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Health Report

Cabinet paper for lodgement to Social Wellbeing Committee: Mental Health Act Reform

Date due to MO: 20 June 2019 **Action required by:** 20 June 2019

Security level: IN CONFIDENCE **Health Report number:** 20191130

To: Hon Dr David Clark, Minister of Health

Contact for telephone discussion

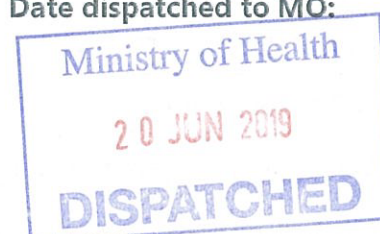
Name	Position	Telephone
Robyn Shearer	Deputy Director-General, Mental Health and Addiction	9(2)(a)
Heather Raeburn	Principal Advisor, Mental Health and Addiction	9(2)(a)

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Arrange for attached Cabinet paper to be lodged with the Cabinet Office

Date dispatched to MO:



Mental Health Act Reform

Purpose of report

This report provides you with the Cabinet paper 'Mental Health Act Reform' for lodging. The paper reports back to Cabinet on the proposed process for repeal and replacement of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (Mental Health Act) to present to Cabinet. This paper has undergone Ministerial and interagency consultation, and feedback has been incorporated into the attached paper.

Key points

- In December 2018, Cabinet identified the repeal and replacement of the Mental Health Act as one of three initial priorities for responding to the Inquiry into Mental Health and Addiction (the Inquiry). Cabinet directed the Ministry to report back on the proposed process for repeal and replacement of the Act, including the scope, timeframes and resources [CAB-18-MIN-0621 refers].
- The key changes to the Cabinet paper since the version provided to you on 7 May 2019 [HR20190719 refers] include amendments to the descriptions of the policy development principles to more strongly incorporate the voices of Māori and lived experience, and in response to your feedback.
- The Cabinet paper is now ready for lodgement with the Cabinet Office by 10:00am Thursday 20 June 2019, for consideration by the Cabinet Social Wellbeing Committee (SWC) on Wednesday 26 June 2019.
- To support your attendance at SWC, suggested talking points for SWC's consideration of the paper have been provided in Appendix One.

Next steps

Table 1: Process and timeframes

Process	Timeframe
Lodge Cabinet paper	Thursday 20 June
Consideration by SWC	Wednesday 26 June
Consideration by Cabinet	Monday 1 July

9(2)(f)(iv)

Recommendations

The Ministry recommends that you:

- a) **Note** that the attached Cabinet paper "Mental Health Act Reform" is intended for consideration at SWC on Wednesday 26 June 2019
- b) **Note** that the Cabinet paper has undergone Ministerial and interagency consultation and relevant feedback has been incorporated
- c) **Note** the key changes since the previous draft, which include amendments to the descriptions of the policy development principles to more strongly incorporate the voices of Māori and lived experience
- d) **Note** that the Ministry has provided you with suggested talking points to support your attendance at SWC (Appendix One)
- e) **Agree** to lodge the attached Cabinet paper, subject to any minor amendments with the Cabinet Office **Yes/No**
- f) **Note** that officials will be available to attend the Cabinet Social Wellbeing Committee and provide support if required.

Robyn Shearer

Robyn Shearer
Deputy Director-General
Mental Health and Addiction
Ministry of Health

Hon Dr David Clarke
Minister of Health
Date:

Appendix One: Talking points for Social Wellbeing Committee

1. In December 2018, Cabinet identified the reform of the Mental Health Act as one of three initial priorities for responding to the Inquiry into Mental Health and Addiction. Cabinet asked me to report back on the scope, timeframes and resourcing for the reform project.

Scope

2. Cabinet has already committed to the scope of reform being a full repeal and replacement of the Act as part of our response to the Inquiry. Repeal and replacement of the Act is needed to ensure our legislation is fit-for-purpose and upholds New Zealanders' rights, and it is a critical component of the transformation recommended by the Inquiry.

Objectives

3. The overall objectives of the new legislation must be to ensure individual and whānau human rights are protected and respected, and that equity is improved. If these objectives are met, the new legislation will improve outcomes for populations that continue to experience poorer outcomes under the current framework, particularly Māori and Pacific.
4. Reducing the use of compulsion and coercion in the mental health system must also be a key objective of the reform. This message has been a longstanding concern and came through clearly in the Inquiry.

Principles

5. The policies developed for the new legislation must be guided by strong principles to ensure a consistent and ethical approach that places people at the centre of the new framework. I recommend that we agree to a set of high-level principles to guide the policy development process for reform of the Act to ensure the objectives of reform are achieved.
6. The principles reflect a commitment to: a human rights based approach; Te Tiriti o Waitangi; improved equity; timely service access and choice; least restrictive care, recovery based approaches; and the importance of engagement with family and whānau.
7. I expect that these principles will also inform wider sector transformation.

Timeframes

8. Repeal and replacement of the Mental Health Act is a complex task because of the cross-cutting and sensitive issues involved, the diverse perspectives of key stakeholders and the need to understand the impacts of change. It is essential that we allow sufficient time to engage stakeholders in the policy development process to produce high-quality policy recommendations.
9. 9(2)(f)(iv)

Resourcing

10. I am not requesting additional resourcing at this time, as I have asked my officials to fund the reform process from baseline funding.