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## Legislative Instrument

# Director Identification Number Laws (Other Government Bodies) Disclosure Framework 2022

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I, Chris Jordan, Commissioner of Taxation in my capacity as the Registrar, make this instrument under the following provisions:

- section 1270K of the *Corporations Act 2001* for the purposes of Part 9.1A of the *Corporations Act 2001*; and
- section 16 of the *Commonwealth Registers Act 2020* for the purposes of Part 6-7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

**Chris Jordan**

Registrar

23 February 2022

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### 1. Name of instrument

This instrument is the *Director Identification Number Laws (Other Government Bodies) Disclosure Framework 2022*.

### 2. Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

### 3. Application

This instrument is made under section 1270K of the *Corporations Act 2001* and section 16 of the *Commonwealth Registers Act 2020* and provides for a disclosure framework relating to the disclosure of protected information that is director ID information.

### 4. Definitions

**Note:** Paragraph 13(1)(b) of the *Legislation Act 2003* has the effect that expressions have the same meaning in this instrument as in the *Commonwealth Registers Act 2020*, *Corporations Act 2001* and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* as in force from time to time.

In this instrument:

**director ID** means director identification number.

**director ID information** means all protected information collected in connection with the functions or powers of the Registrar under Part 9.1A of the *Corporations Act 2001* and

Part 6-7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* including but not limited to, the director ID, information collected in an application for a director ID under section 1272A of the *Corporations Act 2001* or section 308-10 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, and updated or corrected information in respect of the individual provided to the Registrar.

**government entity** has the same meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

**individual** has the same meaning as in the *Acts Interpretation Act 1901*.

**multi-agency taskforce** means a taskforce prescribed in regulation 67 of the *Taxation Administration Regulations 2017*.

**other government bodies** mean the bodies mentioned in paragraphs 5(1)(a) to (d) of this instrument.

**PGPA body** means an entity or company which is not a government entity within the meaning of section 9 of the *Corporations Act 2001* and section 5 of the *Commonwealth Registers Act 2020*, but which is a Commonwealth entity or Commonwealth company within the meaning of the *Public Governance, Performance and Accountability Act 2013*.

**Registrar** means the Commonwealth body appointed under:

- (a) section 1270 of the *Corporations Act 2001*; and
- (b) section 6 of the *Commonwealth Registers Act 2020* and referred to as the Commonwealth Registrar under section 694-120 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

**taskforce officer** has the meaning given by subsection 355-70(11) of Schedule 1 to the *Taxation Administration Act 1953*.

## 5. Disclosure of director ID information to other government bodies

- (1) The following disclosures of protected information are permitted by this instrument and are therefore authorised by paragraph 1270L(3)(f) of the *Corporations Act 2001* and paragraph 17(3)(e) of the *Commonwealth Registers Act 2020*:
  - (a) The disclosure of director ID information to a person for use, in the course of the performance of duties of the person's official employment, in relation to the performance or exercise of the functions or powers of a PGPA body.
  - (b) Subject to section 1270Q of the *Corporations Act 2001* and section 21 of the *Commonwealth Registers Act 2020*, the disclosure of director ID information to a court or tribunal.
  - (c) The disclosure of director ID information to a person who is an employee of a State or Territory (including a local government body) for the use, in the course of performance of duties of that employment, in relation to the performance or exercise of the functions or powers in relation to a government entity.
  - (d) The disclosure of director ID information to a taskforce officer for or in connection with a purpose of a multi-agency taskforce.
- (2) The disclosure of director ID information under paragraphs 5(1)(a) to (d) of this instrument will not require payment of a fee and will generally be provided electronically.
- (3) This instrument applies to persons who, but for paragraph 1270L(3)(f) of the *Corporations Act 2001* and paragraph 17(3)(e) of the *Commonwealth Registers Act 2020* and the operation of the instrument, would commit an offence under subsection 1270L(1) of the *Corporations Act 2001* and subsection 17(1) of the *Commonwealth Registers Act 2020*.

- (4) The disclosure of director ID information in accordance with this instrument is permitted, however, nothing in this instrument requires the disclosure of director ID information.

**6. Other matters**

Individuals making an application under subsection 1270N(1) of the *Corporations Act 2001* or subsection 19(1) of the *Commonwealth Registers Act 2020* to not disclose director ID information that may be disclosed to other government bodies under this instrument, must provide information to demonstrate how the detrimental consequence to the individual of disclosure outweighs the benefit of the disclosure to other government bodies to perform their functions.

**7. Repeals**

This instrument repeals *Corporations (Director Identification Number) Disclosure Framework (PGPA Bodies, Courts and Tribunals) 2021* (F2021L00455) registered on 16 April 2021.