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Dear § 22 [redacted]

ASIC Registers

Thank you for your questions about how the Australian Securities and Investments Commission (ASIC) makes available directors' residential address to the public under the *Corporations Act 2001* (Cth) (Corporations Act). This letter explains:

- why and how ASIC collects details of directors' residential addresses, and the very limited circumstances in which the use of alternative addresses is permitted
- how the public can obtain that information from ASIC registers under s 1274A(2) – (4) of the Corporations Act, and
- how the public can obtain that information under s 1274(2) of the Corporations Act by inspecting copies of documents lodged with ASIC.

I conclude that, even without legislative change, ASIC could stop providing directors' residential addresses when a member of the public wishes to search or access that information through the ASIC registers under s 1274A(3) or (4) of the Corporations Act. This is because the residential address is not 'prescribed information' for the purpose of those subsections. However, removing or redacting addresses from documents that are available for inspection by the public under s 1274 (such as Forms 201 and 484) is more difficult and would require legislative amendment. Even with an appropriate amendment, the practical difficulties for ASIC in redacting forms that were previously lodged in hard copy would be significant.

Residential addresses

As you know, ASIC collects details of directors' residential addresses under various provisions of the Corporations Act. The following table shows the sections currently requiring that a director's residential address be provided to ASIC.

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Section	Relates to	Form	Required address
5H(2)(d)	Notice relating to a deemed registration company under a State or Territory law		Section 205D(1) specifies that it must be the director's 'usual residential address' unless an alternate address is permitted under s 205D(2)
117(2)(f)	Application for registration of a company	201	
205B(1)	Appointment of a director	484	
205B(2)	Appointment of an alternate director	484	
205B(4)	Change in personal details	484	
601BC(2)(h)	Application for registration of a body corporate as a company	202	Must include 'a list of its directors containing personal details of those directors that are equivalent to the personal details of directors referred to in subsection 242(2)' ¹
601CB(c)	Application for registration of a registrable Australian body	401	
601CE(c)	Application for registration as a foreign company	402	Must include 'a list of its directors containing personal details of those directors that are equivalent to the personal details of directors referred to in subsection 205B(3)'
601CV(1)(c)	Change in directors of a registered body		Not specified

For many years, this information was lodged in hard copy. Now some ASIC forms, including Form 201 and 484, are completed and lodged online.

Currently, alternative addresses are only allowed under s 205D(2). To take advantage of s 205D(2), a person who is on the Australian electoral roll (that is, most Australian directors) must first apply to the Australian Electoral Commissioner to have their address removed from electoral roll under s 104 of the *Commonwealth Electoral Act 2018* (Cth). This requires the person to demonstrate that including their address on the roll would 'place the personal safety of the person or of a member of the person's family at risk'. This is a high bar. If the Electoral Commissioner agrees, the person is notified under s 104(5). The person then must take that notification to ASIC and ASIC is required to substitute an alternate address under s 205D(2)(a).

If the person is not on the electoral roll (for example, because they are a foreign person), they must instead apply to ASIC and ASIC may determine, based on personal safety considerations, to allow an alternate address under s 205D(2)(b).² I am aware of situations where foreign directors have had their requests to ASIC refused.

¹ This is an incorrect cross-reference to a provision that appeared in the predecessor *Corporations Law* decades ago; it specified the director's usual residential address.

² The Exposure Draft Explanatory Material to the Treasury Laws Amendment (Business Registries Stabilisation and Uplift) Bill 2025 (EM) released on 12 December 2025 incorrectly states the current position. The EM says on p 17 that 'An officer of a company is entitled to have an alternative address for registry purposes if ASIC

A person using an alternative address must still provide their residential address to ASIC, but their residential address is not available to others, except to an officer of the court under s 205D(4) or if ASIC provides it accordance with s 127 of the *Australian Securities and Investments Commission Act 2001* (Cth).

In contrast, in the United Kingdom, directors provide Companies House with both their residential address and a service address, which may be different. Only the service address appears on the public register. The director's residential address is 'protected information' under s 240 of the *Companies Act 2006* (UK) and can only be disclosed by the registrar in accordance with s 243 (to a credit reference agency), 244 (under a court order) or 1110F (to any person for purposes connected with the exercise of any of the registrar's functions; to a public authority for purposes connected with the exercise of any of that public authority's functions; or to a person of a description, and for a purpose, specified in regulations made by the Secretary of State). Section 1110F was inserted by the *Economic Crime and Corporate Transparency Act 2023* (UK).

Public access to information on registers

Members of the public usually access information about companies and their directors through a search of the relevant ASIC register. This is covered by s 1274A of the Corporations Act.

Under s 1274A(2), ASIC may permit a person to search, otherwise than by using a data processor, a prescribed register other than the Register of Relevant Providers. Under s 1274A(3), ASIC may permit a person to search a prescribed register by using a data processor in order to obtain prescribed information from the register. Under s 1274A(4), ASIC may make available to a person prescribed information (in the form of a document or otherwise) that ASIC has obtained from a prescribed register by using a data processor. The product is a 'current company extract' (fee \$10.00) or a 'current and historical company extract' (fee \$20.00).

'Prescribed register' and 'prescribed information' are defined in regs 9.2.01 and 9.2.02 of the *Corporations Regulations 2001* (Cth). The prescribed registers include the companies register, the register of registered Australian bodies, and the register of foreign companies.

Prescribed information includes, for each company or body, 'its officers': see reg 9.2.02(a)(vi), d(vi) and (e)(vi). The regulation does not specify the 'names and addresses' of its officers, in contrast to, for example, reg 9.2.02(h)(viii) which specifies 'the name and address of the auditor' of a registered scheme.

Accordingly, I consider that a director's residential address is not prescribed information for the purposes of s 1274A(3) or (4) and need not appear in a company extract provided by ASIC. Removing the address could be achieved by ASIC altering the way in which the extract is produced; I do not think this would require legislative amendment.

Because s 1274A is permissive, ASIC could agree to provide residential addresses in some circumstances (for example, where the request is made for an approved purpose) but not others. For example, ASIC might decide (as a matter of policy) to provide a new type of extract showing directors' addresses where ASIC is satisfied it is for the approved purpose of allowing service on a company under s 109X(1)(b) because service on the registered office is not possible.

Lodged documents

The other way in which members of the public can access this information is by inspecting a document lodged with ASIC that contains the director's address. This is provided for in s 1274(2)(a) of the Corporations Act, which says a person may inspect any document lodged with ASIC other than a document expressly excluded by that subsection. By operation of s 1274(2)(b), any person may require a copy of or extract from any document that the person is entitled to inspect pursuant to paragraph (a). The legislation includes arrangements for meeting this requirement for forms completed

considers the inclusion of their usual residential address may put at risk their safety.' This is not correct for most directors – it requires a decision of the Electoral Commissioner.

online rather than in hard copy (by ASIC generating a 'writing' of what the online form contains and providing that writing) in ss 1274(4A) and (4B).

The request is made through the ASIC Connect function. A free online search of the companies register generates a list of all documents lodged with ASIC that relate to a company. The person can then 'order' a copy of the relevant document and pay the fee (which varies depending on the document – the fee for a Form 484 is \$20.00). It will be delivered either as an image of a paper form, or a writing generated by ASIC, depending on how ASIC holds the information.

Under the current law, it is unlikely that ASIC can redact or alter a document before it is inspected or produced in accordance with s 1274. This is strongly suggested by s 1274(4D) which allows ASIC to edit specified information from a statement of affairs before it is inspected or provided under s 1274(2). If ASIC had the legal power to edit documents covered by the section, it would not need the specific power to do so provided (in these limited circumstances) by s 1274(4D). ASIC would need an express power (by way of an amendment to s 1274) to edit the residential address from the relevant document before it is inspected or provided.

If ASIC was given a statutory power to redact residential addresses from these documents, it could do so for online forms (such as Forms 201 and 484) by changing the code that generates the writing referred to in ss 1274(4A) and (4B). However, for older forms originally lodged with ASIC in hard copy maintained by ASIC as PDFs and provided to the public in that form, redacting the PDF may be more difficult.

I hope this assists. Please let me know if you would like anything further.

Yours sincerely,

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Consultant