

# DIRECTOR IDENTIFICATION NUMBERS COMMENCED ON 1 NOVEMBER 2021

30 November 2021 | Australia

Legal Briefings - By **Stephen Dobbs, Caren McQuienn, Anna Coroneo and Mia Harrison-Kelf**

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*This article was originally published on 28 October but revised with further updates.*

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The new Director Identification Number regime (**DINs or Director IDs**) commenced on 1 November 2021. All directors are required to apply for a DIN, and should start preparing their applications.

The regime has been introduced by the Federal Government in order to track directors at different companies and identify directors engaging in unlawful activity such as illegal 'phoenixing'.

## IN BRIEF

- All directors and alternate directors of Australian companies, registered Australian body corporates and registered foreign companies are required to have a DIN.
- There is a 12 month transitional period for people appointed as a director on or before 31 October 2021 who have until 30 November 2022 to apply for a DIN.
- Any person appointed between 1 November 2021 and 4 April 2022 has 28 days from the date of the appointment to apply, and any person appointed from 5 April 2022 will be required to have a DIN before their appointment.
- Applications can be made online (for applicants with a TFN and myGovID), over the phone (for applicants with a TFN but no myGovID) or using a paper form (for applicants without a TFN or myGovID, e.g. foreign resident directors).

- Paper applications require certified (and translated, if not in English) copies of identity documents and directors will need to ensure they have sufficient time to comply with

## WHAT ARE DINS / DIRECTOR IDS?

Each director is required to have a DIN, which is a unique 15 digit identifier for the director.

DINs are recorded in a new database to be administered and operated by Australian Business Registry Services (**ABRS**), a new entity managed by the Australian Taxation Office (**ATO**).

The new DIN requirements apply to all current directors and alternate directors of Australian companies, body corporates that are registered Australian bodies and registered foreign companies under the Corporations Act, as well as to all future directors appointed by such entities. The requirements apply to both Australian and foreign-resident directors of these entities.

Other officers such as company secretaries are not required to obtain a DIN (although the new provisions permit the regulations to extend the requirements to other officers). Unincorporated entities are also not covered by the new regime.

## WHEN DO DIRECTORS NEED TO APPLY FOR A DIN?

There is a 12 month transitional period for company directors appointed as a director on or before 31 October 2021, who have until 30 November 2022 to apply for a DIN.

However, for any director appointments after 31 October 2021, the timeframes are narrower:

- any person appointed as a director for the first time between 1 November 2021 and 4 April 2022 has 28 days from the date of the appointment to apply for a DIN; and
- any person appointed as a director for the first time from 5 April 2022 will be required to have a DIN before their appointment.

Directors do not need to reapply for a DIN when they change companies, change their personal details (such as their name or address), or even when they retire as a director. Directors will retain the same DIN for all directorships and will keep it for life.

While a person who intends to become a director within the next 12 months can apply for a DIN, the DIN will be automatically cancelled if they are not appointed within 12 months of receiving the DIN.

# HOW CAN A PERSON APPLY FOR A DIN?

Directors must apply for their Director ID themselves because they need to verify their identity. No one can apply on their behalf.

There are three methods for applying for a DIN:

Type of application	Who can use this method?
Online application through the <a href="#">ABRS website</a>	Australian citizens with an Australian tax file number (TFN) and myGovID Applicants also need to provide: <ul style="list-style-type: none"><li>residential address as recorded by the ATO; and</li><li>two other identifying details based on information held by the ATO (including bank account, tax payments, and superannuation account and dividends)</li></ul>
Phone application on 13 62 50 (in Australia) or +61 2 6216 3440 (from overseas)	Directors with a TFN (intended for use where there is no myGovID) Applicants also need to provide: <ul style="list-style-type: none"><li>residential address as recorded by the ATO;</li><li>two other identifying details based on information held by the ATO; and</li><li>details of two Australian identity documents: (i) one of an Australian passport, Australian birth certificate, Australian citizenship certificate, Immicard or Australian visa (if using a foreign passport but resident in Australia); and (ii) one of an Australian driver's licence or Medicare card (details must match application)</li></ul>
Paper application form available on the <a href="#">ABRS website</a>	Directors with no TFN Applicants need to complete the application form and also need to provide: <ul style="list-style-type: none"><li>copies of two identity documents certified as a true and correct copy of the original: (i) one of a passport, birth certificate or Australian citizenship certificate; and (ii) one of a Medicare card, driver's licence, national photo ID card or foreign government ID (details must match application); and</li><li>if identity documents are not in English, certified translations completed by an approved translation service</li></ul>

## WHAT HAPPENS IF A DIRECTOR DOES NOT APPLY IN THE TIMEFRAME?

Directors must apply for a DIN within the required time frame, as failure to have a DIN by the required date is an offence. There are also offences associated with actions which would undermine the DIN regime, such as providing false identification documents.

## LEGISLATIVE BACKGROUND

The Director ID regime is part of a broader Modernising Business Registers (**MBR**) Program, which was legislated in 2020.

The MBR Program will unify in a single platform the Australian Business Register and 31 business registers administered by the Australian Securities and Investments Commission. This platform will be administered by the Commonwealth Registrar under legislation and as a separate statutory function of the ATO.

The ABRS is responsible for issuing and maintaining records of DINs. The ABRS will securely store records of DINs, and will not disclose them except with the consent of the person, or to certain government bodies, courts, and tribunals.





## KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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