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|  | **Your Name** **Address** |
| **Australian Business Registry Services Locked Bag 6000 ALBURY**  **NSW 2640 Australia** |  |

**Date:**

**Re: Director’s ID requirement**

Dear Australian Business Registry Services,

I am writing to you regarding the obligation for me to sign up for a Director’s ID for which I have certain queries that I require clarification for.

Firstly, where is the legislative requirement for me to sign up for a Director’s ID derived from? I cannot see anywhere in the Corporations Act 2001 (Cth) (hereinafter referred to as “the Act”) which requires me to obtain such an identification.

The “small business guide” in Part 1.5 does not even specify the requirement for a proprietary company to have a Director. Section 2.1 stipulates that a proprietary company “must have at least 1 shareholder,” but “may have 1 or more directors.” Within the meaning of legislative interpretation, it is well established that the word “must” or “shall” confers an obligation, while the word “may” confers a discretionary duty.

Section 3.5 outlines that “a person listed with their consent as a shareholder, director or company secretary in the application for registration of the company becomes a shareholder, director or company secretary of the company on its registration,” while section 5.1 further confirms that, “A director must consent in writing to holding the position of director.”

Also, in section 117(2) of the Act, there is no requirement for the position of Director within all the outlined registration requirements, other than by consent. It is quite clear that consent is required for the position of a Director, within a proprietary company, to exist.

Therefore, giving full consideration to the offence of servitude, within the meaning of section 270.4 of the Criminal Code Act 1995 (Cth), I require you to elaborate on where the “requirement” for a Director’s ID can stem from?

Secondly, I require that you provide me the details of the security methods or algorithms that are used to ensure that all personal details stored by your agency are not at risk of being hacked. In light of recent data breaches, I am increasingly hesitant to provide personal information without the guarantee that it is stored in a safe and secure manner.

Finally, if my data were to be involved in a breach, what are the compensation amounts that I can expect to be paid, and what are the mechanisms that you have in place for people to claim such compensation?

I require that you respond to my three (3) queries within 21 days, or it shall be taken as your assent and agreement that:

1. There is no requirement for a Director of a company, or a person of any similar position within a company, to sign up for a Director ID, and;

2. There is no requirement for a company to have a Director, Shareholder or Secretary, and;

3. You are unable to provide any guarantee of security, for my personal information that you were otherwise requiring me to provide, and;

4. I am not required in any way to sign up for a Director’s ID, or provide any other personal information.

If you agree to these above four (4) conditions, simply do nothing within the allotted timeframe, or answer the above questions completely.

**Without Prejudice. A matter for and on the public record**

Sincerely,

Sign here

Print your Name

Email address