



## REGISTRAR'S POSITION STATEMENT

# Director identification numbers

The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) requires directors to have a director identification (director ID). Directors of CATSI Act corporations must have, or apply for, a director ID.

Director IDs are unique to individual directors. Directors use the same director ID for CATSI Act corporations and corporations registered under the *Corporations Act 2001*.

Directors, alternate directors or anyone who intends to become a director needs to apply to the Australian Business Registry Services (ABRS) for a director ID.

Directors are required to advise a corporation of their director ID either when consenting to become a director (if they already have one) or within 14 days of receipt. The corporation must then notify the Office of the Registrar of Indigenous Corporations (ORIC) of the director's director ID within 28 days.

It is an offence not to have a director ID when required. It is also an offence to hold multiple director IDs.

The ABRS and the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) are both responsible for enforcing director ID requirements.



## Principles

1. Strengthening governance integrity and confidence in corporations through supporting directors to meet their director ID obligations.
2. Timely and accurate notification of director ID details to provide transparency to members and stakeholders.
3. Enforcement action to address serious non-compliance or misconduct.

### **Principle 1: Strengthening governance integrity and confidence in corporations through supporting directors to meet their director ID obligations.**

1. The Registrar promotes compliance with director ID requirements by focusing on increasing awareness and fostering compliance of directors and corporations.
2. Directors and corporations can expect to have access to up to date information to enable them to understand their director ID requirements, including when and how to apply for a director ID.
3. ORIC will work with ABRS to support directors of Aboriginal and Torres Strait Islander corporations to obtain director IDs.

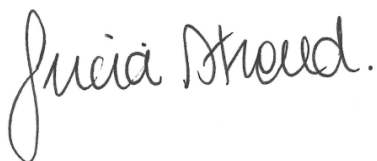
### **Principle 2: Timely and accurate notification of director ID details to provide transparency to members and stakeholders.**

4. Accurate and timely lodgement of changes to the personal details of a director on the public Register of Aboriginal and Torres Strait Islander Corporations (public Register) assists members, community, funders, and other stakeholders such as banks to have confidence they are dealing with duly authorised representatives of the corporation.
5. The Registrar will remind directors and corporations at key times of the year of their director ID obligations under the CATSI Act.
6. ORIC officers may check the director ID status of directors when interacting with a corporation or a director including when processing change of officer and director consent forms.
7. The Registrar publishes if a director ID has been lodged for every director on the public Register. Directors can check the public Register to see if their director ID has been lodged with the Registrar as required by the CATSI Act.

### **Principle 3: Enforcement action to address serious non-compliance, misconduct, or risks to corporations**

8. A director ID is not a director eligibility requirement. A person can be appointed as a director, participate in directors' meetings, and perform their duties and functions without a director ID.

9. While a director can be appointed and perform the duties of a director, they are committing an offence if they do not have or have not applied for a director ID. Newly appointed directors should apply for a director ID within 28 days after being appointed. This is particularly relevant when filling casual vacancies.
10. Where an existing director does not apply for a director ID, ORIC may refer them to ABRS for regulatory action.
11. In line with ORIC's regulatory compliance framework, a risk-based approach will be taken regarding enforcement action, which prioritises non-compliance that presents risks to the corporation's governance and stability, and where non-compliance is intentional or deliberate.
12. The Registrar is responsible for enforcing offences under the CATSI Act relating to the notification of director details and will take a risk-based and proportionate enforcement approach.
13. Enforcement action against individual directors will be considered where:
  - a director fails to apply for a director ID after being lawfully directed to do so by ABRS
  - a director intentionally applies for a director ID when they knowingly already have one
  - a director provides a false director ID
  - a director or alternate director has not given their corporation their director ID within 14 days of their appointment, or within 14 days of a change to their personal details (including the receipt of a director ID).
14. Enforcement action against a corporation will be considered where the director has provided their director ID, and the corporation has not notified the Registrar within 28 days.
15. The Registrar's current priority is directors of large and medium corporations and those at risk or that require regulatory intervention.



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