



# Cabinet Legislation Committee

## Minute of Decision

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### Mental Health (Compulsory Assessment and Treatment) Amendment Bill: Approval for Introduction

Portfolio                      Health

On 11 March 2021, the Cabinet Legislation Committee:

1        **noted** that in:

- 1.1        in May 2019, Cabinet agreed to the recommendation in He Ara Oranga to repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act 1992 (the Act) [CAB-19-MIN-0182];
- 1.2        in August 2020, the Cabinet Social Wellbeing Committee agreed to make initial amendments to the Act, ahead of full repeal and replacement, to:
  - 1.2.1        eliminate indefinite treatment orders by requiring the Courts to review an order at the end of each 12-month period for the duration of the compulsory treatment order;
  - 1.2.2        provide agencies involved in transporting special patients under the Act with legal authority to transport those patients, including permitting them to use restraint if it is absolutely necessary and the least restrictive option in the circumstances to prevent harm and protect patient or public safety;
  - 1.2.3        address a technical issue to improve the administrative efficiency of the Act by amending section 9(2)(d) to enable the presence of a family member or caregiver by audio or video link when physical presence is not reasonably practicable;
  - 1.2.4        remove the sunset date to make permanent the technical and audio visual link amendments made by the COVID-19 Response (Further Management Measures) Legislation Act 2020, due to expire no later than 31 October 2021;

[SWC-20-MIN-0123]

- 2        **noted** that the Mental Health (Compulsory Assessment and Treatment) Amendment Bill (the Bill) gives effect to the decisions in paragraph 1.2 above;
- 3        **approved** the Mental Health (Compulsory Assessment and Treatment) Amendment Bill [PCO 22589/1.15] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;

- 4 **noted** that the Bill comes into force on the day after the date on which the Bill receives the Royal assent;
- 5 **noted** that clauses 4, 6, 7, 8, and 12 come into force on the earlier of a date set by an Order in Council, or the expiry of up to two years following Royal assent, to allow flexibility for implementation funding through Budget processes;
- 6 **noted** that implementation of clauses 4, 6, 7, 8, and 12 is subject to a funding decision as part of the Budget process;
- 7 **agreed** that the Bill be introduced on 17 March 2021;
- 8 **agreed** that the government propose that the Bill be:
- 8.1 referred to the Health Committee for consideration;
- 8.2 enacted by 31 October 2021.

Gerrard Carter  
Committee Secretary

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**Present:**

Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Michael Wood (Deputy Chair)  
Hon Dr David Clark  
Keiran McNulty, MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG