

Submission: Companies (Address Information) Amendment Bill

Economic Development, Science and Innovation Committee

1 Background

The NZ College of Clinical Psychologists ('the College') welcomes the proposed changes to the Companies Act, which our members consider to be extremely timely.

The New Zealand College of Clinical Psychologists is a professional association that represents the interests of more than 2000 Clinical Psychologists registered in Aotearoa. Clinical Psychologists are experts in mental wellbeing, behaviour and neurodiversity, working across a large range of specialties and employers- including Te Whatu Ora/Health New Zealand, ACC, Oranga Tamariki, Ara Poutama/Corrections, NGOs, PHOs and as private practitioners. Based on our most recent membership surveys, approximately half of our members spend at least some of their time working privately- either as sole traders or, more commonly, as business owners.

Many of our members have expressed significant concerns in recent years about the availability of their names and home addresses on the companies register, given that they frequently undertake reports within the criminal justice, family court and mental health systems. Clinical psychologists frequently provide expert evidence to the courts in criminal cases, where offenders are charged with violent and sexual offenses, as well as with individuals with mental health conditions who have been assessed as being a risk to the community.

We have made a number of representations to the Ministry of Business, Innovation and Employment in relation to this matter in recent years, as we consider the current lack of safeguards to represent a significant and ongoing risk to the safety of a significant proportion of our members.

2 Our concerns about the current wording of the Bill

The proposed wording change to S360D, subsection 3(b) currently requires the Director to:

“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-

(i) The director; or

(ii) A person with whom the director resides”

Our members have expressed some concerns that the proposed phrase ‘likely to result’ is highly open to interpretation. It is unclear from the current bill what the ‘bar’ for such a declaration would be, nor how tangible a threat to the director and their family would need to be before this clause could be enacted.

3 Our recommendation

Our members have suggested that they would like the Committee to consider clarifying the wording of S360D, subsection 3(b), to incorporate an increased risk of harm- for example, replacing the phrase:

“is likely to result in physical or mental harm to-“

With a phrase such as:

“represents a significant risk of physical or mental harm occurring to-“

4 Summary

- Our members welcome the introduction of the Companies (Address Information) Amendment Bill, with its focus on protecting company directors who are at risk of harm as a result of having their home addresses on the Companies register.
- A significant proportion of the 1800 clinical psychologists registered in New Zealand are company directors.
- Many of our members provide reports to the courts in criminal cases, where offenders are charged with violent and sexual offenses, as well as with individuals with mental health conditions who have been assessed as being a risk to the community.
- Our members have frequently raised concerns regarding the requirement to publish their home address on the Companies Register, given the associated risks.

- We recommend that the Committee considers clarifying section 360D, subsection 3(b) to better reflect an increased risk of harm occurring, rather than it being 'likely to' occur.

We are grateful to the Committee for considering our comments regarding the proposed Bill. We hope that this submission is helpful to members of the Committee in moving the Bill forward.

The New Zealand College of Clinical Psychologists, 1st of May, 2024

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This submission was prepared by the College's Executive Committee, with the direct support of our members and consultation with wider experts in the field.