

Answer to question on notice:

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS

REVIEW OF THE ASIC ANNUAL REPORT (SECOND REPORT) 2019

QoN: ASIC33QON

Question

Dr LEIGH: Ms Chester—and feel free to pass this on to others—section 205D of the Corporations Act requires persons to formally provide their residential address for the purpose of a notice or application, unless it would put at risk their personal safety or the personal safety of members of their families. What are the criteria that ASIC uses to determine someone's safety or the safety of their family? Is it based on their wealth?

Ms Chester: Thank you for the question. I'll hand across to my colleague Rosanne Bell.

Ms Bell: I look after ASIC's registry business. I can tell you that, in terms of the Corporations Act, where a person wishes to ask they can have their personal address suppressed on our corporations register. The criteria for having it suppressed are that you need to have a silent-electors status on the Electoral Commission roll, a court order or a police report. Otherwise we can look at individual circumstances along the way. There's another situation in our business names register where, if you're a sole trader and you operate a business out of your personal residential address, we will suppress your residential address automatically without a request being manually assessed by us.

Dr LEIGH: I don't recall the rules around becoming a silent elector. Can anyone become a silent elector?

Unidentified speaker: No.

Dr LEIGH: You're effectively outsourcing that decision to the Australian Electoral Commission, then, aren't you? What are their criteria?

Ms Bell: I'm sorry; I don't know their criteria. We will have to go and check that. However, yes, we would take their judgement call on that. But if they had matters outside of that which were relevant to us, such as a court order, a police report or other justifiable reasons for which they wanted it to be suppressed, we would manually consider that and make a decision.

Answer:

The criteria the Australian Electoral Commission uses to assess an individual's registration as a silent elector is:

- Be enrolled at their current address;
- Complete an application for silent elector registration;

- Include a completed statutory declaration outlining what the person considers the risk to be and why their or their family's personal safety is at risk;
- Provide either their Australian driver's licence, or Australian passport number.

Guidance on the application process to be registered as a silent elector is available on the Australian Electoral Commission website at

https://www.aec.gov.au/Enrolling_to_vote/Special_Category/silent-electors.htm