



29 March 2023

Ref: DOIA 2223-2113

Simon Mason

By email: fyi-request-22154-d1d85ccc@requests.fyi.org.nz

Dear Mr Mason

Request for information – Registered address details

1. I refer to your request of 20 March 2023, seeking information from the Ministry of Business, Innovation and Employment (MBIE) pursuant to the Official Information Act 1982 (**the OIA**).
2. You requested (verbatim):
*“Please provide a list of companies over the past five years where the Companies Office has asked for registered address details to be updated (outside of a normal annual update cycle).
I would like to know on what trigger the companies office has reason to ask for an update to be made (an example could be a complaint or Companies officer being vindictive etc etc) and what was the resolution.
I would like this in spreadsheet format with date, name of the company, trigger of update, date of complaint (if exists), resolution.”*
3. The Registrar of Companies (**Registrar**) has a statutory duty to maintain a register of companies that have been incorporated under the Companies Act 1993 (**the Act**). Different parts of the Act address what information must be provided in respect of all registered entities, namely:
 - Section 2(5) of the Act provides that reference in this Act to an address means, in relation to an individual, the full address of the place where that person usually lives.
 - Section 10 of the Act provides that it is an essential requirement to have a director that is resident in New Zealand, or lives in an enforcement country and is a director of a body corporate that is incorporated in that enforcement country under a law that is equivalent to this Act. The only enforcement country at this time is Australia.
 - Section 12 of the Act requires a director’s full name and address to be collected as part of the application for registration process and section 159 requires the board of a company to ensure that notice in the prescribed form of a change in the name or residential address of a director is delivered to the Registrar within 20 working days of the company first becoming aware of the change.
4. On 1 May 2015 changes to the Companies Act 1993 saw the expansion of the Registrar’s power of inspection as set out in section 365 of the Act.
5. The expanded powers included requiring a person, for the purpose of ascertaining whether information provided to the Registrar is correct, to confirm that information is correct or to correct the information if it is incorrect.
6. Between 1 June 2016 and 28 February 2023 MBIE’s Integrity and Enforcement Team (**IET**) has used the Registrar’s power of inspection, as set out in paragraph 5 above, **14,731** times.

7. Your request is therefore refused pursuant to section 18(f) of the OIA on the grounds that ***the information cannot be made available without substantial collation or research.***
8. You have a right under section 28(3) of the OIA to seek an investigation into this response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
WELLINGTON 6143
By email: info@ombudsman.parliament.nz
9. If further information is required in relation to this request, please make contact via the email address RIET@companies.govt.nz

Sincerely

A handwritten signature in blue ink, appearing to read 'Vanessa Cook', with a stylized flourish at the end.

Vanessa Cook
Manager Integrity and Enforcement
Ministry of Business, Innovation and Employment