

Companies (Address Information) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The Companies Act 1993 currently requires that company directors' residential addresses are made available to the public. The residential addresses of company directors are therefore easy to access online.

This presents a threat to the safety of some people who may be exposed to stalking, harassment or other acts of violence as a result.

The intention of this Bill is to provide a mechanism for directors who have serious concerns regarding the impact of the availability of this information on their personal safety, or the personal safety of a person the director lives with, to request that their residential address is substituted with an address for service.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force on the day that is 3 months after it receives the Royal assent.

Clause 3 identifies the Companies Act 1993 as the Act being amended by the Bill (the **principal Act**).

Clause 4 amends section 215 of the principal Act, which relates to public inspection of a company's records, to require a company to replace the residential address of a director who has made an application under *new section 360D*, with an address for service on the inspection copy of its records.

Clause 5 inserts a *new section 360D* that requires the Registrar to replace, in the director's residential address information and, if applicable, the companies' register, the director's residential address with an address for service if the director applies under the new section on the basis that permitting access to the information would be

likely to result in physical or mental harm to the director or a person the director lives with.

Hon Dr Deborah Russell

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Companies (Address Information) Amendment Act **2024**.

2 Commencement

This Act comes into force on the day that is 3 months after the date on which it receives the Royal assent. 5

3 Principal Act

This Act amends the Companies Act 1993.

4 Section 215 amended (Public inspection of company records)

After section 215(1), insert: 10

(1A) If **section 360D** applies, a company may replace a director's residential address with an address for service provided by the director under that section on the company's records that are available for inspection under subsection (1).

5 New section 360D inserted (Alteration of entries on New Zealand register on application for safety reason)

After section 360C, insert:

360D	Alteration of entries on New Zealand register on application for safety reason	5
(1)	This section applies if—	
(a)	a company has provided residential address information about a director to the Registrar in accordance with of this Act or regulations made under it (regardless of whether the information was provided before or after the commencement of this section or is visible to the public on the New Zealand register); and	10
(b)	the Registrar receives an application from that director that complies with the requirements specified in subsection (3) .	
(2)	The Registrar must update the director’s residential address information and, if applicable, the New Zealand register, so that the director’s residential address is replaced with the address for service specified in the application.	15
(3)	The application must —	
(a)	be made by the director personally; and	
(b)	include a statutory declaration, in the prescribed form, made by the director verifying that public availability of the director’s residential address information is likely to result in physical or mental harm to—	20
(i)	the director; or	
(ii)	a person with whom the director resides; and	
(c)	specify an address for service to replace their residential address, which must not be the company’s registered office or address for service; and	25
(d)	be accompanied by the prescribed fee.	
(4)	An application under this section may relate to more than one company.	