

COMPANY DIRECTORS - UPDATE

1. As a result of recent amendments to the *Corporations Act 2001 (Cwlth)* commencing 1 November 2021 existing and newly appointed company directors need to have a Director Identification Number (DIN).¹ The Scope of individuals obliged to have a DIN include a Director of a company or a Body Corporate that is a registered Australian body or a registered foreign company or who is appointed to the position of Director or appointed to the position of an alternate Director or is acting in that capacity².
2. A DIN is a number (a unique identifier) that is provided to a Director. The Director applies for the number only once and will be kept forever. Once provided, the Director will have the DIN even if they cease to be a Director. The underlying basis for the implementation for the DIN scheme was as a measure to prevent fraud and to otherwise better identify and track individual Directors across various companies.
3. It is a compulsory obligation to have a DIN if you are a Director.³ Failure to have a DIN constitutes an offence, pursuant to *Section 1272C (4) Corporations Act 2001*. It is a strict liability offence.
4. To apply for a DIN the application is made through the Australian Business Registries Services website (www.abrs.gov.au). In making the application through the aforementioned website the Director will need verification of their identity, (e.g. Passport) and otherwise a MyGov ID account/App.
5. Company Directors should apply as soon as possible to obtain a DIN.

If you have any enquiries in relation to these matters, please do not hesitate to contact Leith Hoffensetz of our office on 3281 3088 or e-mail her at lhoffensetz@hoffensetz.com.au.

¹ See Chapter 9, Part 9.1A Corporations Act 2001

² S. 1272B Corporations Act 2001

³ S. 1272C Corporations Act 2001