

Publication of Directors' Residential Addresses on the Companies Register

**Submission of the
New Zealand Police Association**

Submitted to the Ministry of Business, Innovation & Employment (MBIE)

3 August, 2018

Submission in response to MBIE's discussion document, June 2018

About the New Zealand Police Association

The New Zealand Police Association (the Association) is a voluntary service organisation representing some 9000 sworn police members across all ranks and authorised officers. The Association also represents 2,300 non-sworn members, who carry out invaluable support roles across the full spectrum of policing. Members are generally very active in engaging in debate and discussion within the Association on matters relevant to policing. The high engagement level of the membership is critical to the Association's ability to speak and act credibly on behalf of members.

In putting together this submission, the Association has consulted with members who have first-hand experience in the matters addressed by this Inquiry.

Introduction

1. The Police Association welcomes the opportunity to address the issues raised in the MBIE discussion document.
2. The Association is interested in the discussion document as it applies to the members of the Association's Welfare Fund and NZ Police Association Boards (the boards).
3. The boards comprise the president, two vice-presidents and one elected regional director for each of our seven policing regions. All directors are serving members of Police.
4. Governance of the Association and its welfare functions is vested in the board of directors. The board meets regularly and reports to an annual conference of delegates as per the Association's rules.
5. Board members recently discussed the MBIE paper and directed this submission in favour of **Option 2:** (to) *"allow all directors to have an address for service to be published in lieu of their residential address"*.

General comment

6. The very nature of policing means officers are regularly in contact with offenders or their associates who may represent threats of various levels to the officers and/or their families.
7. The Association's vision statement is *"To be the trusted guardian of the wellbeing of the police family"*. We consider this a commitment to do everything we can to take care of our members and their families, on and off duty.

8. Examples of the effort we make to protect the privacy of our members' home addresses include:
 - a. using an opaque wrap on our magazine *Police News*, (posted monthly) thereby ensuring the magazine's recipient is not publicly connected with Police;
 - b. never using a member's rank as an identifier in correspondence from the Association – e.g. Mr or Ms instead of Constable, Snr Sgt etc;
 - c. using only the Association's PO Box number and no reference to NZ Police Association in a return address on correspondence;
 - d. from time to time reminding members of the potential perils of revealing personal details on social media – this is particularly so with photos in which the member can be "tagged". Social media accounts that are not secure potentially expose police officers and/or their families to those who may wish to threaten or harm them.

9. The Association's directors are all serving members of Police and so the Association's safety/security measures and concerns are equally applicable to them.

Submission

10. Under the *Companies Act 1993* the full name and residential address of each of the Association's ten directors are publicly available on the Companies Register. This leaves them vulnerable to approach by any person who may be disgruntled with their own experience with Police, irrespective of whether or not that experience involved the particular director as an officer. Because police officers on the board are serving officers, they cannot disassociate their board duties from their full-time policing roles as other types of directors might. The Association believes there is a potential for an 'any officer will do' retribution for someone who is anti-police and, like any member of the public, has free access to the residential addresses of the Association board members via the public register.

11. The Association considers this requirement for private addresses to be public, detrimental to the safety of police officers on the board, and therefore favours a change in the legislation as outlined in **Option 2: allow all directors to have an address for service to be published in lieu of their residential address.**

12. The Association is satisfied with the second clause of Option 2 - that its directors provide a residential address with the commitment that this will not be published and therefore not available for public scrutiny.

13. However, we do raise concerns as to who or what meets the criteria of "interested parties" (p.19) who may be given access to directors' residential addresses. The Association would require a specific definition of an "interested party" and the circumstances under which details of a director's residential address could be released. For example, we would not accept an "interested party" to be the likes of journalists, gangs, gun lobbyists and others who may merely be frustrated by not reaching a director

through his or her service address. As an incorporated society owned by members of Police, the Association is not bound by the “public interest” test when it comes to disclosing information about its members. That said, the Association is very mindful of the importance of public trust in meeting its objectives of maintaining discipline, increasing the efficiency, improving working conditions and promoting the general welfare and contentment of its Police members.

14. With respect to government departments and agencies having access to directors’ residential addresses, the Association considers this should not be automatic, but limited to the enforcement of law.
15. The Association is initially supportive of the concept of introducing a **Director Identification Number (DIN)**, and agrees with the discussion document proposal that a DIN “could support the integrity and efficiency of the register and duplicate some of the functions of publishing a director’s residential address” (p.13). The integrity and efficiency aspects of a DIN are attractive for easy identification and, as the Australian government has discovered across the commercial environment, enable tracking of directors preventing them deliberately scuttling their companies to avoid paying creditors and then re-appearing phoenix-like, debt free”.¹
16. The Association considers its board directors meet the threshold of security and/or safety concerns due to the fact they are serving police officers, and, those concerns extend to include the personal security/safety of their immediate families. In the case of the president in particular, he has a high public profile, is often in the media commenting on a variety of controversial issues, and sometimes mistaken for the head of Police. He has received threats from some activists within the gun lobby. To a lesser extent, other board directors are called on to make media statements when the president is not available.
17. The Association therefore would support a move by the government to change the law so directors’ residential addresses are no longer listed on a public register. The Association considers the introduction of a DIN would assist greatly in maintaining the integrity of the registry of directors. It also believes serious consideration should be given to the definition of an “interested party”, along with a full exploration of criteria for “interested parties” to have future access to directors’ residential addresses.

The Police Association would be happy to discuss any aspects of this submission should the ministry wish.



Chris Cahill
President

¹ Governance Institute of Australia, ‘*Public Display of Personal Information of Officeholders*’ (2015).