 431 or email [info@oric.gov.au](mailto:info@oric.gov.au).

For information about the CATSI Act and corporations see [www.oric.gov.au](http://www.oric.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'LW', with a long horizontal stroke extending to the right.

Luke Wenitong

Delegate of the Registrar of Aboriginal and Torres Strait Islander Corporations