



SUBMISSION

Companies (Address Information) Amendment Bill

May 2024

Restaurant Association of New Zealand to the Economic Development, Science and
Innovation Committee

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Executive Summary

The Restaurant Association supports the *Companies (Address Information) Amendment Bill*. We recognise the need for directors who have serious concerns regarding the impact of the availability of address information on their personal safety, or the personal safety of a person the director lives with, to request that their residential address be substituted with an address for service.

We submit that this Bill could be improved by making it the responsibility of the New Zealand Companies Office to treat a director's information as private, without requiring a statutory declaration or payment of a fee. This Bill should also include the non-publication of residential addresses on company shareholders.

As such, the Restaurant Association makes the following recommendations:

- **Recommendation 1:** A director's address information should be kept private unless they have requested their information be publicly available.
- **Recommendation 2:** This bill should also cover the non-publication of residential addresses of company shareholders as well as directors.

Introduction

1. The Restaurant Association of New Zealand (the Restaurant Association) welcomes the opportunity to make a submission on the *Companies (Address Information) Amendment Bill*.
2. The Restaurant Association supports this Bill, however we believe that it could be enhanced to further protect company directors and shareholders.
3. We submit that it should be the responsibility of the New Zealand Companies Office to treat a director's information as private, without requiring a statutory declaration or payment of a fee.
4. We also submit that this bill should also cover the non-publication of residential addresses of company shareholders as well as directors - which it currently does not.

Privacy of Director Address Information

5. The Restaurant Association supports providing the option for a director's address information to be kept private, however, we believe this Bill could go further.
6. This Bill currently requires a statutory declaration verifying that the public availability of the director's residential address information is likely to result in

physical or mental harm to either the director or a person with whom the director resides, and requires the director to pay a fee for this application.

7. The Restaurant Association submits that it should be the responsibility of the New Zealand Companies Office to treat a director's information as private, without requiring a statutory declaration or payment of a fee.

Recommendation 1: A director's address information should be kept private unless they have requested their information be publicly available.

8. Directors should have the right to privacy regardless of whether there are concerns for safety of themselves or others, and if there are safety concerns, there should not be any barriers to removing this information as soon as possible.
9. The argument for the need for director's addresses to be published to prevent phoenix companies can be managed by the Companies Office without publishing personal residential addresses. The addresses can be made available under request.

Inclusion of Company Shareholders

10. For many smaller entities, directors are also the shareholders of those companies. For this reason, the Restaurant Association
11. Bill should also cover the non-publication of residential addresses of company shareholders.

Recommendation 2: This bill should also cover the non-publication of residential addresses of company shareholders as well as directors.

12. If company shareholders are excluded from this Bill, someone searching for the director's information could simply look under the shareholder's section and find it.
13. In New Zealand, small and micro-businesses, including the self-employed, make up 97 per cent of all companies registered. This is a very large percentage of people who will be unlikely to enjoy the protections of this Bill without the inclusion of shareholders.
14. Within the hospitality sector, employers are predominantly owner-operators of their small businesses. Small business owners across our sector have been overloaded with the responsibilities of adapting their businesses to abide by new and changing regulations.

15. With these changes, this Bill would be a win for small business owners, however shareholder information must be included, otherwise the small business owners will not be able to enjoy the same kinds of protections that their big-business owning counterparts have.

About the Restaurant Association

16. The mission of the Restaurant Association of New Zealand is to be the link between good food and good business so that our Member's restaurant or café can succeed. We're passionate about our vibrant industry, which is full of interesting, talented and entrepreneurial people.
17. Since 1972, the Association has worked to offer advice, help and assistance in every facet of the vibrant and diverse hospitality industry. Our Members cover the length and breadth of the country: we are organised into 13 regional branches and led by a national office located in Mt Eden, Auckland.