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# Regulated Professions Neutrality Bill

## Explanatory Note

### General Policy Statement

The objective of the Regulated Professions Neutrality Bill (the **Bill**) is to ensure that the regulatory bodies for professions focus their powers on consumer protection, and do not misuse them to unnecessarily diminish their members' freedom of conscience, expression, and belief.

The Bill achieves this objective by –

- Affirming that individuals should not be discouraged by professional regulation from holding and expressing their own views on political, historical, social, cultural and other contentious issues;
- Requiring political and ideological neutrality from professional regulatory bodies in the exercise of specified powers;
- Confining their disciplinary roles to the furtherance of consumer protection, including by advancing the relevant competencies of the profession, and the integrity of their members; and
- Prohibiting the use of disciplinary powers against regulated professionals to advance or oppose politically contentious views.

### Background

Consumers rely on quality regulation of professional services. Competitive pressure on poor performers in the market for such services is reduced by the restrictions on entry. Professional regulatory bodies operate registration, licensing, and continuing education systems, with disciplinary powers as quality control mechanisms. Accordingly professional credentials should mean that consumers can expect specialist expertise and commitment to prescribed minimum standards of service.

Statutory power to is needed to protect against unqualified or unregistered people from passing themselves off as if they are supervised by a profession's regulatory regime.

Professional regulation does not exist to prevent debate or competition among members. It is not to uphold an 'elite' status of a profession for its own sake. It is not to enable professions to shun and exclude members with political opinions outside the consensus of a profession's ruling body. It is not to enable members to establish a consensus on what is nice or preferred conduct to present a public image of unity and respectability.

When professional regulation works well, it should create deserved public trust in the services of credentialed professionals. This trust should be a consequence of justified expectations of adherence to specified standards of service. There is a fundamental difference between demanding a quality of work that deserves trust, and trying to demand respect from the public by forcing all members to pretend to think the same

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way. Public trust is earned through maintaining standards of competence and honesty, not through a forced image of "unity" or by shunning members with unpopular opinions.

In many professions there is also a practical need for professionals to be able to rely on one another. For efficiency's sake they must trust their colleagues to be honest and professional. This "collegial trust" is a tool to enhance the effectiveness of the profession collectively, with direct reliability benefits to the consumer. It should also have cost-efficiency benefits to whoever is funding the professional services, which is often the state. Regulation can support this professional cooperation. It does not need, and probably does not benefit from, attempts to use the regulatory powers to force an appearance of consensus within a profession on contentious social or political issues.

Under existing legislation, the powers of self-regulation given to professions may be abused to force an appearance of consensus or unanimity of opinion or belief. This Bill is to redirect professions away from the coercive use of continuing education requirements to promote ideologically partisan views. It will also focus disciplinary powers in a complaints scheme, on consumer protection.

Until recently, these objectives were implicit in professional regulation. The standards themselves were accordingly expressed in aspirational terms conferring wide discretions to punish conduct that betrayed the consumer interest. Standards assumed that the people governing professional regulatory bodies would not misuse their powers to impose contentious beliefs or values with little genuine connection to the interests of consumers. What is colloquially called 'woke culture' has falsified that assumption.

The possibility of gaining power to control the hearts and minds of members may have drawn some unsuitable people into the governance and management of professional regulatory bodies. If this Bill succeeds it should reduce the attractiveness to such people of office holding in professional associations.

Above all, the law governing professional disciplinary bodies needs to protect their members expressly from attempts to prescribe their beliefs and their speech on contentious issues unrelated to consumer protection and standards of service. That protection could widen the pool of qualified professionals, by retaining people who would otherwise be unwilling to subject themselves to censorship and compelled conformity. That in turn could help minority consumers who may otherwise be denied service from professionals who respect their minority views. That choice has been threatened by the recent weaponizing of disciplinary powers to suppress professionals whose views are unfashionable.

Discretions remain unavoidable in any regime for maintaining professional standards. There are contentious issues on which professional bodies must form and express majority or orthodox views. For example, consumers may need to be warned so they can exercise informed choice if a professional they intend to rely on holds unorthodox views on vaccination. The professional body may need to establish the majority view within the profession, and it might, for example, oblige dissenting members to warn

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consumers of their minority position. A professional body may require members to warn consumers if they lack qualifications in some matters that may be important to some but not most consumers.

The Bill accordingly contains exceptions from the Bill’s requirements for political and ideological neutrality in professional regulation. The exceptions are designed to reinforce the basic principle of the Bill – that any professional regulatory derogation from the freedoms of belief, opinion and expression of members should be the least reasonably necessary to achieve consumer protection. The rules should be pro-competitive, to ensure that consumers get the benefit of price and service range competition among professionals, to satisfy both niche and majority needs.

The Bill restricts mandatory professional education to only what is demonstrably necessary for professional competence and consumer protection. Education that is primarily “cultural” such as on the Treaty of Waitangi, may be compulsory only in the unlikely circumstances where it is necessary for consumer safety. If there are ways in which consumers can be warned of a professional’s lack of a contentious expertise and they can choose a professional who does have it, a mandatory qualification in that field is unlikely to remain lawful.

The Bill does not prohibit professional regulatory organisations from providing education or guidance and other services that tread in politically contentious territory. It just provides that they cannot be made compulsory, and the disciplinary powers cannot be used to discourage or to exclude members who choose not to sign up to such services.

The Bill would re-centre regulatory functions squarely on safeguarding the public.

## **Departmental disclosures statement**

### **Regulatory impact statement/Regulatory Analysis Summary**

#### **Clause by clause analysis**

*Clause 1* is the Title clause. It establishes the Act as the Regulated Professions Neutrality Act 2026.

*Clause 2* is the commencement clause. It provides that the Act comes into force on the day after the date on which it receives Royal assent.

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## **Part 1**

### **Preliminary matters**

*Clause 3* states the purpose of the Act, which is to reinforce political and ideological neutrality in the regulation of professional services. It focuses the regulatory mandate on consumer protection and professional competence while reinforcing the freedoms assured by the New Zealand Bill of Rights Act 1990 (NZBORA).

*Clause 4* provides that transitional, savings, and related provisions are set out in Schedule 1.

*Clause 5* provides that the Act binds the Crown.

#### *Subpart 2 – Application*

*Clause 6* is a prevailing clause. It provides that if this Act is inconsistent with any other applicable legislation governing a regulated profession, the provisions of this Act take precedence to the extent of the inconsistency.

*Clause 7* clarifies that if a regulatory body is a Minister or a Public Service employee, the Act applies only when they are acting specifically in their capacity as a regulator.

#### *Subpart 3 – Interpretation*

*Clause 8* contains definitions of terms used in the Act. Key definitions include "contentious issue," which identifies specific political, social, and cultural topics as being subject to the neutrality requirement. It also defines "sanction" broadly to include censures, costs, and conditions.

*Clause 9* defines "professional services" to distinguish between activities performed under a statutory scope of practice or in a professional capacity, and those performed in a private capacity.

*Clause 10* defines the "practice of the regulated profession," establishing the necessary "nexus" between a professional's actions and their regulatory obligations, focusing on interactions with consumers, colleagues, and regulatory bodies.

## **Part 2**

### **Operative provisions**

*Clause 11* prohibits regulatory bodies from imposing sanctions for expressive conduct on a contentious issue. It provides specific, high-threshold exceptions for conduct involving threats of violence, sexual misconduct, or communication intentionally made to minors for an improper purpose. It places the burden of proof on the regulatory body to show that conduct is not protected.

*Clause 12* establishes an initial assessment procedure. It requires the prompt dismissal of complaints about expressive conduct that occur outside of professional practice with limited exceptions, and requires dismissal of complaints about expressive conduct occurring inside professional practice unless one of the same exceptions applies, or it directly impugns on the professional's competence or ability to provide services. Written reasons are required if a complaint is progressed.

*Clause 13* protects a professional's freedom of conscience by prohibiting sanctions for a "refusal to perform" a task or engage in expressive conduct sought by a regulator.

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This protection applies if the refusal is based on belief and it is reasonably practicable for the consumer to receive the service through alternative arrangements.

*Clause 14* imposes a mandatory duty of political and ideological neutrality on regulatory bodies. It prohibits actions or policies influenced by specific "proscribed grounds," such as the idea that a person's value is determined by personal characteristics (e.g., race or sex) or that preferential treatment should be used to achieve diversity, equity, or inclusion. It requires regulators to acknowledge a range of perspectives when dealing with unavoidable contentious issues.

*Clause 15* restricts mandatory education or training (CPD) to matters strictly necessary for professional competence and consumer protection. It prohibits the mandating of training that addresses cultural or social issues if that training seeks to dictate acceptable opinions or beliefs.

*Clause 16* provides that regulators can still require specific education credentials (like university degrees) even if the coursework includes contentious issues, provided the regulator did not direct or procure the inclusion of that specific contentious content.

*Clause 17* establishes a "reasonable accommodation" pathway for professionals who object to mandatory training on the grounds of conscience. It requires regulators to provide exemptions or alternative assessments. It also allows the regulator to require the professional to disclose the lack of a standard qualification to consumers if a consumer would reasonably depend upon that expectation.

*Clause 18* sets the standard for appeals and judicial reviews. It requires courts and appeal bodies to determine whether a regulator has complied with both this Act and the NZBORA. It also provides for the mandatory payment of indemnity costs to complainants where a regulator is found to have materially breached these obligations.

*Clause 19* provides for cost reimbursement and civil proceedings. It allows persons to sue regulatory bodies for losses caused by a breach of neutrality, and empowers the Court to award exemplary damages and solicitor-client costs.

*Clause 20* empowers the Governor-General to make regulations by Order in Council to update the lists of regulated professions and bodies in Schedules 2 and 3. These regulations are subject to a three-year sunset clause.

*Clause 21* provides for consequential amendments to other legislation as set out in Schedule 4.

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# Regulated Professions Neutrality Bill

Government Bill

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**The Parliament of New Zealand enacts as follows—**

**Preamble**

- (1) Professional regulatory bodies in New Zealand have been using statutory enforcement powers to impose contentious social and political views, outside any consumer protection purpose of such delegations.
- (2) The misuse of licensing and disciplinary processes to require conformity with contentious viewpoints, in effect creates an ideological filter for professional standing.
- (3) Rights of appeal against investigations and regulatory actions concerning the expressive conduct and mandatory training of professionals are expensive. The costs to individuals (even if they successfully defend themselves) discourage the exercise of rights to freedom of thought or opinion, conscience, and expression within professions.
- (4) Comparable concerns led to the Regulated Profession Neutrality Act 2025 in Alberta, which aims to restore political neutrality to professional regulation.
- (5) This legislation is made to extend to professional regulatory bodies generally, obligations to focus the exercise of their coercive powers closely on consumer protection, and to shield the expression of dissenting viewpoints where that primary purpose is not implicated.

**1 Title**

This Act is the Regulated Professions Neutrality Act 2026.

**2 Commencement**

This Act comes into force the day after the date on which this Act receives Royal assent.

**Part 1**

**Preliminary matters**

**3 Purpose**

The purpose of this Act is to reinforce political and ideological neutrality in the regulation of professional services so that it is focused on consumer protection. To that end it reinforces obligations to respect freedoms assured by the New Zealand Bill of Rights Act 1990 by –

- (a) affirming that the primary purpose of professional regulatory bodies is to promote and maintain for consumers the competence, professional integrity, and service quality of regulated professionals;
- (b) restricting the exercise of registration or licencing and disciplinary powers by regulatory bodies for purposes other than their primary purpose;
- (c) specifically subjecting the exercise of powers to prescribe requirements, to register or to grant licenses, and to conduct disciplinary proceedings and to punish or to censure, to obligations to avoid unnecessary infringement of members' freedom of thought, conscience, religion, belief, and expression;
- (d) confining mandatory education and training requirements to matters directly necessary for professional competence and consumer protection;

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- (e) directing that regulatory policies and decisions apply merit criteria determined by value to consumers, and not personal characteristics, such as race, religion, or political belief (without prejudice to other prohibited grounds of discrimination under the Human Rights Act 1993).

#### **4 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

#### **5 Act binds the Crown**

This Act binds the Crown.

### Subpart 2 – Application

#### **6 Relationship to other legislation**

If a provision of this Act is inconsistent with a provision of applicable legislation, the provision of this Act prevails to the extent of the inconsistency or conflict.

#### **7 Application to Government regulatory bodies**

If a regulatory body is a Minister or an employee under the Public Service Act 2020, this Act applies to the Minister or employee only with respect to the Minister or employee acting in their capacity as a regulatory body.

### Subpart 3 – Interpretation

#### **8 Interpretation**

- (1) In this Act, unless the context otherwise requires –

**applicable legislation** means legislation that governs a regulated profession, or more than one regulated profession, and that is of specific application to the regulated profession or regulated professions.

**contentious issue** is a political, ideological, religious, moral or cultural issue on which there are differences of opinion or belief that are or may be expressed in hostility between communities or groups of New Zealanders, including views on gender identities, sexual preferences, race relations and the role of the Treaty of Waitangi, but does not include:

- (a) an issue of fact
- (b) the paramountcy of honesty, in the provision of professional services, to both consumers and to other regulated professionals
- (c) the priority of merit or competence in matters pertinent to consumers in the performance of the functions of a regulatory body.

**education or training** means education or training that:

- (a) must be undertaken to become a regulated professional;
- (b) must be undertaken to continue to practice a regulated profession; or
- (c) is otherwise required by a regulatory body.

**professional services** has the meaning given by section 9.

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**regulated profession** means a profession, occupation or trade listed in Schedule 2.

**regulated professional** means a person who is or was:

- (a) a member of a regulated profession;
- (b) licensed, certified or registered to practice a regulated profession; or
- (c) otherwise authorised to practice a regulated profession.

**regulatory body** means a person or body listed in Schedule 3 and, as the context permits, includes a person or body other than a court that is authorised by applicable legislation to hear and decide appeals or conduct reviews of an act or decision of a regulatory body listed in Schedule 3 or another regulatory appeal body.

**sanction** means:

- (a) a sanction imposed by a regulatory body under applicable legislation; and
- (b) without limiting the preceding paragraph includes a penalty, censure, undertaking, condition, restriction or requirement (including a requirement to pay costs or to compensate any person) or the suspension or cancellation of an authorisation to practice a regulated profession.

**student** means a person who is enrolled in a registered school as defined in the Education and Training Act 2020.

## **9 Meaning of professional Services**

- (1) “professional services” means activities a regulated professional carries out:
  - (a) within a scope of practice, reserved area of work, or regulated service as defined in or authorised by applicable legislation; or
  - (b) performed in a professional capacity, including any activity where the individual holds themselves out to clients or consumers to work for them for gain or reward as a member of the regulated profession.

## **10 Meaning of practice of the regulated profession**

- (1) A regulated professional engages in the practice of the regulated profession if the regulated professional is:
  - (a) providing professional services;
  - (b) carrying out an activity that is part of or directly related to the delivery of professional services by a business or organisation that is regulated by a regulatory body of the regulated profession;
  - (c) interacting with a person who is carrying out an activity directly related to the operation of such a business or organisation;
  - (d) interacting with a person if the interaction is pursuant to the provision of professional services by the regulated professional;
  - (e) interacting with a regulatory body of the regulated profession to which the regulated professional belongs.

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## Part 2

### Operative provisions

#### 11 Sanctions for protected expressive conduct

- (1) In this section:
- (a) **authorising legislation** means legislation that authorises a regulatory body to impose sanctions on a regulated professional for expressive conduct;
  - (b) **expressive conduct** means an activity or communication that conveys or attempts to convey meaning but does not include physical violence or property damage; and
  - (c) **protected expressive conduct** means expressive conduct in relation to a contentious issue;
- (2) A regulatory body must not impose a sanction on a regulated professional for protected expressive conduct of the regulated professional unless:
- (a) authorising legislation expressly requires the regulatory body to do so; or
  - (b) the expressive conduct involves one or more of the following:
    - (i) a threat of physical violence;
    - (ii) misuse of the regulated professional's position in their regulated profession with the primary intention of causing unnecessary and substantial physical, psychological or financial harm to an identifiable person;
    - (iii) expressive conduct with respect to which the regulated professional has been convicted of an offence that directly impugns the regulated professional's integrity or competence in providing professional services;
    - (iv) expressive conduct of a sexual nature in relation to:
      - (A) a client, patient, or student of the regulated professional,
      - (B) a minor;
      - (C) a student, or
      - (D) an individual with whom the regulated professional interacts whilst carrying out professional services where it should be evident to the regulated professional that the conduct was unwelcome to the individual ;
    - (v) communication intentionally made to a minor or a student that:
      - (A) has an improper sexual character or purpose, or
      - (B) is characteristic or in furtherance of an inappropriate personal relationship with the minor or student.
- (3) In any proceeding or assessment under this section, the regulatory body bears the burden of proving, on the balance of probabilities, that:
- (a) the conduct in question is not protected expressive conduct; or

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- (b) the conduct meets one or more of the exceptions set out in subsection (2)(b).
  - (4) Nothing in this section precludes a regulatory body from imposing a sanction on a regulated professional for the unauthorised disclosure of confidential information in breach of a professional duty of confidence.

## **12 Initial assessments of expressive conduct for prompt dismissal of non-meritorious cases**

- (1) A regulatory body must conduct an initial assessment of any report or complaint about a regulated professional that appears to involve expressive conduct (as defined in section 11(1)), that may be protected expressive conduct, and must decide to take no further action:
  - (a) To the extent that the report or complaint relates to expressive conduct occurring outside the practice of the regulated profession, unless the conduct involves one or more of the matters listed in section 11(2)(b);
  - (b) To the extent that the report or complaint relates to expressive conduct occurring inside the practice of the regulated profession, unless the conduct:
    - (i) involves one or more of the matters listed in section 11(2)(b); or
    - (ii) directly impugns the professional's competence, professional integrity, or ability to provide professional services.
- (2) If after conducting an initial assessment under subsection (1), a regulatory body decides to progress the report or complaint, it must give written reasons outlining why.
- (3) Subsection (1) is subject to circumstances where authorising legislation expressly requires the regulatory body to take further action.
- (4) Nothing in this section precludes a regulatory body from progressing action in relation to a regulated professional for the potential unauthorised disclosure of confidential information in breach of a professional duty of confidence.

## **13 Sanctions for refusal to perform**

- (1) A regulatory body must not impose a sanction on a regulated professional for a refusal to:
  - (a) engage in expressive conduct sought by the regulatory body that relates to a contentious issue; or
  - (b) perform a specific task or provide a specific service if:
    - (i) the refusal is based on a conflict with the professional's freedom of thought, conscience, religion, or belief; or the refusal relates to protected expressive conduct; and
    - (ii) it was reasonably practicable for the intended consumer of the task or service to receive it from another regulated professional or other qualified person or through an alternative arrangement.
- (2) A regulated professional seeking to rely on the protection of subsection (1)(b) must:
  - (a) inform the relevant parties of their objection at the earliest opportunity; and
  - (b) take reasonable steps to ensure the task could be undertaken by, or the consumer could access the service through, an alternative provider or arrangement.

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#### **14 Neutrality of regulatory bodies**

- (1) In this section, a listed personal characteristic means a person's race, colour, ancestry, national or ethnic origin, religious belief, political belief, conscientious belief, sex, sexual orientation, or gender identity.
- (2) A regulatory body must be neutral on contentious issues in the performance of its functions and in serving the statutory purposes of its authorising legislation.
- (3) Without limiting subsection (2) a regulatory body must not:
  - (a) promote or affirm or apply a policy or view outlined in subsection (4);
  - (b) act, make a decision to act or to omit to act or make a decision in accordance with or materially influenced by a policy or view outlined in subsection (4); or
  - (c) make, amend, repeal, or maintain regulations, bylaws, policies or other instruments in accordance with or materially influenced by a policy or view outlined in subsection (4).
- (4) The following policies or views are prohibited grounds for action or decision-making by a regulatory body for the purposes of subsection (2):
  - (a) a person's value is or should be determined in whole or in part based on one or more listed personal characteristics;
  - (b) a person is morally superior to another person because of one or more listed personal characteristics;
  - (c) a person is likely to be biased or oppressive, whether consciously or unconsciously, because of a listed personal characteristic;
  - (d) a person's status as privileged or disadvantaged is likely to be determined by one or more listed personal characteristics;
  - (e) a person bears responsibility for an action of another person with the same listed personal characteristic or characteristics as that first person because of the shared listed personal characteristic even though that first person had no involvement in the actions;
  - (f) a person should receive adverse or preferential treatment because of one or more listed personal characteristics to achieve diversity, equity or inclusion.
- (5) Where a regulatory body is unavoidably drawn into involvement in or consideration of contentious issues, it:
  - (a) must take care to avoid any action that is inconsistent with the rights set out in sections 13, 14 and 15 of the NZ Bill of Rights Act 1990;
  - (b) must maintain neutrality by fairly and even-handedly acknowledging the range of perspectives likely to be found among regulated professionals in its profession;
  - (c) must minimise grounds for grievance by regulated professionals that the resources of the regulatory body funded by them are being applied for partisan purposes against their opinions or beliefs, without prejudicing the proper performance of its statutory functions; and
  - (d) may, if it considers that the purpose of this Act makes it desirable for members of a regulated profession to participate in public discussion on contentious issues, even-handedly provide facts to help equip them for that participation, but otherwise minimise the regulated body's participation.

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## **15 Restrictions on mandatory education or training**

- (1) A regulatory body may require a regulated professional or person seeking to become a regulated professional to complete education or training only if that education or training relates to professional competence for the practice of the regulated profession and is necessary for consumer protection.
- (2) A regulatory body may require a regulated professional or person seeking to become a regulated professional to complete education or training that addresses a political, historical, social or cultural issue only if:
  - (a) the education or training directly and specifically addresses a matter of professional competence for the practice of the regulated profession;
  - (b) the education or training is necessary to provide the regulated professional or person seeking to become a regulated professional with effective education or training for consumer protection with respect to a matter of professional competence for the practice of the regulated profession; and
  - (c) the education or training does not seek to dictate, expressly or by implication, the range of acceptable or unacceptable opinions or beliefs on any political, historical, social, or cultural issue or on a matter of conscience.

## **16 Education credentials**

- (1) Section 15 does not preclude a regulatory appeal body or regulatory body from requiring a person seeking to become a regulated professional to hold a particular education credential even if the education or training leading to the credential requires the person to take a course or training that addresses a political, historical, social, or cultural issue.
- (2) Subsection (1) applies only if the regulatory appeal body or regulatory body did not procure or recommend or direct that subject matter or content addressing a political, historical, social, or cultural issue be included in the course or training, unless the subject matter or content recommended or directed meets the requirements set out in section 15(2).

## **17 Alternative education or training**

- (1) A regulated professional who objects to education or training required by a regulatory body because it conflicts with their freedom of thought, conscience, religion, or belief, may inform the regulatory body of the basis of their objection.
- (2) Upon receipt of notice under subsection (1), the regulatory body must accommodate the professional so far as is reasonably practicable by:
  - (a) Exempting the professional from the education or training where it is not necessary for consumer protection; or
  - (b) Allowing the professional to complete an alternative form of training or assessment that does not conflict with their freedom of thought, conscience, religion or belief, and will enable the professional to demonstrate required competence or meet the consumer protection objective.
- (3) Where a professional is exempted from undertaking specific education or training under this section, or permitted to complete an alternative form of training or assessment, the regulatory body may require that professional to disclose to a consumer or to

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prospective consumers of that professional's services that they have not completed the specific education or training to which they objected, if:

- (a) that specific education or training is otherwise a standard requirement for the practice of the regulated profession; and
  - (b) it is reasonably likely that a consumer would assume the professional had undertaken that education or training and would depend upon that expectation in engaging the regulated professional or in receiving their professional services.
- (4) The manner of any disclosure required under subsection (3) may be determined by the regulatory body, but it should not require more than is necessary fairly to inform the relevant consumer.

## **18 Appeals and Reviews**

- (1) On an application to a regulatory appeal body or a court for an appeal or review of an act or decision of a regulatory body that alleges a breach of this Act, the appeal or review body or the Court must determine whether the regulatory appeal body or regulatory body has complied with:
- (a) this Act; and
  - (b) the New Zealand Bill of Rights Act 1990.
- (2) Where a regulatory body or regulatory appeal body is found not to have complied with either Act to a material degree:
- (a) the regulatory appeal body or Court may grant any relief permitted by the Judicial Review Procedure Act 2016; and
  - (b) the regulatory appeal body or Court must require the non-complying regulatory body to pay indemnity costs to the complainant.

## **19 Cost reimbursement for breach of duty of neutrality**

- (1) A person may bring civil proceedings against a regulatory body to recover any loss caused, or materially contributed to, by a breach of the duty of neutrality set out in section 14.
- (2) In such proceedings under this Act a Court may make orders:
- (a) for the recovery of costs or expenditure in preparation for any application or defence occasioned as a result, or materially contributed to, by a breach of such a duty;
  - (b) for exemplary damages against the regulatory body in breach in such sum as the Court thinks fit; and
  - (c) for payment by the regulatory body in breach on a solicitor client basis of the costs the claimant reasonably incurred in obtaining advice on the application of the pertinent provisions of this Act and in commencing proceedings notwithstanding withdrawal of opposition by the regulatory body alleged to be in breach at any time before judgment.

## **20 Regulations**

- (1) The Governor-General may, by Order in Council, make regulations:
- (a) prescribing professions, occupations or trades as regulated professions for the purposes of section 8 and Schedule 2;

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- (b) prescribing persons or bodies as regulatory bodies for the purposes of section 8 and Schedule 3.
- (2) A regulation made under subsection (1) is repealed on the earliest of:
- (a) the coming into force of an Act that adds the subject matter of the regulation to this Act;
  - (b) the coming into force of a regulation that repeals the regulation made under subsection (1); or
  - (c) 3 years after the regulation comes into force.

**21 Consequential amendments**

This Act amends the legislation specified in Schedule 4 as set out in that Schedule.

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**Schedule 1**

**Transitional and savings provisions**

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## Schedule 2

### Regulated Professions

For the purposes of this Act, the following professions are Regulated Professions:

- (a) An Agent, Branch Manager, or Salesperson as defined in the Real Estate Agents Act 2008;
- (b) Any person holding an Aviation Document under the Civil Aviation Act 2023;
- (c) A Barrister, Barrister and Solicitor, or Conveyancer, as defined by the Lawyers and Conveyancers Act 2006;
- (d) A Cadastral Surveyor registered under the Cadastral Survey Act 2002;
- (e) A Chartered Accountant, as defined in the New Zealand Institute of Chartered Accountants Act 1996;
- (f) A Chartered Professional Engineer registered under the Chartered Professional Engineers of New Zealand Act 2002;
- (g) Any person registered under part 10 of the Electricity Act 1992;
- (h) A Financial Adviser registered under the Financial Advisers Act 2008;
- (i) A Funeral Director, as defined in the Health (Burial) Regulations 1946;
- (j) A Health Practitioner, as defined in the Health Practitioners Competence Assurance Act 2003;
- (k) An Immigration Adviser, as defined in the Immigration Advisers Licensing Act 2007;
- (l) A Licenced Building Practitioner, as defined in the Building Act 2004;
- (m) A Licensed Auditor, as defined in the Auditor Regulation Act 2011;
- (n) A Licensed Second-hand Dealer and Pawnbroker, as defined in the Second-hand Dealers and Pawnbrokers Act 2004;
- (o) A Motor Vehicle Trader, as defined by the Motor Vehicle Sales Act 2003;
- (p) Any person registered under Part 2 of the Plumbers, Gasfitters, and Drainlayers Act 2006;
- (q) Any person who holds a licence under the Private Security Personnel and Private Investigators Act 2010;
- (r) A Registered architect, as defined by the Registered Architects Act 2005;
- (s) A Registered Auctioneer, as defined in the Auctioneers Act 2013;
- (t) A Registered Valuer, as defined in the Valuers Act 1948;
- (u) A Social Worker, as defined in the Social Workers Registration Act 2003;
- (v) A Teacher, as defined in the Education and Training Act 2020;
- (w) A Veterinarian, as defined in the Veterinarians Act 2005;
- (x) Any person with an authorisation to work under section 206 of the Health and Safety at Work Act 2015; and
- (y) Any other Regulated Profession as defined in the Regulations.

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## Schedule 3

### Regulatory Bodies

For the purposes of this Act, the following entities are Regulatory Bodies:

- (a) Any Responsible Authority appointed under sections 114 or 115 of the Health Practitioners Competence Assurance Act 2003;
- (b) The Building Practitioners Board as established under the Building Act;
- (c) The Cadastral Surveyors Licensing Board of New Zealand as established by the Cadastral Survey Act 2002;
- (d) The Civil Aviation Authority, as continued by Civil Aviation Act 2023;
- (e) The Electrical Workers Registration Board as established by the Electricity Act 1992;
- (f) The Financial Markets Authority, as established in the Financial Markets Authority Act 2011;
- (g) The Immigration Advisers Authority as established by the Immigration Advisers Licensing Act 2007;
- (h) The Institution of Professional Engineers of New Zealand Incorporated, for the purposes of the Chartered Professional Engineers of New Zealand Act 2002;
- (i) The Licensing Authority of Secondhand Dealers & Pawnbrokers appointed under the Secondhand Dealers and Pawnbrokers Act 2004;
- (j) A Local Authority for the purposes of the Health (Burials) Regulations 1946;
- (k) The New Zealand Institute of Chartered Accountants as established in the New Zealand Institute of Chartered Accountants Act 1996;
- (l) The New Zealand Law Society and the New Zealand Council of Legal Education as continued by the Lawyers and Conveyancers Act 2006;
- (m) The New Zealand Society of Conveyancers as established by the Lawyers and Conveyancers Act 2006;
- (n) The New Zealand Registered Architects Board as established in the Registered Architects Act 2005;
- (o) The Plumbers, Gasfitters, and Drainlayers Board as continued by the Plumbers, Gasfitters, and Drainlayers Act 2006;
- (p) The Private Security Personnel Licensing Authority as appointed under the Private Security Personnel and Private Investigators Act 2010;
- (q) The Real Estate Agents Authority, as established by the Real Estate Agents Act 2008;
- (r) The Registrar of Auctioneers, as appointed under the Auctioneers Act 2013;
- (s) The Registrar of Financial Service Providers, as appointed under the Public Service Act 2020;
- (t) The Registrar of Motor Vehicle Traders, appointed under the Motor Vehicle Sales Act 2003;

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- (u) The Social Workers Registration Board as established under the Social Workers Registration Act 2003;
  - (v) The Teaching Council, as continued in the Education and Training Act 2020;
  - (w) The Valuers Registration Board, as established by the Valuers Act 1948;
  - (x) The Veterinary Council of New Zealand as continued by the Veterinarians Act 2005;
  - (y) WorkSafe, as established by the WorkSafe New Zealand Act 2013; and
  - (z) Any other Regulatory Body as specified in the Regulations.

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## Schedule 4

### Consequential amendments to other legislation

[Placeholder]

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