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UNSW Tax and Business Advisory Clinic – Submission in response to The Treasury’s consultation on Registry stabilisation and uplift design

Thank you for the opportunity to make a submission in response to the Treasury’s consultation on Registry stabilisation and uplift design.

The UNSW Tax and Business Advisory Clinic is a university-based service that provides free tax and business advice to low-income and vulnerable clients, supervised by experienced tax practitioners. Our clients include individuals on low incomes, people in receipt of government benefits, first nations individuals, small business operators and people experiencing, or recovering from, domestic and family violence (DFV) and financial abuse.

A significant proportion of our work involves assisting clients whose tax problems are the result of another person’s misuse of their identity or legal status. Common patterns we see include:

- individuals who only discover they are directors of companies when they receive ATO or ASIC notices, or when they are facing bankruptcy.
- clients coerced by abusive partners or family members into accepting directorships, signing documents they do not understand, or providing identity documents that are later used to establish companies; and
- victim-survivors who enter personal insolvency to reset their financial lives after company-related debts are incurred in their name without true consent.

Because we operate at the intersection of tax and DFV, we closely observe how Commonwealth systems such as ASIC registers, the Director ID regime, ATO accounts and myGov, can either mitigate or exacerbate financial abuse. We therefore welcome the opportunity to comment on the stabilisation and uplift of business registers, with a particular focus on director identification and registry powers as they relate to coerced or non-consenting directorships. Furthermore, we would welcome the opportunity to provide further input as the Government progresses this important uplift of Australia’s business registers.

We support and endorse the submissions of EACH and the Economic Abuse Reference Group (EARG) and adopt its analysis and recommendations, particularly in relation to coerced directorships, Director ID processes, myGov visibility and fee-free access for frontline professionals. Our submission is intended to complement EARG's work with additional observations from a tax and insolvency clinic perspective.

Summary of Recommendations

We support the overall direction of the Business Registries Stabilisation and Uplift Bill, especially Director ID linking, improved correction powers, the address-for-service model and harm-based publication tests.

Our key recommendations are;

A. Director ID linking

- 1. Clarify that a Director ID does not confirm legal consent to act as a director**
Make it explicit in the Explanatory Memorandum (and any supplementary/ revised explanatory materials accompanying amendments) that holding a Director ID is an identity tool only and is not, of itself, evidence of free and informed consent to any particular director appointment.
- 2. Design Director ID linking as an early-warning and dispute system**
Use the Director ID confirmation/notification framework to create a clear, accessible "dispute my directorship" pathway (via ASIC and ABRS, and over time through myGov), with safe-contact options and processes that can respond specifically to DFV/financial abuse.
- 3. Strengthen identity and consent safeguards in line with EARG's recommendations**
Progress EARG's proposals for stronger identity verification and multi-factor authentication across key touchpoints (Director ID application, appointment, and changes to details) and avoid treating the provision of a Director ID to a company as evidence of valid consent to an appointment.

B. Registry powers

- 4. Define a verification hierarchy and enable corrections where coercion is identified**
Establish a clear hierarchy for address and contact data across ASIC, ABRS and ATO/myGov records, with verified safe-contact details supplied by the individual taking precedence over company-supplied information. Use system flags for conflicting data, and allow corrections specifically on DFV/coercion grounds, with appropriate cross-agency notification.
- 5. Use new deregistration powers cautiously and preserve records**
Use the new ground to deregister companies with materially false or misleading information primarily for sham or low-impact entities; prefer formal winding up where there are material debts or signs of misconduct; and ensure records of deregistered companies remain available to insolvency practitioners, AFSA trustees and authorised victim representatives.
- 6. Apply publication and access settings with a DFV lens and enable fee-free access for frontline advocates**
Treat DFV/financial abuse as an explicit factor in public-interest disclosure and restriction tests; provide a way to suppress or annotate "failed company" indicators where directorships were coerced; and implement fee-free or low-cost, tiered access for frontline professionals (including tax clinics, financial counsellors and community legal centres), using accreditation-based authentication rather than ATO-style PORO processes.

C. Unwinding MBR legislation

7. **Preserve user-centred MBR objectives when returning registers to ASIC**

As MBR-era provisions are unwound, explicitly retain and carry forward the user-centred, technology-neutral and integration-focused aims (including future myGov visibility and API-based access), so that unwinding MBR does not unwind those benefits for vulnerable users.

D. Governance and Continuous improvement

8. **Require at least an annual review of registry safeguards and user journeys**

Include an annual review requirement so controls and dispute pathways keep pace with evolving fraud and coercive control tactics.

Key comments on our Recommendations

A. Director ID linking

We strongly support Director ID linking and the intention that directors will be notified using contact details provided during the Director ID application process, with the ability to initiate a process with ASIC to investigate and remove disputed linkages and appointments. This is essential for early detection of coerced and fraudulent appointments.

However, as EARG's submission explains, the Director ID application itself can be the point of fraud or coercion (for example, where a perpetrator controls the email/phone used, or impersonates the victim throughout the process). Problems at that stage are then carried through into company registration and appointment.

From our clinic's perspective:

- holding a Director ID should never be treated as evidence of consent to a directorship
- nor should providing a Director ID to a company be treated as proof of uncoerced consent.

We support EARG's recommendations to:

- strengthen identity verification (including multi-factor authentication at key touchpoints)
- treat Director ID and consent to act as distinct concepts; and
- list Director ID and current/historic directorships in myGov so individuals have a regular, low-friction way to check and challenge appointments.

We add that the Director ID framework should include a simple, visible "dispute my directorship" pathway and that, where ASIC upholds a dispute, outcomes should feed through into ATO (e.g. DPN and debt management) and AFSA decision-making.

A de-identified example from our clinic illustrating these issues is set out in Annexure A (Lily's case study)

B. Registry powers

We support ASIC's expanded powers to correct registry information and deregister companies where information is materially incomplete, misleading, false or deceptive. Properly used, these powers can help unwind abusive structures that misuse victim-survivors' identities.

For our cohort, two aspects are critical:

- **Verification and correction:** Where ASIC, ABRS and ATO/myGov records conflict, verified safe-contact details provided by the individual should prevail over company data. Conflicts should trigger review, especially when combined with DFV/coercion flags. ASIC's correction powers should clearly cover fraud and coercion, and authorised advocates should be able to assist clients to seek corrections.
- **Deregistration and evidence:** Deregistration of companies built on false information is appropriate in sham or low-impact cases (for example, purely fraudulent shells). Where there are significant debts, employees or signs of phoenixing, we consider formal winding up with liquidator investigation to be preferable. In all cases, reasons for deregistration should be coded and historical records preserved so insolvency practitioners, trustees and victim-survivors can prove what occurred in later insolvency, tax and family law processes.

On access and publication, we support EARG's call for:

- DFV/financial abuse to be an explicit factor in public-interest and restriction decisions
- mechanisms to remove or annotate "failed company" history where directorships were coerced
- and fee-free access to registers for frontline professionals based on professional accreditation, not personal financial data, noting the barriers created by current ATO PORO processes for community services.

C. Unwinding MBR legislation

We understand the decision to cease the Modernising Business Registers program and return registry administration to ASIC. Our concern is that vulnerable users do not lose the potential benefits of MBR's user-centred design, such as centralised access, integration with myGov, and modern API-based access models.

We therefore ask that:

- the Explanatory Materials clearly explain how stabilisation and uplift milestones (including Director ID linking and improved search/registration) will be delivered under ASIC's administration; and
- Treasury and ASIC commit to myGov-visible director information and tiered, affordable access for non-commercial users, including tax clinics, financial counsellors and community legal centres, as part of the uplift work.

For our clients, the practical measures that matter most are simple: being able to see all their directorships in one trusted place (ideally myGov), having a clear way to dispute those they did not consent to, and being supported by advocates who can access registry information without prohibitive fees.

Closing Remarks

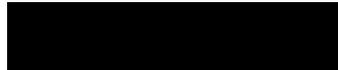
We welcome Treasury and ASIC's work to stabilise and uplift Australia's business registers, and we support the explicit focus on coercive control and financial abuse in this consultation. Our experience in the UNSW Tax and Business Advisory Clinic is that small design choices in registry systems can have outsized impacts for people experiencing vulnerability. We also encourage a requirement for ongoing review, at least annually, of systems, controls and user journeys so safeguards keep pace as fraud and coercive tactics evolve.

We appreciate the opportunity to contribute and to stand alongside EARG, EACH and other sector partners. We would welcome the chance to participate in further discussions, pilots or user testing as reforms are refined and implemented, and we are happy to provide additional case examples or technical input from our tax, insolvency and DFV-related work.

If you would like to discuss this submission further, please contact Madhvi M at m.madhvi@unsw.edu.au

Yours faithfully,

UNSW Tax and Business Advisory Clinic



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Annexure A – Case Study: Lily

Please note: Lily is not the victim-survivors real name



Lily's husband owned two coffee shops and other assets operated through three companies. Lily was recorded as a director of all three, but she was unaware of this until she received a letter from ASIC stating that ASIC believed she had acted as a director of one of the companies.

From early in the relationship, Lily's husband routinely placed documents in front of her to sign, insisting she "just sign here" without explanation. He frequently impersonated her signature. He also created email addresses in Lily's name which he alone controlled and used these for multi-factor authentication and digital signatures. This allowed him to complete online Director ID, banking and company-related processes while appearing to be Lily, without her knowledge or access to any of the accounts involved.

Lily was never linked to the companies in her ATO online account and had no access to any company tax information. Her husband also controlled a self-managed superannuation fund in their names which later became non-compliant; Lily was kept entirely in the dark about this.

When the businesses failed, the companies were wound up, and Lily was left as the last standing director on the record. She had never communicated with the companies' accountant and had never authorised them to act for her, making it difficult to obtain basic information such as running balance accounts or explanations of how debts arose.

With the assistance of our clinic and allied services, Lily went through administrative processes to have her name removed as director of the three companies and reported the financial abuse to the ATO. ASIC ultimately confirmed that she was no longer recorded as a director. However, due to legacy records and contact settings in other ASIC systems, Lily remains listed as the default contact for outstanding ASIC fees and continues to receive letters demanding payment of overdue amounts.

Each new letter re-traumatises her: she is repeatedly asked to pay liabilities that never belonged to her, arising from companies she never knowingly agreed to manage.

Lily's experience highlights the need for:

- clear, accessible pathways to dispute and remove non-consensual directorships
- identity and contact verification processes that do not assume control of an email address or MFA device equals genuine consent
- consistent updating of contact details across all ASIC systems once a dispute is resolved
- and a safety-by-design approach to contact and enforcement so victim-survivors are not repeatedly pursued for debts linked to coerced or fraudulent directorships.