



# Cabinet Legislation Committee

## Minute of Decision

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### Mental Health and Wellbeing Commission Bill: Approval for Introduction

**Portfolio**                      **Health**

On 12 November 2019, the Cabinet Legislation Committee, having been authorised by Cabinet to have Power to Act [CAB-19-MIN-0589]:

- 1        **noted** that in July 2019, Cabinet:
  - 1.1      agreed to establish a Mental Health and Wellbeing Commission (the Commission) an autonomous Crown entity, and agreed to its purpose, functions form, and powers;
  - 1.2      authorised the Minister of Health (the Minister) to make any technical and administrative changes required to finalise the Mental Health and Wellbeing Commission Bill;

[CAB-19-MIN-0329.01]

- 2        **s 9(2)(g)(i)** [REDACTED]
- 3        **noted** that the Bill establishes the Commission as a Crown entity with the main functions being:
  - 3.1      to assess and report publicly on the mental health and wellbeing of people in New Zealand;
  - 3.2      to assess and report publicly on factors that impact on people's mental health and wellbeing;
  - 3.3      to assess and report publicly on the effectiveness, efficiency, and adequacy of approaches to mental health and wellbeing (including mental health services and addiction services);
  - 3.4      to promote alignment, collaboration, and communication between entities involved in mental health and wellbeing;
  - 3.5      to advocate for the collective interests of people who experience mental distress or addiction (or both), and the persons (including families and whanau) who support them;

- 4 **agreed to recommend** that Cabinet confirm the further policy decisions of the Minister of Health, that:
- 4.1 the Commission's information gathering powers will apply to government departments, agencies and statutory Crown entities (excluding the Government Communications Security Bureau and the New Zealand Security Intelligence Service);
  - 4.2 the monitoring and advocacy of mental health and addiction services (currently a function of the Mental Health Commissioner under section 14(1)(ma) of the Health and Disability Commissioner Act 1994) will be undertaken by the Commission;
  - 4.3 that the Commission be established as an independent Crown entity;
- 5 **noted** that the Minister of State Services supports the proposal to establish the Commission as an independent Crown entity;
- 6 **noted** that the Minister of Health, in consultation with the Minister of State Services, will provide advice to the Prime Minister on the monitoring department(s) before the Bill is enacted;
- 7 **noted** that, as the responsible Minister, the Minister of Health will progress recruitment of the Chair and members with the intention of making appointments soon after the Bill is enacted;
- 8 **agreed** that the Bill bind the Crown;
- 9 **approved** the Mental Health and Wellbeing Commission Bill [PCO 21837/13.0] for introduction, subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 10 **agreed** that the Bill be introduced on 18 November 2019;
- 11 **agreed** that the government propose that the Bill:
- 11.1 be referred to the Health Committee for consideration, with a four month deadline to report;
  - 11.2 be enacted by May 2020;
- 12 **noted** that the Bill will come into force on 9 February 2021.

Gerrard Carter  
Committee Secretary

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**Hard-copy distribution: (see over)**

**Present:**

Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Shane Jones  
Hon Tracey Martin  
Hon Peeni Henare  
Hon James Shaw

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

**Hard-copy distribution:**

Minister of Health