

8 December 2021

Australian Tax Office
C/o: Victor Tse
By email: ABRSLawandPolicy@ato.gov.au

Dear Victor,

Director ID data standard and disclosure framework

We welcome the opportunity to comment on the draft legislative instruments and accompanying explanatory statements relating to the director ID data standards (ABRS 2021/D1) (data standard) and the director ID disclosure framework (ABRS 2021/D2) (disclosure standard).

We support the amendments within the data standard and disclosure standard which build and expand on the to be repealed *Corporations (Director Identification Number) Disclosure Framework (PGPA Bodies, Courts and Tribunals) 2021* and the *Corporations Director Identification Number Data Standard 2021*.

The comments that we have listed below reflect a combination of points from our [previous submission](#) to Treasury on the data standard and disclosure framework to support the initial testing phase of the modernising business registers (MBR) program as well as practical observations since the director ID launch in November 2021.

Data Standard

When information is given to the Registrar

We note in point 39 of the explanatory statement accompanying the data standard that ‘An individual who has a director ID may request the Registrar to update any of their details listed in section 5 of the instrument (this may include requests through authorised agents)’. At present, we understand that once a director ID has successfully been issued, there is currently no option to nominate an authorised agent within the directors’ profile. In the development of subsequent data standards, we suggest careful consideration is given to the process by which a director can nominate an authorised agent, the information an agent is able to update (such as address, postal address, phone numbers) as well as the tracking of information changed by the agent.

Additional Comments

Although outside the scope of this consultation, we believe that the following points are important considerations as the director ID and MBR program continues to evolve:

- Continuing to support directors, their advisers and authorised agents during this transitional phase of the director ID program will be important. For example, further clarification in areas such as the difference between MyGov and MyGovID, the practical requirements for foreign directors and the different registration deadlines will help to provide transparency and direction for directors and stakeholders.

- Many of our members are also directors and have indicated that they are unsure about ‘the next steps’ after receiving their director ID. There has been limited communication about how directors should treat their number and who they can share it with. For example, is it a sensitive number like a tax file number (TFN) What is the timeline for next steps? What information will be publicly disclosed? We recommend establishing a regular communication channel between the Registrar and directors to convey alerts and information relating to MBR and director ID. This would also be beneficial for advisers, authorised agents and intermediaries to stay informed of developments.
- The director ID information which currently appears on the ABRS (Australian Business Registry Services) website provides a range of useful information. However, this requires the users to visit and navigate the website. We suggest consideration is given to concise downloadable documents, which can be digitally shared by authorised agents and intermediaries as well as professional bodies such as ourselves. For example, these could include an illustrative flowchart to outline the pathways to apply for a director ID (online, phone, paper) or the pathways for new and existing directors to follow for application.
- At the moment, there remains a lack of transparency for directors currently applying for a director ID as to how their director ID information will be linked to relevant companies and which aspects of this information will ultimately be publicly displayed through the ABRS. We encourage the ATO to provide such clarity on issuing a director ID and throughout each stage of the MBR project through frequent and detailed communication with director ID holders.
- Currently the Attorney-General’s Department’s (The Department) is consulting on the Privacy Act Review (due January 2022). We suggest the ATO closely monitors and collaborates with the Department in relation to this review to identify potential alignments and/or conflicts with the MBR and director ID.

Should you have any questions about the matters discussed above or wish to discuss them further, please contact Karen McWilliams via email at karen.mcwilliams@charteredaccountantsanz.com or phone (612) 8078 5451.

Yours sincerely

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Advocacy & Professional Standing

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Appendix A

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CA ANZ promotes the Chartered Accountant (CA) designation and high ethical standards, delivers world-class services and life-long education to members and advocates for the public good. We protect the reputation of the designation by ensuring members continue to comply with a code of ethics, backed by a robust discipline process. We also monitor Chartered Accountants who offer services directly to the public.

Our flagship CA Program, the pathway to becoming a Chartered Accountant, combines rigorous education with mentored practical experience. Ongoing professional development helps members shape business decisions and remain relevant in a changing world.

We actively engage with governments, regulators and standard-setters on behalf of members and the profession to advocate boldly in the public good. Our thought leadership promotes prosperity in Australia and New Zealand.

We are a member of the International Federation of Accountants and are connected globally through Chartered Accountants Worldwide and the Global Accounting Alliance. Chartered Accountants Worldwide brings together members of 15 chartered accounting institutes to create a community of more than 1.8 million Chartered Accountants and students in more than 190 countries. CA ANZ is a founding member of the Global Accounting Alliance which is made up of 10 leading accounting bodies that together promote quality services, share information and collaborate on important international issues.

We have a strategic alliance with the Association of Chartered Certified Accountants. The alliance represents more than 870,000 current and next generation accounting professionals across 179 countries and is one of the largest accounting alliances in the world providing the full range of accounting qualifications.

We employ more than 500 talented people across Australia, New Zealand, Singapore, Malaysia, Hong Kong and the United Kingdom.