

2 May 2024

Committee Secretariat  
Economic Development, Science and Innovation Committee  
Parliament Buildings  
Wellington

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### **Companies (Address Information) Amendment Bill**

1. Retail NZ is a membership organisation that represents the views and interests of New Zealand's retail sector. We are the peak body representing retailers across Aotearoa, with our membership accounting for nearly 70% of all domestic retail turnover. New Zealand's retail sector comprises approximately 27,000 businesses and employs around 220,000 Kiwis. We have consulted our membership in the preparation of this submission.
2. Retail NZ is supportive of the overall aim of this Bill, which aims to protect company directors and those who live with them from stalking, harassment or acts of violence.
3. However, we believe it does not go far enough. Incidents of harassment of public figures are well documented and the requirement to publish directors' home addresses risks deterring qualified people from taking on directorships, with consequent potential to impact on the quality of governance.
4. We are aware of occasions when members of the public have targeted retail company directors at their residential homes due to this information being publicly available.
5. Retail NZ's view is that all directors should be able to choose to have their residential address replaced with an address for service. This option should be available without any requirement to establish that there is a safety risk.
6. In addition, the provisions of the Bill should be extended to company shareholders who may also wish to keep their home addresses private.

### **Requirement to make home addresses public is outdated**

7. The requirement to have company directors' residential addresses available online is not necessary in 2024. While we agree that the Registrar of Companies should continue to hold records of directors' home addresses, an address for service should suffice for contacting a director in most cases. In the absence of a director's identification number system, people seeking to learn a director's residential address should have to apply to the Registrar for access, subject to clearly defined criteria.
8. The current legislation is inconsistent with other legislation which allows for residential addresses to be private. We note that this protection was extended to local body election candidates in 2022, when the requirement to publish personal details on election advertising was removed. The Incorporated Societies Act 2022 permits members, officers or contact persons to provide an address for service, rather than a residential address.

### **Bar to opt out is too high**

9. At the least, it should be optional for company directors to have their residential addresses publicly available.

10. It should not be necessary for a director to have to make a statutory declaration stating that they or a person they live with is at risk of physical or mental harm if their residential address is published, as set out in the Bill.
11. All directors and shareholders should be able to choose to have their residential address replaced with an address for service, without any requirement to establish that there is a safety risk.

### Conclusion

12. Thank you for the opportunity to make a written submission, Retail NZ would like the opportunity to make an oral submission to the committee.
13. No part of this submission should be withheld under the OIA.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Carolyn Young'.

Carolyn Young  
Chief Executive, Retail NZ  
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