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25 November 2024

S9(2)(a)

By email: S9(2)(a)  
Ref: H2024055406

Tēnā koe S9(2)(a)

### Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 5 November 2024 for information about the Mental Health Bill. You requested:

*"I'm wondering whether the Ministry is able to provide any information about work on the Mental Health Bill prior to and after the 2023 election. I am aware most of the bill stems from the 2018 He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction. So, I'm particularly interested in whether anything has been added/removed from the bill drafting since the coalition government came in, and whether there is any documentation of the reasoning for this?"*

Developing new mental health legislation is a long-term work programme being progressed by the Ministry. The position in the Mental Health Bill has been informed by a range of sources:

- He Ara Oranga, the 2018 report of the Government Inquiry into Mental Health and Addiction, involved extensive public engagement, and provided insight into the challenges with the current Mental Health (Compulsory Assessment and Treatment) Act 1992 (the Mental Health Act) and recommended the direction of travel for new legislation.
- in 2019, Cabinet agreed to repeal and replace the current Mental Health Act and confirmed a set of principles to guide the development of new legislation.
- the Ministry then undertook extensive public consultation in 2021/22 on a discussion document that asked people broadly what they wanted from new legislation. The discussion document presented information about the current state and considerations for developing new legislation across different aspects of the Mental Health Act. The public consultation reinforced the direction of travel recommended in He Ara Oranga and provided a diverse range of views of the current challenges and opportunities.
- the Ministry then established an external Expert Advisory Group (EAG) to help navigate the range of views that came through public consultation and informed advice to the then Minister of Health on policy options for new legislation. The EAG met from May 2022 to March 2023.
- Cabinet made policy decisions about new mental health legislation in December 2022 and July 2023, which are reflected in the Mental Health Bill approved for introduction by Cabinet in September 2024. Following that, the Bill was introduced into the House in October 2024.

Drafting of the Mental Health Bill involved close working between the Ministry and Parliamentary Counsel Office, who is responsible for drafting legislation. There were many iterations and amendments of the draft Bill over the period between policy decisions and introduction of the Bill. The Mental Health Bill strikes a balance between the diverse views that came through public consultation with the advice from experts on implementation of new legislation. It gives effect to the direction originally recommended in He Ara Oranga and reflected in the 2022 and 2023 policy decisions. There was not a change in direction of the Bill following the change in Government in 2023.

Further information on this work is available on the below links:

- the Minister for Mental Health's press release on the Mental Health Bill passing its first reading: [www.beehive.govt.nz/release/mental-health-bill-passes-first-reading](http://www.beehive.govt.nz/release/mental-health-bill-passes-first-reading).
- details on the policy proposals that were agreed to in 2022 and 2023 are set out in the Cabinet papers and Regulatory Impact Statements: [www.health.govt.nz/information-releases/cabinet-material-policy-decisions-for-transforming-mental-health-law#mig](http://www.health.govt.nz/information-releases/cabinet-material-policy-decisions-for-transforming-mental-health-law#mig).
- Cabinet materials for the introduction of the Mental Health Bill: [www.health.govt.nz/information-releases/cabinet-material-mental-health-bill-approval-for-introduction](http://www.health.govt.nz/information-releases/cabinet-material-mental-health-bill-approval-for-introduction).
- further information about the work that led to this point and the Mental Health Bill: [www.health.govt.nz/regulation-legislation/mental-health-and-addiction/repealing-and-replacing-the-mental-health-act](http://www.health.govt.nz/regulation-legislation/mental-health-and-addiction/repealing-and-replacing-the-mental-health-act).

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: [oiagr@health.govt.nz](mailto:oiagr@health.govt.nz).

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā



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